

# Code of Ordinances of the Township of Bethel

## **DISCLAIMER**

The electronic version of the Township of Bethel Code of Ordinances is not the document of issue and the Township of Bethel printed and published Code remains the primary source and document of issue for all purposes. In the event of a conflict between the electronic version of the Code of Ordinances and the official printed Township of Bethel Code of Ordinances, the official printed Code of Ordinances shall govern. Copies of the official Township of Bethel Code of Ordinances may be purchased from the Township. The user is advised that there may be amendments to the Code of Ordinances which have been enacted after the last revision date of the electronic version of the Code of Ordinances.

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**Code of Ordinances**  
**of the**  
**Township of Bethel**  
**Lebanon County, Pennsylvania**

**Published by Authority of the Township**

Adopted by *Ord. 120910*, 12/9/2010

KEYSTATE PUBLISHERS, INC.  
300 West King Street, P.O. Box 366  
Shippensburg, PA 17257



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**Officials**  
**of the**  
**Township of Bethel**  
  
County of  
  
Lebanon, Pennsylvania

**ELECTED OFFICIALS**

Board of Supervisors

Chairperson	- Beverly Martel
	- Charles Mengel, Sr.
	- Terrance Knapp
Tax Collector	- Anne Marie Boltz
Auditors	- Vincent Althouse
	- James Heisey
	- Delmas Hernley

**APPOINTED OFFICIALS**

Secretary	- Melissa Johnson
Treasurer	- Melissa Johnson
Codes Officer	- Larson Design Group, Inc.
Solicitor	- John D. Enck
Engineer	- Larson Design Group, Inc.





## FOREWORD

### *History*

This comprises the codification of the ordinances of the Township of Bethel. The Township of Bethel was originally settled in 1737 and was incorporated as a Township in May 1793 from parts of Lebanon Township.

The Code of Ordinances of the Township of Bethel was prepared by Keystate Publishers, Inc., and adopted by the Township of Bethel Board of Supervisors on December 9, 2010, by *Ord. 120910*.

### *Organization*

The Code contains four parts which are (1) the valid current ordinances of the Township of Bethel contained in Chapters 1 through 27, (2) the Appendix, which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the Table to disposition of each ordinance ever enacted by the Township of Bethel, and (4) the Index, which is an alphabetical arrangement of subjects.

In the Code each Chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each Chapter. The Index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which Chapter the subject might be found. The Appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment, if known.

The Table to disposition indicates what action has been taken by the Township of Bethel Board of Supervisors with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Table. The Table is a cross reference to the original ordinance books of the Township of Bethel, and to the location within the Code of each ordinance by number.



## ORDINANCE NO. 120910

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWNSHIP OF BETHEL, LEBANON COUNTY, PENNSYLVANIA; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Township of Bethel hereby ordains:

**Section 1. Adoption.** The *Township of Bethel Code of Ordinances* as prepared and published for the said Township of Bethel, is hereby adopted as a consolidation, codification and revision of the ordinances of the Township of Bethel. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Township of Bethel organized as follows:

### TABLE OF CONTENTS

Chapter 1	Administration and Government
Chapter 2	Animals
Chapter 3	[Reserved]
Chapter 4	Buildings
Chapter 5	Code Enforcement
Chapter 6	Conduct
Chapter 7	Fire Prevention and Fire Protection
Chapter 8	[Reserved]
Chapter 9	[Reserved]
Chapter 10	Health and Safety
Chapter 11	[Reserved]
Chapter 12	[Reserved]
Chapter 13	Licenses, Permits and General Business Regulations
Chapter 14	[Reserved]
Chapter 15	Motor Vehicles and Traffic
Chapter 16	[Reserved]
Chapter 17	[Reserved]
Chapter 18	Sewers and Sewage Disposal
Chapter 19	[Reserved]
Chapter 20	Solid Waste
Chapter 21	Streets and Sidewalks
Chapter 22	Subdivision and Land Development
Chapter 23	Stormwater Management
Chapter 24	Taxation; Special
Chapter 25	[Reserved]
Chapter 26	Water
Chapter 27	Zoning

### APPENDIX:

- A. . . . . Adjustments to Township Boundaries
- B . . . . . Debt and Bond Issues
- C . . . . . Franchises and Services
- D . . . . . Governmental and Intergovernmental Affairs
- E . . . . . Plan Approval
- F . . . . . Public Property
- G . . . . . Sewers
- H . . . . . Streets and Sidewalks
- I . . . . . Water
- J . . . . . Zoning; Prior Ordinances

Table to Disposition of All Ordinances

Table to Disposition of Significant Resolutions

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Township of Bethel shall be authoritative.

**Section 2. Citation and Effective Date.** The codification referred to in Section 1 of this ordinance shall be known and cited officially as the "Township of Bethel Code of Ordinances," and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

**Section 3. Saving Clause.** The provisions of the Township of Bethel Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Township of Bethel Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

**Section 4. New Enactments, Amendments and Repeals.** As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. *New Enactments.*

Section	Subject
§§1-101-1-111	Preliminary Provisions
§§6-101-6-106	Curfew
§§6-201-6-202	Disorderly Conduct
§§18-201-18-211	Retaining Tanks
§§18-301-18-322	On-Lot Sewage Disposal System Management
§§26-201-26-212	Well Construction

B. *Amendments.*

<b>Section</b>	<b>Subject</b>	<b>Ordinance No., Section</b>
§1-212	Fees	7/10/97, §2; 060806, §1
§1-335	Definitions	071191, §5
§1-404	Representation of Township by Solicitor	010504, §4
§2-107	Penalties	71389; 041191, §108
§4-101	Numbering of Buildings	21000, §1
§4-104	Fines and Penalties	21000, §4
§6-304	Penalties	71389
§7-104	Outdoor Open Burning	71389
§7-106	Extinguishment	71389
§7-107	Violations and Penalties	71389
§7-205	Penalties	71389
§7-301	Use of Fire Insurance Proceeds	41196, §302
§10-103	Notice to Remove, Trim, or Cut; Municipality May Do Work and Collect Cost and Additional Amount	71389
§10-104	Penalties for Violation	71389; 041290A
§10-203	Authority	71389
§10-216	Penalties	71389; 041290A
§10-304	Inspection; Notice to Comply	71389
§10-306	Hearing	71389
§10-307	Penalties	71389; 041290A
§13-104	License Fee	6/17/1982, §4; 71389
§13-112	Penalty	6/17/1982, §12; 71389
§15-107	Use of Streets by Processions and Assemblies	71389, §15-107
§15-310	Vehicle Weight Limits Established on Certain Bridges	71389, §15-301; 041290
§15-506	Reclamation Costs	71389
§15-601	Declaration of Snow and Ice Emergency	71389
§18-105	Enforcement	3/10/1983-4, §§5.01, 5.02; 71389; 110900, §6
§20-103	Collection Practices	051090, §1.03
§20-105	Penalties	051090, §1.05
§21-101	Permit Required	5/9/1974, §101

<b>Section</b>	<b>Subject</b>	<b>Ordinance No., Section</b>
§21-106	Fine	5/9/1974, §101; 71389
§21-206	Fine	7/11/1974, §201; 71389
§21-305	Penalties	71389
§21-403	Penalties	71389
§23-115	Maintenance	010708B, §15
§24-104	Imposition of Tax	4/23/1987, §4
§24-413	Fines and Penalties for Violation	112190, §12
§26-105	Enforcement	71389; 110900, §7

*C. Repeals.*

<b>Ordinance/Resolution</b>	<b>Subject</b>
<i>Ord. 4/11/1968-4</i>	Mosquito Control
<i>Ord. 041290A, §10-108</i>	Mosquito Control; Penalties
<i>Ord. 8/1/1963-2</i>	Permit for Camps and Trailer Camps
<i>Ord. 12/29/1975</i>	Construction or Dedication of Streets, Alleys and Drainage
<i>Ord. 71389, 7/13/1989</i>	Regulation of Pedalcycles

**Section 5. Land Use Amendments.** The Township of Bethel Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

*Revised Provisions.* The following provisions of the Code are revised, the text of which indicates deletions by ~~strike-through~~ and additions shown by underline, and are summarized as follows:

<b>Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
§22-202	Specific Terms	010708A, §2.02
§22-701	Administration, Enforcement, and Penalties	010708A, §8.01
§27-102	Terms	8/30/1973; 7/18/1975; 061490; 061391; 072095-A, §8; 051100, §1; 122704, §§5, 6; 061208, §1
§27-401	General	8/30/1973
§27-501	General	8/30/1973
§27-604	Special Exceptions	8/30/1973; 122704, §4
§27-1102	Permitted Uses	8/30/1973; 072095-A

<b>Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
§27-1103	Lot Area, Building Height, and Yard Requirements	8/30/1973
§27-1302	Definitions of Terms Utilized in the Floodplain Districts	8/30/1973; 7/18/1975; 061391, §1302
§27-1304	District Provisions	8/30/1973; 7/18/1975; 061391, §1304; 072095-A, §6
§27-1305	Additional Safeguards	8/30/1973; 7/18/1975; 061391, §1305
§27-1404	Enforcement Remedies	8/30/1973; 061490
§27-2803	Enforcement Remedies	8/30/1973; 061490

**Section 6. Procedural Changes.** The following minor procedural changes have been made to existing Township of Bethel ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;
- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Township Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

**Section 7. Amending the Code of Ordinances.** The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision - "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby amended [revised] to read as follows..."
- B. Additions - "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby amended by the addition of the following..."
- C. Repeal - "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby repealed in its entirety."

**Section 8. Responsibility for Code of Ordinances.** It shall be the responsibility of the Township of Bethel Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Township of Bethel Code of Ordinances and shall be available for public inspection.

**Section 9. Penalties.** It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Township of Bethel. Whosoever shall violate this Section shall be guilty of an offense under §4911, "Tampering with Public Records or Information," of the Crimes Code, 18 Pa.C.S.A. §4911, and shall be prosecuted under that Section of the law.

**Section 10. Severability of Parts of Codification.** It is hereby declared to be the intention of the Township of Bethel that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 9<sup>th</sup> day of December, 2010.

ATTEST:

BOARD OF SUPERVISORS  
BETHEL TOWNSHIP  
LEBANON COUNTY, PENNSYLVANIA

/s/ Melissa Johnson  
Secretary

/s/ Beverly Martel  
Chairperson

/s/ Terrance L. Knapp  
Supervisor

/s/ Charles T. Mengal, Sr.  
Supervisor



## Fee Schedule

Subject	Fees
<b>PEDDLING</b>	
Peddlers	\$25 per month or fractional part thereof

### SUBDIVISION AND LAND DEVELOPMENT

1. Each applicant submitting a subdivision plan or a land development plan pursuant the Township's Subdivision and Land Development Ordinance [Chapter 22] shall reimburse the Township for all costs and expenses incurred by the Township arising from the review of such plan.
2. Township costs and expenses to be paid by the applicant shall include all actual costs and expenses incurred by the Township arising from work performed by the Township's professional consultants or engineer for review and report on the applicant's subdivision or land development plan, and a \$25 Township administrative fee to reimburse the Township for clerical and administrative costs and expenses incurred in processing and handling the plan.
3. Each applicant presenting a subdivision plan or a land development plan shall submit to the Township a review fee deposit pursuant to the following schedule:

#### A. Residential Subdivision or Land Development Plans

# of Lots or Units	Preliminary	Final
Less than 6	\$500	\$500
6 - 20	\$500 + \$75/lot or unit over 5	\$500
21 - 50	\$1,625 + \$50/lot or unit over 20	\$1,000
51 and over	\$3,125 + \$35/lot or unit over 50	\$1,500
For all sketch plan submissions, the fee shall be		\$250

#### B. Nonresidential Subdivision or Land Development Plans

Acres*	Preliminary	Final
Less than 2	\$750	\$500
2.00-5.00	\$1,500	\$750
5.01-10.00	\$2,500	\$1,000
10.01-25.00	\$3,500	\$1,500
More than 25	\$3,500 + \$250/acre over 25	\$2,000

For all sketch plan submissions, the fee shall be \$500

**Subject****Fees**

\*Acres shall be the number of acres directly or indirectly affected by development.

4. Deposit monies paid to the Township not expended in the actual review of the subdivision or land development plan shall be returned to the applicant upon submission of a duly recorded plan to the Township.
5. When actual review costs and expenses exceed the amount of the aforesaid deposit by \$500 the Township Clerk shall notify the applicant of the deficiency, and the applicant shall pay the amount of the deficiency to the Township within 20 days of said notice.
6. When actual review costs and expenses exceed the amount of the review fee deposit at the time of final approval, the applicant shall pay the amount of the deficiency to the Township prior to release of final approved plans.
7. No building permit shall issue while actual review fee costs and expenses remain outstanding and unpaid, nor shall a building permit issue until the applicant has returned a duly recorded plan to the Township.

**TAX COLLECTOR**

Certification

\$10

*(Res. 120910A, 12/9/2010)*

# **Chapter 1**

## **Administration and Government**

### **Part 1 Preliminary Provisions**

- §1-101. Short Title
- §1-102. Citation of Code of Ordinances
- §1-103. Arrangement of Code
- §1-104. Headings
- §1-105. Tenses, Gender and Number
- §1-106. Construction
- §1-107. Normal Numbering
- §1-108. Special Numbering Problems
- §1-109. Amending Code
- §1-110. Altering Code
- §1-111. Penalties

### **Part 2 Elected Officials**

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- §1-201. Rate of Compensation

#### **B. Tax Collector Fees**

- §1-211. Tax Collector
- §1-212. Fees

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#### **A. Greater Lebanon Refuse Authority**

- §1-301. Desire to Join Authority
- §1-302. Authorization to Execute Application
- §1-303. Publication of Notice
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#### **B. Recreation Board**

- §1-311. Creation of Recreation Board
- §1-312. Members; Appointed and Terms
- §1-313. Compensation
- §1-314. Election of Officers
- §1-315. Minimum Meetings Required

- §1-316. Annual Reports
- §1-317. Powers and Duties
- §1-318. Limitation of Contractual and Obligatory Authority
- §1-319. Submission of Budget Request
- §1-320. General Requirements

### **C. Planning Commission**

- §1-331. Short Title
- §1-332. Enactment
- §1-333. Effective Date
- §1-334. Incorporation of Statute
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- §1-336. Creation of Planning Commission
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- §1-338. Appointment, Term and Vacancy
- §1-339. Membership
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- §1-401. Appointment of Ordinance Enforcement Officers
- §1-402. Duties
- §1-403. Prosecution by Solicitor
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- §1-405. Duties of Appointed Police Officers
- §1-406. Forms to Be Adopted by Resolution

## **Part 5 Fire Companies**

- §1-501. Firefighters' Relief Association
- §1-502. Certification to Auditor General
- §1-503. Annual Appropriation

## **Part 6 Pensions**

### **A. Police Pension Plan**

- §1-601. Definitions
- §1-602. Funding of Pensions
- §1-603. Administration
- §1-604. Eligibility

- §1-605. Normal Retirement
- §1-606. Normal Retirement Benefit
- §1-607. Early Retirement Date
- §1-608. Termination of Employment and Vesting
- §1-609. Death Benefits
- §1-610. Disability Benefits
- §1-611. Service Increment
- §1-612. Transfer or Assignment

**B. Pension Plan for Nonuniformed, Full-Time Employees**

- §1-621. Definitions
- §1-622. Funding of Pensions
- §1-623. Administration
- §1-624. Eligibility
- §1-625. Normal Retirement
- §1-626. Normal Retirement Benefit
- §1-627. Early Retirement Date
- §1-628. Early Retirement Benefit
- §1-629. Death Benefits
- §1-630. Termination of Benefits and Vesting
- §1-631. Transfer or Assignment
- §1-632. Amendment of Plan
- §1-633. Effective Date



**Part 1****Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Township of Bethel shall be the "Township of Bethel Code of Ordinances."

(*Ord. 120910, 12/9/2010*)

**§1-102. Citation of Code of Ordinances.**

The Township of Bethel Code of Ordinances may be cited by Section number. The approved short form is "Code." Thus, "Code, §27-101" refers to §101 of Chapter 27 of this Code of Ordinances.

(*Ord. 120910, 12/9/2010*)

**§1-103. Arrangement of Code.**

1. This Code is divided into Chapters which are subdivided as follows:
  - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
  - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
  - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
  - A. Subsections, identified by Arabic numerals.
  - B. Paragraphs, identified by capital letters.
  - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
  - D. Clauses, identified by lower case letters enclosed within parentheses.
  - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
  - F. Items, identified by lower case letters followed by a parenthesis.
  - G. Subitems, identified small Roman numerals.

(*Ord. 120910, 12/9/2010*)

**§1-104. Headings.**

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify or affect the scope, meaning or intent of the Code. The headings of Sections, Subsections or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection or other division and shall not be deemed to be taken as titles of such Section, Subsection or other division, nor as any part of said Section, Subsection or other division unless expressly so provided.

(*Ord. 120910, 12/9/2010*)

**§1-105. Tenses, Gender and Number.**

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 120910, 12/9/2010)

**§1-106. Construction.**

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations of the Township of Bethel, it is the intention of the Board of Supervisors that no ordinance or regulation of the Township be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Board of Supervisors of the Township of Bethel (in written form and designated “resolution”) which did not require prior public notice in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, at the time of their passage by the Board of Supervisors. Such “resolutions” are included herein for ease of reference and the Board of Supervisors does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Board of Supervisors that such actions of the Board of Supervisors that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(Ord. 120910, 12/9/2010)

**§1-107. Normal Numbering.**



1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.
4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, “§1-101” designates Chapter 1, Part 1, Section 1. Similarly, “§27-305” designates Chapter 27, Part 3, Section 5.
5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:
  1. Subsection.
    - A. Paragraph.
      - (1) Subparagraph.
        - (a) Clause.
          - 1) Subclause.
            - a) Item.
              - i. Subitem

(Ord. 120910, 12/9/2010)

#### **§1-108. Special Numbering Problems.**

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part or Section between existing Chapters, Parts or Sections, the new Chapter, Part or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, “§5A-101.” If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, “§5-5A01.” A new Section introduced between existing Sections 5 and 6 would be “§5-105A.” When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.
2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.
3. If it becomes necessary to introduce a unit smaller than a Subsection between existing unites, the entire Subsection shall be revised and renumbered.
4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: “[Reserved].”

(Ord. 120910, 12/9/2010)

**§1-109. Amending Code.**

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Board of Supervisors.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* “Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby amended (revised) to read as follows . . . .” The amended or revised provisions may then be set out in full as desired.

B. *Addition.* “Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby amended by the addition of the following . . . .” The new provision shall then be set out in full as desired.

C. *Repeal.* “Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby repealed in its entirety.”

3. It is the intention of the Board of Supervisors that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Board of Supervisors that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Board of Supervisors hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

(Ord. 120910, 12/9/2010)

**§1-110. Altering Code.**

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Board of Supervisors.

(Ord. 120910, 12/9/2010)

**§1-111. Penalties.**

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Township any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

A. *Violations of Health, Safety and Welfare Provisions.* For violations of

ordinances adopting building, housing, property maintenance, health, fire or public safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

(1) 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, “Motor Vehicles and Traffic” (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinances adopted under the authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Part, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney’s fees and costs incurred by the Township. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Township may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. 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.

(Ord. 120910, 12/9/2010)



**Part 2****Elected Officials****A. Compensation of Township Supervisors****§1-201. Rate of Compensation.**

1. Each Supervisor of Bethel Township elected or appointed to office on or after the effective date of this Part 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 \$156.25 for each meeting attended by such Supervisors, not to exceed \$1,875 per year.

2. Such compensation shall be paid in monthly or quarterly installments.

*(Ord. 122895-A, 12/28/1995)*



**B. Tax Collector Fees****§1-211. Tax Collector.**

The Bethel Township Tax Collector, holding office pursuant to §§402 and 406 of the Second Class Township Code, 53 P.S. §§65401, 65406, is hereby authorized to provide written certifications concerning the payment or nonpayment of taxes collectible by the Bethel Township Tax Collector to parties interested in the sale and purchase of real estate located within the Township and their authorized attorneys and agents.

(*Ord. 7/10/97, 7/10/1997, §1*)

**§1-212. Fees.**

A fee in an amount as established from time to time by resolution of the Board of Supervisors for each such certification is hereby established, and the Bethel Township, Lebanon County, Tax Collector is hereby authorized to charge the same for each such certification issued by him or her and to retain all such fees received as compensation for the time and expense of providing such certifications.

(*Ord. 7/10/97, 7/10/1997, §2; as amended by Ord. 060806, 6/8/2006, §1; and by Ord. 120910, 12/9/2010*)





**Part 3****Authorities, Boards and Commissions****A. Greater Lebanon Refuse Authority****§1-301. Desire to Join Authority.**

The Township of Bethel hereby signifies its intention and desire to join the Greater Lebanon Refuse Authority.

(Ord. --/1973, --/1973, §101)

**§1-302. Authorization to Execute Application.**

The President and Secretary are hereby authorized and directed to execute on behalf of the Township, an application with the Secretary of the Commonwealth of Pennsylvania to join the Greater Lebanon Refuse Authority.

(Ord. --/1973, --/1973, §101)

**§1-303. Publication of Notice.**

The Secretary of the Township of Bethel is further directed to cause a notice of the substance of this Part, and of the proposed filing of the application, to be published once in the *Lebanon Daily News*, a newspaper of general circulation in the County of Lebanon, and in the *Lebanon County Legal Journal*, as required by the Municipality Authorities Act of 1945, as amended.

(Ord. --/1973, --/1973, §101)

**§1-304. Appointment of First Member of the Board.**

The name, address and term of office of the first member of the Board of the Authority from Bethel Township:

[Here followed the name, address and term of office of the first member of the Board.]

(Ord. --/1973, --/1973, §101)



**B. Recreation Board****§1-311. Creation of Recreation Board.**

There is hereby created, pursuant to §2204 of the Second Class Township Code, 53 P.S. §67204, a recreation board to be known as the Bethel Township, Lebanon County, Recreation Board.

(Ord. 061401, 6/14/2001, §1)

**§1-312. Members Appointed and Terms.**

The Recreation Board shall consist of five members, who shall be appointed by the Township Board of Supervisors, and who shall all be residents of Bethel Township, Lebanon County. The board members shall be appointed for terms of 5 years and shall serve at the pleasure of the Board of Supervisors, or until their successors are appointed, except that the members first appointed shall be appointed so that the term of not more than one member shall expire annually. Vacancies occurring other than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments.

(Ord. 061401, 6/14/2001, §2)

**§1-313. Compensation.**

Members shall serve without pay but may be reimbursed by the Township for all expenses incurred in performing their duties.

(Ord. 061401, 6/14/2001, §3)

**§1-314. Election of Officers.**

The members of the Recreation Board shall elect from its membership a chairperson and secretary and select all other necessary officers to serve for a period of 1 year. The Recreation Board may adopt rules, regulations, and by-laws for the conduct of all business within its jurisdiction and not inconsistent with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, and this Part.

(Ord. 061401, 6/14/2001, §4)

**§1-315. Minimum Meetings Required.**

The Recreation Board shall meet at least one time in each calendar month and it shall provide the Township Board of Supervisors with copies of the minutes of each of its meetings as soon as reasonably possible after such minutes have been approved by the Recreation Board.

(Ord. 061401, 6/14/2001, §5)

**§1-316. Annual Reports.**

The Recreation Board shall submit an annual report to the Township Board of Supervisors, and such report shall include an analysis of the adequacy and effectiveness of community recreation areas, facilities, and leadership.

(Ord. 061401, 6/14/2001, §6)

**§1-317. Powers and Duties.**

The Recreation Board created hereby shall have the following powers and duties:

A. To study, investigate, and apply for grants and funding to benefit Bethel Township recreation programs and facilities from any and all possible sources.

B. To supervise all Bethel Township funded recreation programs and facilities, including the making of rules governing the operation and conduct of Township recreational facilities operated by the Recreation Board.

C. To maintain all Bethel Township funded recreation programs and facilities, within the budgetary constraints set by the Bethel Township Board of Supervisors.

D. To equip all Bethel Township funded recreation programs and facilities, within the budgetary constraints set by the Bethel Township Board of Supervisors.

(Ord. 061401, 6/14/2001, §7)

**§1-318. Limitation of Contractual and Obligatory Authority.**

The Recreation Board shall have no authority to enter into any contract or incur any obligation binding upon the Board of Supervisors of Bethel Township other than current obligations or contracts to be fully executed within the then current fiscal year, and all within the budget appropriations made by the Bethel Township Board of Supervisors.

(Ord. 061401, 6/14/2001, §8)

**§1-319. Submission of Budget Request.**

The Recreation Board shall, annually by the first day of October, submit a requested budget to the Board of Supervisors for the following year. Expenditure of funds budgeted for the purposes and activities of the Recreation Board shall be by presentment of vouchers to the Board of Supervisors and disbursement by the Board of Supervisors, upon approval thereby. Funds received by the Recreation Board from sources other than budget appropriation shall be deposited by the Township of Bethel to the credit and for the use of the Recreation Board and disbursed as the above budget funds are disbursed.

(Ord. 061401, 6/14/2001, §9)

**§1-320. General Requirements.**

Such powers as are now, or hereafter shall be, provided by statute of the Commonwealth of Pennsylvania or by ordinances of Bethel Township, Lebanon County, relating to the development and operation of the recreation systems, public parks, and playgrounds within Bethel Township, are hereby vested in the Recreation Board, to be exercised by it subject to any and all restrictions contained in such powers and ordinances.

(Ord. 061401, 6/14/2001, §10)

**C. Planning Commission****§1-331. Short Title.**

This Part shall be known and may be cited as the “Planning Commission Ordinance of the Township of Bethel.”

(*Ord. 071191*, 7/11/1991, §1)

**§1-332. Enactment.**

This Part is enacted pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, Act of December 21, 1988, P.L. 1328, No. 170, Article II, 53 P.S. §10201 *et seq.*, as amended.

(*Ord. 071191*, 7/11/1991, §2)

**§1-333. Effective Date.**

This Part shall become effective on July 1, 1991.

(*Ord. 071191*, 7/11/1991, §3)

**§1-334. Incorporation of Statute.**

These provisions of Article II of the Pennsylvania Municipalities Planning Code, 53 P.S. §10201 *et seq.*, as amended, are incorporated herein by reference and shall be deemed a part hereof, as though the same were set forth at length herein. Provided, however, that where options are given in said Article II, this Part designates the option elected and any option not selected shall be deemed a nullity and without force and effect.

(*Ord. 071191*, 7/11/1991, §4)

**§1-335. Definitions.**

The following words when used in this Part shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

*Engineer*—a professional engineer licensed as such in the Commonwealth of Pennsylvania duly appointed as the Engineer for the Township.

*Public hearing*—a formal meeting held pursuant to public notice by the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Act.

*Public meeting*—a forum held pursuant to notice under the Sunshine Act, Act of October 15, 1998, P.L. 729, No. 93, §1 *et seq.*, 65 Pa.C.S.A. §701 *et seq.* [*Ord. 120910*]

*Public notice*—notice published once each week for 2 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 30 days and the second publication shall not be less than 7 days of the date of the hearing.

*Township*—the Township of Bethel, a municipal corporation of the Common-

wealth of Pennsylvania, being situate in the County of Lebanon in said Commonwealth.

(*Ord. 071191*, 7/11/1991, §5; as amended by *Ord. 120910*, 12/9/2010)

#### **§1-336. Creation of Planning Commission.**

The Township of Bethel hereby creates a Planning Commission. The Engineer for the Township shall serve the Planning Commission as engineering advisor. The Solicitor for the Township, or an attorney appointed by the Township, shall serve the Planning Commission as legal advisor.

(*Ord. 071191*, 7/11/1991 §6)

#### **§1-337. Number of Members and Compensation.**

The Planning Commission shall consist of at least three, but no more than nine members. All members of the Commission shall serve without compensation, but may be reimbursed for necessary and reasonable expenses. However, elected or appointed officers or employees of the Township shall not, by reason of membership thereon, forfeit the right to exercise the powers, perform the duties or receive the compensations of the Township offices held by them during such membership.

(*Ord. 071191*, 7/11/1991 §7)

#### **§1-338. Appointment, Term and Vacancy.**

1. All members of the Commission shall be appointed by the Board of Supervisors of the Township.

2. The term of each of the members of the Commission shall be for 4 years, or until his successor is appointed and qualified, except that the terms of the members first appointed pursuant to this Act shall be so fixed that on commissions of eight members or less no more than two shall be reappointed or replaced during any future calendar year, and on commissions of nine members no more than three shall be so reappointed or replaced.

3. The Chairman of the Planning Commission shall promptly notify the Board of Supervisors of the Township concerning vacancies in the Commission, and such vacancy shall be filled for the unexpired term. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this Part.

4. Should the Board of Supervisors of any Township determine to increase the number of members of the already existing Planning Commission, the additional members shall be appointed as provided in this Part. If the Board of Supervisors of any Township shall determine to reduce the number of members on any existing Planning Commission, such reduction shall be effectuated by allowing the terms to expire and by making no new appointments to fill the vacancy. Any reduction or increase shall be by ordinance.

(*Ord. 071191*, 7/11/1991, §8)

#### **§1-339. Membership.**

All of the members of the Planning Commission shall be residents of the Township.

On all Planning Commissions appointed pursuant to this act, a certain number of the members, designated as citizen members, shall not be officers or employees of the municipality. On a commission of three members at least two shall be citizen members. On a commission of four or five members at least three shall be citizen members. On a commission of either, six, or seven members at least five shall be citizen members, and on commissions of either eight or nine members at least six shall be citizen members.

(*Ord. 071191, 7/11/1991, §9*)

#### **§1-340. Removal.**

Any member of a Planning Commission, once qualified and appointed, may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

(*Ord. 071191, 7/11/1991, §10*)

#### **§1-341. Conduct of Business.**

The Commission shall elect its own chairman and vice-chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter by laws and rules and regulations to govern its procedures consistent with the ordinances of the Township and the laws of the Commonwealth. The Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the Board of Supervisors. Interim reports may be made as often as may be necessary, or as requested by the Board of Supervisors.

(*Ord. 071191, 07/11/1991, §11*)

#### **§1-342. Powers and Duties of Planning Agency.**

1. The Planning Commission shall, at the request of the Board of Supervisors, have the power and shall be required to:

A. Prepare the comprehensive plan for the development of the Township as set forth in this act, and present it for the consideration of the Board of Supervisors.

B. Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Board of Supervisors.

2. The Planning Commission, at the request of the Board of Supervisors, may:

A. Make recommendations to the Board of Supervisors concerning the adoption or amendment of an official map.

B. Prepare and present to the Board of Supervisors of the Township a zoning ordinance, and make recommendations to the Board of Supervisors on proposed amendments to it as set forth in this act.

C. Prepare, recommend and administer subdivision and land development and planned residential development regulations as set forth in this act.

D. Prepare and present to the Board of Supervisors of the Township a building code and a housing code and make recommendations concerning proposed amendments thereto.

E. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by this act.

F. Prepare and present to the Board of Supervisors of the Township an environmental study.

G. Submit to the Board of Supervisors of the Township a recommended capital improvements program.

H. Prepare and present to the Board of Supervisors of the Township a water survey, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.

I. Promote public interest in, and understanding of, the comprehensive plan and planning.

J. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

K. Hold public hearings and meetings.

L. Present testimony before any board.

M. Require from other departments and agencies of the Township such available information as relates to the work of the Planning Commission.

N. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.

O. Prepare and present to the Board of Supervisors of the Township a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township.

P. Review the zoning ordinance, subdivision and land development ordinance, official map, provisions for planned residential development, and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.

(Ord. 071191, 07/11/1991 §12)

### **§1-343. Administrative and Technical Assistance.**

The Board of Supervisors may employ administrative and technical services to aid in carrying out the provisions of this act either as consultants on particular matters or as regular employees of the Township. A County planning agency, with the consent of the Board of Supervisors, may perform planning services for the Township whose Board of Supervisors requests such assistance and may enter into agreements or contracts for such work.

(Ord. 071191, 7/11/1991, §13)



**Part 4****Appointed Officials****A. Ordinance Enforcement Officers****§1-401. Appointment of Ordinance Enforcement Officers.**

The Board of Supervisors of this Township is hereby authorized from time to time to appoint by resolution an Ordinance Enforcement Officer, or Ordinance Enforcement Officers, to enforce all Township ordinances, or only specific Township ordinances, as the Board of Supervisors in its discretion deems appropriate.

(*Ord. 010504, 1/5/2004, §1*)

**§1-402. Duties.**

The duties of Township appointed Ordinance Enforcement Officers shall include the initial determination of ordinance violations and the serving of notices of such violations, which notices shall include the issuance of citations under the Pennsylvania Rules of Criminal Procedure and the issuance of notices of civil violations.

(*Ord. 010504, 1/5/2004, §2*)

**§1-403. Prosecution by Solicitor.**

Pursuant to 53 P.S. §66601 (c.1) (2) the Township Solicitor shall assume prosecution of those Township ordinance violations that are criminal violations.

(*Ord. 010504, 1/5/2004, §3*)

**§1-404. Representation of Township by Solicitor.**

Pursuant to §1601(c.1)(1) of the Second Class Township Code, 53 P.S. §66601 (c.1)(1), the Township Solicitor shall represent the Township on ordinance violations that are civil violations and brought before a magisterial district judge and/or the Court of Common Pleas.

(*Ord. 010504, 1/5/2004, §4; as amended by Ord. 120910, 12/9/2010*)

**§1-405. Duties of Appointed Police Officers.**

All duly appointed police officers of Bethel Township, Lebanon County, shall have all enforcement authority necessary to enforce all Township Ordinances that carry criminal penalties and in addition shall assist all Township Ordinance Enforcement Officers in their duties, whenever necessary.

(*Ord. 010504, 1/5/2004, §5*)

**§1-406. Forms to Be Adopted by Resolution.**

The Board of Supervisors of this Township is hereby authorized to adopt by resolution forms for use by Township Ordinance Enforcement Officers in the enforcement of Township ordinances.

(*Ord. 010504, 1/5/2004, §6*)



**Part 5****Fire Companies****§1-501. Firefighters' Relief Association.**

1. The following associations are hereby recognized as actively engaged in providing fire protection and/or emergency services in the Township.

Fredericksburg Fire Co. No. 1–Volunteer Firemen's Relief Association  
Mt. Zion Community Fire Co.–Volunteer Firemen's Relief Association  
Camp Strauss Fire Co.–Volunteer Firemen's Relief Association

The above-named associations have been formed for the benefit of their members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above-named Associations of the Township are designated the proper associations to receive such funds as are due and payable to the Township Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(*Ord. 71389, 7/13/1989*)

**§1-502. Certification to Auditor General.**

The Board of Supervisors shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Township. Such certification shall be on forms prescribed by the Auditor General.

(*Ord. 71389, 7/13/1989*)

**§1-503. Annual Appropriation.**

There is annually appropriated from the Township Treasury all such sums of money that may hereafter be paid into the Township Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of the Act of December 18, 1984, No. 205, §§701 *et seq.*, 53 P.S. §895.701 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Township Treasurer from the State Treasurer shall be distributed to the duly recognized associations within 60 days of receipt. The funds shall be distributed equally on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(*Ord. 71389, 7/13/1989*)



**Part 6****Pensions****A. Police Pension Plan****§1-601. Definitions.**

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

*Accrued benefit* -

(1) For all full-time officers hired on or after November 16, 1999, and Chief of Police Larry L. Boyer pursuant to the collective bargaining agreement dated December 14, 2000, 50 percent of the participant's final average compensation multiplied by the fraction of (a) the number of years computed to the nearest  $\frac{1}{12}$  of a year from date of hire to the date of termination over (b) the number of years computed to the nearest  $\frac{1}{12}$  of a year from date of hire to the normal retirement date; provided, however, that this fraction shall never be greater than the number one.

(2) For all full-time officers hired before November 16, 1999, other than Chief of Police Larry L. Boyer, 75 percent of the participant's final average compensation multiplied by the fraction of (a) the number of years computed to the nearest  $\frac{1}{12}$  of a year from date of hire to the date of termination over (b) the number of years computed to the nearest  $\frac{1}{12}$  of a year from date of hire to the normal retirement date; provided, however, that this fraction shall never be greater than the number one.

*Board*—the Board of Supervisors of Bethel Township.

*Compensation*—total compensation with the employer during a calendar year.

*Effective date*—the original effective date of the plan is May 1, 1973. The effective date of this amendment and restatement is December 18, 2001.

*Employer*—Bethel Township, Lebanon County, Commonwealth of Pennsylvania.

*Entry date*—the first day of the plan year following completion of the eligibility requirements.

*Final average compensation*—compensation averaged over the last 36 months of employment.

*Fund*—the Bethel Township Police Plan Fund.

*Participant*—any employee who meets the requirements set forth in §1-604 of this Part.

*Plan*—Bethel Township Police Pension Plan.

*Plan year*—January 1 to December 31.

*Service*—the term of continuous employment with the employer. Absence from employment on account of leave of absence authorized by the employer pursuant to the employer's established leave policy will be counted as continuous employment with the employer.

(Ord. 121301, 12/13/2001)

### **§1-602. Funding of Pensions.**

This plan shall be funded and maintained by any of the following methods or combinations of each:

A. *State Aid.* Funds which are received from the Commonwealth of Pennsylvania pursuant to Act 205 of 1984 which are directed to the plan as approved by the Board.

B. *Township Contributions.* Contributions from Bethel Township, as necessary, with appropriate approval by the Board.

C. *Gift, Grants, Devises or Bequests.* Amounts received by Bethel Township in the form of gifts, grants, devises or bequests may, to the extent authorized by law, be contributed to the plan with the approval of the Board.

D. *Others.* Any other amounts received or contributed to Bethel Township to the extent authorized by law and with prior approval of the Board.

(Ord. 121301, 12/13/2001)

### **§1-603. Administration.**

1. The Board shall have full responsibility for administration of the plan and fund. The Board shall hold, invest, re-invest, and distribute all funds and property received pursuant hereto in trust for the purposes of this Part. The Board may receive at any time, gifts, grants, devises or bequests to the fund of any money or property, real, personal, or mixed, to be held by the Board in trust for the benefit of the fund and in accordance with the provisions hereof. The Board shall be subject to such rules and regulations as may from time to time be adopted by the Board through ordinance or resolution.

2. The Board shall have full power and authority by majority action of its members either directly or through their designated representatives, to do all acts, execute, acknowledge, and deliver all instruments, and to exercise for the sole benefit of the participants hereunder, any and all powers and discretions necessary to implement and effectuate the purposes of this Part, including for purposes of illustration, but not limited to, any of the following:

A. To hold, invest, and re-invest all funds received pursuant to this Part in such legal investments as may be authorized as legal investments under the laws of the Commonwealth of Pennsylvania.

B. To retain any property that may at any time become an asset of the fund, as long as the board may deem it advisable.

C. To make distribution of the monies in the fund, in accordance with the terms of this Part.

D. To appoint a trustee or custodian to hold, invest, and re-invest plan funds in accordance with this Part. Such trustee or custodian may be removed or may resign by giving 60 days written notice to the Board. The Board shall maintain the authority to oversee and review the performance of the trustee or custodian both on an investment and administrative basis. Plan funds may be invested in pooled

funds designated for employee benefit trust funds.

3. Any administrative expense that is an allowable administrative expense under Act 205 of 1984 of the Commonwealth of Pennsylvania will be payable from the assets of the fund. If administrative expenses are not or cannot be paid from the fund, the expenses will be paid by Bethel Township.

(Ord. 121301, 12/13/2001)

#### **§1-604. Eligibility.**

Each full-time police officer of Bethel Township whose customary employment is for 40 hours per week or more will be eligible to participate on the entry date following completion of 1 year of service. Anyone who is a participant who terminates his or her employment and is then rehired, will immediately re-enter the plan upon rehire.

(Ord. 121301, 12/13/2001)

#### **§1-605. Normal Retirement.**

1. For all full-time officers hired on or after November 16, 1999, the normal retirement date to receive benefits from the fund shall be the first day of the month coinciding with or next following the 55<sup>th</sup> birthday and the completion of 25 years of service. If a participant is continuing in the employ of the employer after the normal retirement date, benefit payments will be postponed to the first day of the month next following the actual date of retirement with benefits calculated using compensation up to the actual date of retirement.

2. For Chief of Police Larry L. Boyer pursuant to the collective bargaining agreement dated December 14, 2000, the normal retirement date shall be the first day of the month next following his 60<sup>th</sup> birthday and his completion of 10 years of service.

(Ord. 121301, 12/13/2001)

#### **§1-606. Normal Retirement Benefit.**

1. For all full-time officers hired on or after November 16, 1999, and Chief of Police Larry L. Boyer pursuant to the collective bargaining agreement dated December 14, 2000, the basis for determining the amount of annual pension to a participant retiring under §1-605 of this Part shall be 50 percent of the participant's final average compensation.

For all full-time officers hired before November 16, 1999, other than Chief of Police Larry L. Boyer, the basis for determining the amount of annual pension to a participant retiring under §1-605 of this Part shall be 75 percent of the participant's final average compensation.

2. Such pension or retirement benefit shall be payable from the assets of the fund established pursuant to this Part.

3. *Annuity.*

A. For Chief of Police Larry L. Boyer pursuant to the collective bargaining agreement dated December 14, 2000, the form of annuity under the plan is a 10-year certain and continuous annuity. However, upon retirement, he may elect to receive benefits in a form different than this prescribed annuity form. Any such alternative form must be the actuarial equivalent of the prescribed form of annuity.

Alternative options include, but are not limited to, the following:

- (1) A life annuity.
- (2) A life annuity coupled with a guarantee that payments will be made for a certain period of years, such as 5 or 15 years.
- (3) A joint and contingent survivor annuity, whereby the annuity is to continue to the participant's spouse after the death of the retired participant as a specified percentage of the annuity being paid while the participant survived.
- (4) Any other alternative form requested by the participant which is approved by the employer.

B. For all full-time officers hired on or after November 16, 1999, the form of benefit shall be a life annuity for an unmarried participant and a joint and 50 percent survivor annuity for a married participant. No other form of benefit may be elected.

4. *Cost of Living.*

A. For Chief of Police Larry L. Boyer pursuant to the collective bargaining agreement dated December 14, 2000, the retiree shall receive an annual cost of living adjustment of 5 percent up to a total maximum cost of living increase for the retiree of 20 percent.

B. For all full-time officers hired on or after November 16, 1999, a cost of living increase shall be granted to retirees of the plan provided that the following requirements are met:

- (1) The cost of living increase shall be the percentage increase in the consumer price index from the year in which the participant last worked.
- (2) In no case may the total police pension benefits exceed 75 percent of the officer's compensation for computing retirement benefits.
- (3) The retired officer's total cost of living increase shall not exceed 30 percent.
- (4) No cost of living increase shall be granted that would impair the actuarial soundness of the pension fund.

(Ord. 121301, 12/13/2001)

**§1-607. Early Retirement Date.**

An early retirement benefit shall be provided to a participant with 20 or more years of service who terminates employment prior to the completion of superannuation retirement age and service requirements and who files a written application for an early retirement benefit with the Board of Supervisors. The early retirement shall become effective as of the date the application is filed with the Board of Supervisors or the date designated on the application, whichever is later, and shall be the actuarial equivalent of a partial superannuation retirement benefit calculated as follows:

A. A partial superannuation retirement benefit shall be determined by applying the percentage that the participant's years of service bear to the years of service that the participant would have rendered had the participant continued to be employed until his superannuation retirement date to the gross pension amount



calculated using the monthly average compensation during the 36-month period prior to his termination of employment.

B. The actuarial equivalent of the partial superannuation retirement benefit shall be determined by actuarially reducing the partial superannuation retirement benefit to reflect that it will commence on the effective date of the early retirement rather than on the date on which the participant would have completed superannuation age and service requirements. The actuarial reduction shall be calculated using the actuarial assumptions reported in the last actuarial valuation report filed with the Public Employee Retirement Commission under the Act of December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act."

(Ord. 121301, 12/13/2001)

#### **§1-608. Termination of Employment and Vesting.**

For all full-time officers hired on or after November 16, 1999, any participant who ceases employment with the employer after 12 years of service for any reason other than death, reaching normal retirement as defined in §1-605, or disability, shall be 100 percent vested in the accrued benefit to the date of termination. Payment of a participant's vested benefits shall be made at the date that would have been such participant's normal retirement date. The benefit may also be Paid at early retirement, as defined in §1-607 of this Part, if authorized by the Board of Supervisors, and shall be equal to the actuarial equivalent of the accrued benefit.

(Ord. 121301, 12/13/2001)

#### **§1-609. Death Benefits.**

1. For Chief of Police Larry L. Boyer pursuant to the collective bargaining agreement dated December 14, 2000, and all full-time officers hired before November 16, 1999, upon death prior to retirement and before the commencement of benefits, if the police officer is survived by a spouse, the surviving spouse shall be entitled to receive 50 percent of the benefit the officer was receiving or would have received if the police officer had retired the day prior to death. Benefits to the surviving spouse shall cease upon the spouse's death or the spouse's remarriage, whichever occurs first. Upon death while in benefit receipt status, the death benefit payable will be based upon the annuity option elected.

2. For all full-time officers hired on or after November 16, 1999, if a police officer is killed in service while an active participant, or if a retired participant dies prior to receiving a pension benefit or disability benefit, the surviving spouse will receive 50 percent of the monthly pension benefit the officer was receiving or would have been entitled to receive at the date of death. If there is no surviving spouse, or if the spouse survives and subsequently dies or remarries, then the child or children of the police officer under the age of 18 years shall receive 50 percent of the officer's monthly accrued pension benefit until the child or children attain the age of 18 years.

(Ord. 121301, 12/13/2001)

#### **§1-610. Disability Benefits.**

1. For Chief of Police Larry L. Boyer pursuant to the collective bargaining

agreement dated December 14, 2000, upon disability, a participant will receive the actuarial equivalent of the accrued benefit as a monthly benefit beginning on the first of the month following the determination that the participant is disabled. Disability shall mean a disability which prevents the participant from engaging in any substantial gainful employment, as determined by a physician selected by the Board.

2. For all full-time officers hired on or after November 16, 1999, upon service-related disability, a participant will receive the actuarial equivalent of the accrued benefit as a monthly benefit beginning on the first of the month following the determination that the participant is disabled. Disability shall mean a disability that prevents the participant from engaging in any substantial gainful employment, as determined by a physician selected by the Board.

(Ord. 121301, 12/13/2001)

#### **§1-611. Service Increment.**

For all full-time officers hired on or after November 16, 1999, a service increment shall be provided to a retired participant for each completed year of service in excess of 25 years. The service increment shall be \$25 per month for each year completed in excess of the minimum 25 years of service with a maximum increment of \$100 per month.

(Ord. 121301, 12/13/2001)

#### **§1-612. Transfer or Assignment.**

1. The benefit payments herein provided for shall not be subject to attachment, execution, levy, garnishment or other legal process, and shall be payable only to the participant or the designated beneficiary.

2. No participant or his or her beneficiary shall have any right to alienate, encumber or assign any assets of the fund on his behalf, or any of the benefits or proceeds of any contract or agreement purchased or acquired hereunder.

(Ord. 121301, 12/13/2001)

**B. Pension Plan for Nonuniformed, Full-Time Employees****§1-621. Definitions.**

For the purposes of this Part, the following definitions shall apply:

*Accrued benefit*—1.25 percent of the participant's final average compensation multiplied by the number of years of service between the date of hire and the date of determination, as computed to the nearest  $\frac{1}{12}$  of a year, up to a maximum of 30 years. [Ord. 12-30-96]

*Compensation*—total compensation with the employer during a calendar year.

*Employer*—Bethel Township, Lebanon County, Commonwealth of Pennsylvania.

*Entry date*—the first day of the plan year following the completion of 1 year of service.

*Final average compensation*—compensation averaged over the final 5 years of service before termination of employment, early retirement or retirement.

*Fund*—the Bethel Township Nonuniformed Employees' Pension Plan Fund.

*Participant*—any employee who meets the requirements set forth in §1-624 of this Part.

*Plan*—Bethel Township Nonuniformed Employees' Pension Plan.

*Plan year*—January 1 to December 31.

*Service*—the term "service" means continuous employment with the employer. Absence from employment on account of leave of absence authorized by the employer pursuant to the employer's established leave policy will be counted as continuous employment with the employer.

(Ord. 11/25/1987-A, 11/21/1987, §1; as amended by Ord. 12-30-96, 12/30/1996)

**§1-622. Funding of Pensions.**

This plan is to be funded and maintained by any of the following methods or combinations of each:

A. *State Aid*. Funds which are received from the Commonwealth of Pennsylvania pursuant to Act 205 of 1984 which are directed to this plan as approved by the Board of Supervisors.

B. *Township Contributions*. Contributions from Bethel Township, as necessary, with appropriate approval by the Board of Supervisors.

C. *Gifts, Grants, Devises, or Bequests*. The sums which may be received by Bethel Township in the form of gifts, grants, devises, or bequests, may to the extent authorized by law, be contributed to said fund with the approval of the Board of Supervisors.

D. Any other sums received or contributed to Bethel Township to the extent authorized by law and with prior approval of the Board of Supervisors.

(Ord. 11/25/1987-A, 11/21/1987, §2)

**§1-623. Administration.**

1. The Board of Supervisors shall have full responsibility for administration of the

plan and fund. The Board shall hold, invest, re-invest, and distribute all funds and property received pursuant hereto in trust for the purposes of this Part. The Board may receive at any time, gifts, grants, devises, or bequests to the fund of any money or property received pursuant hereto in trust for the purposes of this Part. The Board may receive at any time, gifts, grants, devises, or bequests to the fund of any money or property, real or personal, or mixed, to be held by the Board in trust for the benefit of this fund and in accordance with the provisions hereof. The Board shall be subject to such rules and regulations as may from time to time be adopted by the Board of Supervisors through ordinance or resolution.

2. The Board of Supervisors shall have full power and authority by a majority action of its members either directly or through their designated representatives, to do all acts, execute, acknowledge, and deliver all instruments, and to exercise for the sole benefit of the participants hereunder, any and all powers and discretions necessary to implement and effectuate the purposes of this Part, including for purposes of illustration, but not limited to, any of the following:

A. To hold, invest and re-invest all funds received pursuant to this Part and such legal investments as may be authorized as legal investments under the laws of the Commonwealth of Pennsylvania.

B. To retain any property which may at any time become an asset of the fund, as long as the Board may deem it advisable; and

C. To make distribution of the monies in the fund, in accordance with the terms of this Part.

D. To appoint a trustee or custodian to hold, invest and re-invest plan funds in accordance with this Part. Such trustee or custodian may be removed, or resign by giving 60 days written notice to the other party. The Board shall maintain the authority to oversee and review the performance of the trustee or custodian both on an investment and administrative basis. Plan funds may be invested in pooled funds designated for employee benefit trust funds.

3. Any administrative expense which is an allowable administrative expense under Act 205 of 1984 of the Commonwealth of Pennsylvania will be payable from the assets of the fund. If administrative expenses are not or cannot be paid from the fund, the expense will be paid by Bethel Township.

(*Ord. 11/25/1987-A, 11/11/1987, §3*)

#### **§1-624. Eligibility.**

Each nonuniformed full-time employee of Bethel Township whose customary employment is for 35 hours per week or more will be eligible to participate on the entry date following completion of 1 year of service. No one will be eligible for this plan if they are police officers, part-time employees, dispatchers, or members of a bargaining unit. Anyone who is a participant who terminates his or her employment and is then rehired, will immediately re-enter the plan upon rehire.

(*Ord. 11/25/1987-A, 11/11/1987, §4; as amended by Ord. 12-30-96, 12/30/1996*)

#### **§1-625. Normal Retirement.**

The normal retirement date to receive benefits from the fund shall be the first day

of the month coinciding with or next following the 65<sup>th</sup> birthday or the completion of 10 years of service, if later. If a participant is continuing in the employ of the employer after the normal retirement date, benefit payments will be postponed to the first day of the month next following the actual date of retirement, and will be in an amount equal to the accrued benefit as of the actual date of retirement.

(*Ord. 11/25/1987-A, 11/11/1987, §5*)

#### **§1-626. Normal Retirement Benefit.**

1. The basis for determining the amount of the annual pension to a participant retiring under this Part shall be 1.25 percent of the participant's final average compensation multiplied by the number of years of service between the date of hire and the normal retirement date, as computed to the nearest  $\frac{1}{12}$  of a year, up to a maximum of 30 years. [*Ord. 12-30-96*]

2. Such pension or retirement benefit shall be payable from the assets of the fund established pursuant to this Part.

3. The normal form of annuity under the plan is a life annuity. However, upon retirement, a participant may elect to receive benefits in a form different than the normally prescribed annuity form. Any such alternative form must be the actuarial equivalent of the normal form of annuity. Alternative options include, but are not limited to, the following:

A. A life annuity coupled with a guarantee that payments will be made for a certain period of years, such as 5, 10, or 15 years;

B. A joint and contingent survivor annuity, whereby the annuity is to continue to the participant's spouse after the death of the retired participant as a specified percentage of the annuity being paid while the participant survived;

C. Any other alternative form requested by the participant which is approved by the employer.

(*Ord. 11/25/1987-A, 11/11/1987, §6; as amended by Ord 12-30-96, 12/30/1996*)

#### **§1-627. Early Retirement Date.**

Early retirement date is the first of the month coincident with or next following a participant's 55<sup>th</sup> birthday or the completion of 10 years of service, if later. Such retirement is subject to the written consent of the Board of Supervisors.

(*Ord. 11/25/1987-A, 11/11/1987, §7*)

#### **§1-628. Early Retirement Benefit.**

The early retirement benefit is the actuarial equivalent of the accrued benefit earned to the early retirement date.

(*Ord. 11/25/1987-A, 11/11/1987, §8*)

#### **§1-629. Death Benefits.**

1. Upon death prior to retirement, a benefit shall be paid to the surviving spouse equal to one-half of the benefit the participant would have received if he retired the day prior to his death. If death occurs prior to or coincident with early retirement, the benefit will commence at the early retirement date. If death occurs subsequent to early

retirement but prior to actual retirement, benefits will begin as of the first of the month coincident with or next following the date of death.

2. Upon death while in benefit receipt status, the death benefit payable will be based upon the annuity option elected.

(Ord. 11/25/1987-A, 11/11/1987, §9)

#### **§1-630. Termination of Benefits and Vesting.**

1. A participant's vesting percentage is 100 percent upon the completion of 10 years of service. Credit will be given for all pre-break service if a participant terminates employment and then returns.

2. Upon termination of employment with the employer, a vested participant shall be eligible to receive his accrued benefits, starting at the early retirement date under this Part.

(Ord. 11/25/1987-A, 11/11/1987, §10)

#### **§1-631. Transfer or Assignment.**

1. The benefit payments herein provided for shall not be subject to attachment, execution, levy, garnishment or other legal process, and shall be payable only to the participant or the designated beneficiary.

2. No participant or his beneficiary shall have any right to alienate, encumber, or assign any assets of the fund on his behalf, or any of the benefits or proceeds of any contract or agreement purchased or acquired hereunder.

(Ord. 11/25/1987-A, 11/11/1987, §11)

#### **§1-632. Amendment of Plan.**

No amendment may be made to this Part to decrease or eliminate the benefits set forth under this Part.

(Ord. 11/25/1987-A, 11/11/1987, §12)

#### **§1-633. Effective Date.**

This Part shall be effective on the first day of January, 1978.

(Ord. 11/25/1987-A, 11/25/1987, §13)

## **Chapter 2**

### **Animals**

#### **Part 1**

#### **Dogs Running at Large**

- §2-101. Definitions
- §2-102. Unlawful to Allow Dogs to Run at Large
- §2-103. Seizing of Dogs
- §2-104. Licensed Dogs
- §2-105. Unlicensed Dogs
- §2-106. Police Transportation of Dogs
- §2-107. Penalties





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**Part 1****Dogs Running at Large****§2-101. Definitions.**

As used in this Part, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

*Owner*—any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

*Running at large*—being upon any public highway, street, alley, park, or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.

(Ord. 71389, 7/13/1989)

**§2-102. Unlawful to Allow Dogs to Run at Large.**

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Township.

(Ord. 71389, 7/13/1989)

**§2-103. Seizing of Dogs.**

Any police officer or dog warden may seize any dog found at large in the Township.

(Ord. 71389, 7/13/1989; as amended by Ord. 041191, 04/11/1991, §103)

**§2-104. Licensed Dogs.**

Upon receipt of a complaint regarding a licensed dog running at large, the Police Department will attempt to determine the owner of the dog through the license tag number, and shall attempt to contact the owner and refer them to the complainant in order to pick up the animal. If the owner cannot be contacted, the complainant shall be advised to contact the State dog warden, or transport the animal as stated in §2-105.

(Ord. 71389, 7/13/1989; as amended by Ord. 041191, 4/11/1991, §104)

**§2-105. Unlicensed Dogs.**

Upon receipt of a complaint regarding an unlicensed dog running at large, the complainant shall be referred to the State dog warden to handle the complaint. If the complainant cannot make contact with the State dog warden, the complainant may be authorized to transport the dog to the Lebanon County Humane Society. If the complainant elects to transport the dog, the Police Department will contact the Lebanon County Humane Society in order to authorize acceptance of the dog.

(Ord. 71389, 7/13/1989; as amended by Ord. 041191, 4/11/1991, §105)

**§2-106. Police Transportation of Dogs.**

Police officers shall only transport licensed or unlicensed dogs running at large in police vehicles under the following circumstances:

A. Complainant has no means of transporting the animal and failure to remove the dog immediately would be a hardship on complainant or the dog.

B. Dogs will only be transported in police vehicles if their coats are dry and free of mud or other dirt.

C. The dog in question was reported as a vicious dog and said dog has been tranquilized.

(*Ord. 71389*, 7/13/1989; as added by *Ord. 041191*, 4/11/1991, §107)

#### **§2-107. Penalties.**

Whenever a dog is running at large and seized, the owner shall pay a fine of \$15 to the Township as well as reasonable fees for boarding the animal. Following the third violation of a dog running at large, and upon conviction thereof, the owner 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 71389*, 7/13/1989; as amended by *Ord. 041191*, 4/11/1991, §108; and by *Ord. 120910*, 12/9/2010)

## **Chapter 3**

**[Reserved]**



## **Chapter 4**

### **Buildings**

#### **Part 1**

#### **Numbering of Buildings**

- §4-101. Numbering of Buildings
- §4-102. Duties of Building Owner
- §4-103. Compliance
- §4-104. Fines and Penalties



**Part 1****Numbering of Buildings****§4-101. Numbering of Buildings.**

1. The numbering of all buildings within Bethel Township, Lebanon County, shall be as set forth in the "Address Guide, Township of Bethel, Lebanon County, Pennsylvania, 1999," and the "Address Guide Mapping, Township of Bethel, Lebanon County, Pennsylvania," both of which have been prepared by Fisher Engineering, Inc. These documents are incorporated herein by reference and made a part hereof. They shall be kept in the administrative offices of this Township and shall be marked "Exhibit A to Ordinance No. 21000" and "Exhibit B to Ordinance No. 21000," respectively. They shall be available for public examination to the same extent as the text of this and all other Township ordinances.

2. The "Address Guide," as adopted herein, has ample space for additional building numbers for existing streets and roads. The authority to assign new building numbers for these streets and roads is hereby delegated to the Secretary of the Township, as is the authority to assign new building numbers to buildings erected on streets and roads constructed after the enactment of this Part. The "Address Guide" shall be reprinted to include all additional building numbers annually, unless otherwise directed by the Board of Supervisors. [Ord. 120910]

(Ord. 21000, 2/10/2000, §1; as amended by Ord. 120910, 12/9/2010)

**§4-102. Duties of Building Owner.**

The owner of each building listed in said Address Guide shall clearly mark, or cause to be clearly marked, his, her, or its property with the number listed under the heading "STREET #" that corresponds to his, her, or its respective property as listed in said Address Guide.

(Ord. 21000, 2/10/2000, §2)

**§4-103. Compliance.**

Each property owner shall comply with the requirements set forth in §4-102 above to clearly mark his, her, or its property by placing the required number on his, her, or its property, or reasonably close thereto, in such a manner that the number is visible from the nearest street or roadway.

(Ord. 21000, 2/10/2000, §3)

**§4-104. Fines 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 21000*, 2/10/2000, §4; as amended by *Ord. 120910*, 12/9/2010)



## **Chapter 5**

### **Code Enforcement**

#### **Part 1**

#### **Uniform Construction Code**

- §5-101. Election to Enforce Pennsylvania Construction Act
- §5-102. Uniform Construction Code Adopted
- §5-103. Administration and Enforcement
- §5-104. Board of Appeals
- §5-105. Fees
- §5-106. Violations and Penalties



**Part 1****Uniform Construction Code****§5-101. Election to Enforce Pennsylvania Construction Act.**

Bethel Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §7210.101 *et seq.*, as amended from time to time, and regulations promulgated thereunder by the Pennsylvania Department of Labor and Industry.

(Ord. 041008, 4/10/2008, §1)

**§5-102. Uniform Construction Code Adopted.**

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 Bethel Township.

(Ord. 041008, 4/10/2008, §2)

**§5-103. Administration and Enforcement.**

Administration and enforcement of the Code within Bethel Township shall be undertaken in any of the following ways as determined by the Board of Supervisors of this Township from time to time by resolution:

A. By the designation of an employee of Bethel Township to serve as the municipal code official to act on behalf of Bethel Township.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Bethel Township.

C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of Bethel Township.

E. 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.

(Ord. 041008, 4/10/2008, §3)

**§5-104. Board of Appeals.**

A Board of Appeals shall be established by resolution of the Board of Supervisors of this Township 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, this Board of Appeals shall be established by joint action of the participating municipalities.

(Ord. 041008, 4/10/2008, §4)

**§5-105. Fees.**

Fees assessable by this Township for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Board of Supervisors of this Township by resolution from time to time.

(Ord. 041008, 4/10/2008, §5)

**§5-106. Violations and Penalties.**

Procedures in cases of violations and penalties related thereto shall be as follows:

A. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, remove, demolish, use, or occupy any building, structure, or equipment regulated by the Code, or to permit or cause same to be done, in conflict with or in violation of the Code.

B. The Township's construction code official may serve and enforce a notice of violation, stop work order, vacate order, or other lawful enforcement notice on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use, or occupancy of a building, structure, or equipment in violation of the provisions of the Code or any permit issued under the provisions of the Code.

C. If the Township's construction code official has served a notice of violation, and the notice of violation is not complied with by the deadline prescribed, summary enforcement proceedings may be initiated by the construction code official against the violator. Additionally, appropriate proceedings at law or in equity may be instituted by this Township and/or the construction code official to restrain, correct, or abate a violation, to prevent unlawful construction, or to prevent illegal occupancy of a building, structure, or premises.

D. Any person who shall violate a provision of the Code, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter, extend, repair, remove, demolish, use, or occupy, or permit the use or occupancy of, any building, structure, or equipment regulated by the Code in violation of the provisions of the Code, or who shall fail to comply with an approved plan or with a directive of the construction code official, or of a permit or certificate issued under the provisions of the Code, or who shall permit the use, occupancy, erection, construction, alteration, extension, removal, demolition, or repair of a building, structure, or equipment in violation thereof, shall, 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, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall have been found to have been violated shall constitute a separate offense.

(Ord. 041008, 4/10/2008, §6)

## **Chapter 6**

### **Conduct**

#### **Part 1**

##### **Curfew**

- §6-101. Unlawful Activities
- §6-102. Exceptions
- §6-103. Duties of Parents, Guardian, or Those Having Legal Care or Custody
- §6-104. Initial Violation and Penalty
- §6-105. Repeated Violations and Penalties
- §6-106. Discretion of Police Officers

#### **Part 2**

##### **Disorderly Conduct**

- §6-201. Disorderly Conduct Prohibited
- §6-202. Penalty for Violation

#### **Part 3**

##### **Loitering**

- §6-301. Definitions
- §6-302. Certain Types of Loitering Prohibited
- §6-303. Request to Leave
- §6-304. Penalties



**Part 1****Curfew****§6-101. Unlawful Activities.**

It shall be unlawful for persons under the age of 16 years (such persons being defined for the purpose of this Part as “children”) to be or remain in or upon any of the streets, alleys, parks, or public places in the Township of Bethel between the hours of 10 p.m. and 6 a.m., unless such child is accompanied by any parent, guardian, or other person having the legal custody of such child. It shall be unlawful for persons of the ages of 16 and 17 years (such persons being also defined for the purpose of this Part as “children”) to be or remain in or upon any of the streets, alleys, parks, or public places in the Township of Bethel between the hours of midnight and 6 a.m., unless such child is accompanied by any parent, guardian, or other person having the legal custody of such child.

(*Ord. 120910, 12/9/2010*)

**§6-102. Exceptions.**

The provisions of §6-101 shall be subject to the following exceptions:

A. A child returning home by a direct route from, and within 30 minutes of the termination of, gainful employment, a school activity, or an activity of a religious or other voluntary association, provided that with respect to school activities and activities of a religious or voluntary association, prior notice of said activity and a place and probable time of termination thereof has been given in writing to either the Chief of Police of Bethel Township, Lebanon County, or the Secretary of the Board of Supervisors of Bethel Township, Lebanon County.

B. The child is on the sidewalk of the child's residence or on the sidewalk of either next-door neighbor, as long as the neighbor does not object to the child's presence on the neighbor's sidewalk.

C. The child is exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech, and the right of assembly, provided the child first has given notice to the Secretary of the Board of Supervisors of Bethel Township, Lebanon County, by delivering to that Secretary at the Township municipal building a written communication signed by the child and countersigned, if practicable, by a parent of the child that specifies when, where, and what manner, and for what first amendment purpose the child will be on any of the streets, alleys, parks, or public places during the applicable curfew time.

D. The child is in a motor vehicle with parental consent for normal travel, with interstate travel through Bethel Township, Lebanon County, Pennsylvania.

(*Ord. 120910, 12/9/2010*)

**§6-103. Duties of Parents, Guardian, or Those Having Legal Care or Custody.**

It is hereby made unlawful for any parent, guardian, or other person having the legal care or custody of any children of the ages designated in §6-101 to allow or permit

any such child, ward, or other person while in such legal custody to go or be in or upon any of the streets, alleys, parks, or public places in said Township during the times prohibited in §6-101 of this Part, except as herein provided.

*(Ord. 120910, 12/9/2010)*

#### **§6-104. Initial Violation and Penalty.**

Any child, as designated in this Part, found upon the streets, alleys, parks, or public places within the Township in violation of §6-101 of this Part shall be taken into custody by the Township Police and delivered to his or her parents, guardian, or person having the legal custody of said child and report thereof made immediately to the Township Secretary, who shall make a record thereof in a book to be kept for that purpose. If said parent, guardian, or person having legal custody of said child shall again allow that child to be on said streets, alleys, parks, or public places in violation of §6-101 of this Part, said parent, guardian, or person have legal custody of said child so offending shall, 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

*(Ord. 120910, 12/9/2010)*

#### **§6-105. Repeated Violations and Penalties.**

Said children who shall violate this Part more than three times shall be reported to a society or organization whose purpose is to take charge of incorrigibles and delinquents, and proceedings shall be then taken in the Court of Common Pleas or Juvenile Court for their permanent welfare, and a like procedure shall be taken in cases where the arrest of the parent, guardian, or legal custodian shall not be effective or where, for any other reason, the provisions of §6-101 of this Part cannot be made effective by the fines and penalties imposed hereunder.

*(Ord. 120910, 12/9/2010)*

#### **§6-106. Discretion of Police Officers.**

The police officers of the Township, in taking children into custody under this Part, shall use their discretion in determining age and, in doubtful cases, may require positive proof and, until such proof is furnished, the officer's judgment shall prevail.

*(Ord. 120910, 12/9/2010)*



**Part 2****Disorderly Conduct****§6-201. Disorderly Conduct Prohibited.**

1. Disorderly conduct, as defined in §5503 of the Crimes Code, 18 Pa.C.S.A §5503, is hereby prohibited within the Township of Bethel. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof he:

- A. Engages in fighting or threatening, or in violent or tumultuous behavior.
- B. Makes unreasonable noise.
- C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

2. Provided, as used in this Section, the “public” means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys, and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood or any premises which are open to the public.

*(Ord. 120910, 12/9/2010)*

**§6-202. Penalty for Violation.**

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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

*(Ord. 120910, 12/9/2010)*



**Part 3****Loitering****§6-301. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

*Loitering*—remaining idle essentially in one location; lingering; spending time idly; loafing or walking about aimlessly in one vicinity or neighborhood; or “hanging around.”

*Public place*—any place to which the public has access including any public street or public sidewalk, the front of and the area immediately adjacent to any school, parking lot, store, restaurant, tavern or other place of business.

(Ord. 71389, 7/13/1989)

**§6-302. Certain Types of Loitering Prohibited.**

No person shall loiter in a public place in such manner as to:

- A. Create or cause to be created a danger of a breach of the peace.
- B. Create or cause to be created any annoyance to any person or persons.
- C. Obstruct the free passage of pedestrians or vehicles.
- D. Obstruct, molest, or interfere with any person lawfully in any public place as defined in §6-301 of this Part. This shall include the making of unsolicited remarks of an offensive, disgusting, or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

(Ord. 71389, 7/13/1989)

**§6-303. Request to Leave.**

Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in §6-302 of this Part, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this §6-303.

(Ord. 71389, 7/13/1989)

**§6-304. Penalties.**

Any person, 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(Ord. 71389, 7/13/1989; as amended by Ord. 120910, 12/9/2010)



## **Chapter 7**

### **Fire Prevention and Fire Protection**

#### **Part 1 Outdoor Fires**

- §7-101. Purpose
- §7-102. Definitions
- §7-103. General Restrictions on Outdoor Burning
- §7-104. Outdoor Open Burning
- §7-105. Outdoor Burning in Approved Containers or Outdoor Fireplaces
- §7-106. Extinguishment
- §7-107. Violations and Penalties

#### **Part 2 Smoke Detectors**

- §7-201. Definitions
- §7-202. Smoke Detectors Required in Dwelling Units
- §7-203. Alarm Requirements
- §7-204. Time of Installation
- §7-205. Penalties

#### **Part 3 Fire Loss Insurance Proceeds Escrow**

- §7-301. Use of Fire Insurance Proceeds
- §7-302. Duties of Secretary
- §7-303. Miscellaneous
- §7-304. Effective Date

#### **Part 4 Key Lock Boxes**

- §7-401. Definition
- §7-402. Key Lock Box System
- §7-403. Contents of Key Lock Boxes
- §7-404. Location of Key Lock Box
- §7-405. Fenced Structures
- §7-406. Changing Keys
- §7-407. Contact Person
- §7-408. Violations and Penalties

#### **Part 5 Alarms**

- §7-501. Purpose

§7-502. Scope  
§7-503. Definitions  
§7-504. False Alarms  
§7-505. Computation of Time  
§7-506. Notice  
§7-507. Enforcement  
§7-508. Other Legal Action

**Part 1****Outdoor Fires****§7-101. Purpose.**

The purpose of this Part is to protect the safety of the general public by regulating outdoor and open burning. This Part will further control and restrict smoke and emissions from such fires from adversely affecting the general public and adjoining or surrounding properties. It is hereby declared that this Part is necessary for the protection, benefit, and preservation of the health, safety, and welfare of residents of the Township.

(Ord. 71389, 7/13/1989)

**§7-102. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this Part, have the meanings in this Section. Terms not defined in this Section shall have ordinarily accepted meanings such as the context may imply.

*Building*—any structure, built or constructed, used or intended for supporting or sheltering any occupancy or use, including a structure the use of which is incidental to that of the main building or buildings on a property.

*Dwelling*—a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Explosive*—a chemical or mechanical mixture that is commonly used or intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture causes such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life and limb.

*Extinguishment*—the putting out or quenching of a fire, to and including the complete cooling of ashes or residue of the fire, such that rekindling by and of itself is not possible and that any smoke or emissions have ceased from the ashes, residue, or area of the fire.

*Open burning*—the burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack, chimney, or screen from an enclosed chamber of approved container. For purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion takes place, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and to permit the escape of exhaust gases, are open. Approved containers are described in §7-105 of this Part.

*Owner*—any person who alone, jointly, or severally with others, shall have legal title to any building, structure, premises, or property, with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary, and any person having a vested or

contingent interest in the property in question.

*Person*—includes a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as individuals. It shall include, also, an executor, administrator, trustee, receiver, agent or other representative appointed according to law.

*Recreational fire*—an outdoor fire which is used to cook food for human consumption.

(Ord. 71389, 7/13/1989)

### **§7-103. General Restrictions on Outdoor Burning.**

1. Under no circumstances shall any person perform or cause any outdoor burning, whether open or contained, of any material which is explosive or which, when burned, may cause noxious or toxic emissions or smoke such as, but not limited to, garbage, rubber, roofing shingles or other asphalt roof coverings, and other similar materials.

2. No person shall cause or permit the outdoor burning, whether open or contained, of any material on Sundays or Mondays or between the hours of 8 p.m. and 6 a.m. on any day of the week; provided, however, that these restrictions shall not apply to recreational fires.

3. No person shall cause or permit the outdoor burning, whether open or contained, of any material in such a manner that emissions are or may be deleterious to human or animal health.

4. No person shall cause or permit the outdoor open burning of any material that will cause damage to ground cover or vegetation a distance in excess of 10 feet from the fire, or cause damage to any live or standing trees and shrubbery on the property on which the burning is taking place, or to any vegetation, trees, or shrubs on adjoining property.

5. No person shall ignite, burn, or set fire to any material on the public right-of-way of any street or alley; provided, however, that highway safety flares and similar occupational safety and highway marking devices and open flames used in construction or construction repair shall be permitted.

6. No person shall ignite, burn, or set fire to any material on any right-of-way that may endanger or cause damage to any public or private utility structure or equipment, including, but not limited to, stormwater facilities, such as piping, catch basins, or outlet structures; or utility poles, electric, telephone, signal, television, gas, oil, or fuel equipment lines or piping, and sewer or water utility structures or piping.

7. No person shall conduct or allow outdoor open burning or outdoor burning in an approved container unless the fire is attended by a competent person or persons who are equipped to control the fire.

8. When any U.S. Government, Commonwealth of Pennsylvania, Township of Bethel, or other government or jurisdictional agency thereof shall issue more stringent rules or regulations, whether permanent, temporary, general, or specific to Bethel Township, or sections thereof, those rules and regulations shall apply. When such jurisdictions or agencies have less stringent rules and regulations than contained in this Part, this Part shall apply.



(Ord. 71389, 7/13/1989)

**§7-104. Outdoor Open Burning.**

1. *General.* A person shall not cause or allow to take place any outdoor open burning except as provided for in this §7-104.

2. *Authorized Outdoor Open Burning.* Subject to §7-103 hereof, the following types of outdoor open burning are authorized, provided that such burning shall not take place in a careless, reckless, or unsafe manner so as to cause danger to life and property. Special care or precautions must be taken when such burning occurs in areas where there are hazardous, highly flammable, combustible, or explosive materials in place, use, or storage. When any authorized outdoor open burning is taking place, the person, persons, or agents who are performing or controlling such burning shall have adequate equipment to control such burning, as may be required by the special application of such burning:

A. Recreational fires.

B. Fireworks and lighting devices as prescribed by the Pennsylvania Fireworks Law, Act of 1939, P.L. 134, No. 65, as amended, 35 P.S. §1271 *et seq.*

C. Fires set for the purpose of instructing personnel in firefighting.

D. Any fire set (a) in conjunction with the production of agricultural commodities in their unmanufactured state, including tree trimmings and brush, and (b) any fire set for the purpose of destroying rubber tires; provided, however, that such burning shall be subject to the following conditions:

(1) Such burning shall take place at least one hundred and 150 feet from any adjoining, separately owned, contiguous property, and buildings on the property where the burning is taking place.

(2) Such burning shall take place at least 300 feet from any occupiable dwelling off the property where the burning is taking place.

(3) Emissions from such fires must not be visible at any time such that the emissions pass outside the separately owned contiguous property where the burning is taking place.

[Ord. 120910]

(Ord. 71389, 7/13/1989; as amended by Ord. 120910, 12/9/2010)

**§7-105. Outdoor Burning in Approved Containers or Outdoor Fireplaces.**

1. All approved containers and outdoor fireplaces erected or established after the effective date of this Part shall be located, when used for burning, at least 10 feet from a separately owned adjoining property, 25 feet from any structure on the property on which the burning is to take place or nondwelling structure on adjoining property, and 50 feet from a habitable dwelling on an adjoining property.

2. *Approved Containers.*

A. An appliance or device used for outdoor burning approved by and listed by a recognized testing agency, which is installed and used in accordance with the listing and manufacturer's instructions. The use of such appliances is limited to residential or small commercial use not requiring a building permit for installation

and approvals or permits of other State and Federal agencies, the installation of which will be subject to applicable codes and regulations.

B. A metal or masonry barrel, pipe, or container which is not more than 3 feet in diameter on any horizontal distance and no higher than 5 feet vertically. There shall be no individual opening on the sides of these containers, except for opening for drainage, ventilation, or combustion air, no greater than 3 inches in diameter, and closable doors or openings intended for use for loading or igniting a fire. These closable openings shall be kept closed and only be opened during burning for loading, igniting, or extinguishing the fire. All such containers having any opening on top shall be covered with a metal grating or mesh wire of not more than ½ inch opening in any dimension. This mesh or grating shall be removed only for igniting, loading, or extinguishing any fire in the container. Any material being burned must be contained entirely inside the container.

C. *Outdoor Fireplaces.* Outdoor fireplaces constructed and generally intended for recreational use as defined in this Part for residences and small commercial applications, may be considered as approved for contained burning under this section. Such fire places shall have an essentially contained fire chamber in which all burning takes place, and a flue or chimney through which exhaust, gas, smoke, and emissions escape. The flue or chimney must have a spark arrester or screen covering, if said chimney or flue is of insufficient length or such construction as to prevent the emissions of sparks and ash. A screen covering will be required over any fire chamber which has an open top surface which may allow spark and ash emissions.

(*Ord. 71389, 7/13/1989*)

#### **§7-106. Extinguishment.**

1. Any outdoor or open fire which, for any reason, is in violation, shall be or caused to be extinguished immediately by the person in attendance or responsible for the fire.

2. The Fredericksburg Fire Chief, Mt. Zion Fire Chief or Camp Strauss Fire Chief shall notify any of the Township Supervisors, or the official designated by the Board of Supervisors, of any outdoor open fire which is in violation of any provision of this Part, or which is creating a hazard to life and property, whether or not a specific violation exists. Any of the Township Supervisors, or the official designated by the Board of Supervisors, shall be empowered to order the immediate extinguishment of any such outdoor open fire or take any prudent action to extinguish or cause the extinguishment of any such outdoor open fire in order to protect life and property. The failure of any person to take action to extinguish such fire when so ordered by any of the Township Supervisors, or the official designated by the Board of Supervisors, shall constitute a distinct and separate violation of this Part, regardless of any other violations which may exist. [*Ord. 120910*]

(*Ord. 71389, 7/13/1989; as amended by Ord. 120910, 12/9/2010*)

#### **§7-107. Violations and Penalties.**

Any person who shall violate any of the provisions 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 71389*, 7/13/1989; as amended by *Ord. 120910*, 12/9/2010)



**Part 2****Smoke Detectors****§7-201. Definitions.**

For purposes of this Part, the following words shall have the following meaning:

*Dwelling unit*—a structure, or portion thereof, building or portion thereof, arranged for the use of one or more individuals living together as a housekeeping unit on a permanent, temporary or transient basis which may or may not include sanitary facilities or facilities for preparation, storage or serving of food.

*Owner*—any person who, alone, or jointly or severally with other persons, has legal title to any premises. This includes any person who has charge, care or control over any premises as (a) an agent, officer, fiduciary, or employee of the owners; (b) the committee, conservator, or legal guardian of an owner who is incompetent, a minor or otherwise under a disability; (c) a trustee, elected or appointed, or a person required by law to act as a trustee, other than a trustee under a deed of trust to secure the payment of money; or (d) an executor, administrator, receiver, fiduciary, officer appointed by any court, attorney-in-fact, or other similar representative of the owner or his or her estate. This does not include a lessee, a sublessee or other person who merely has the right to occupy or possess a premises.

*Smoke detector*—a device which detects visible or invisible particles of combustion, and is capable of providing a suitable audible alarm of at least 85 decibels at 10 feet, either ionization or photoelectric type.

(Ord. 71389, 7/13/1989)

**§7-202. Smoke Detectors Required in Dwelling Units.**

In each dwelling unit or individual apartment within buildings used as a multiple dwelling, there shall be provided by the owner of the real estate, a minimum of one smoke detector sensing device, which has received Underwriters Laboratories approval.

(Ord. 71389, 7/13/1989)

**§7-203. Alarm Requirements.**

Said smoke detector sensing device shall provide an alarm suitable to warn occupants within individual dwelling units in the event of fire.

(Ord. 71389, 7/13/1989)

**§7-204. Time of Installation.**

The smoke detector sensing device shall be installed as above in all multiple dwellings immediately and shall be installed, by the owner, in all other buildings within the Township of Bethel not later than upon change of ownership of the real estate upon which the building is erected.

(Ord. 71389, 7/13/1989)

**§7-205. 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 71389*, 7/13/1989; as amended by *Ord. 120910*, 12/9/2010)

**Part 3****Fire Loss Insurance Proceeds Escrow****§7-301. Use of Fire Insurance Proceeds.**

1. No insurance company, association, or exchange (hereinafter the “insurer”) doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Township of Bethel where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by Bethel Township’s Treasurer with a certificate pursuant to §508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the “Act,” 40 P.S. §638(b)), and unless there is compliance with the procedure set forth in §508(c) and (d) of the Act, 40 P.S. §638(c), (d).

2. Where there are delinquent taxes, assessments, penalties, or user charges against the property (“municipal claims”), or there are expenses which Bethel Township has incurred as costs for the removal, repair, or securing of a building or other structure on the property (collectively, “municipal expenses”), the Treasurer of Bethel Township shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer of a loss report of the claim, the Treasurer shall furnish a certificate (or at his discretion an oral notification confirmed in writing) either (A) stating that there are no unpaid municipal claims or municipal expenses against the property; or (B) specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts. Taxes, assessments, penalties, and user charges shall be deemed delinquent for this purpose, if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to paragraph (B) of the preceding sentence, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the name insured, subject to the provisions of subsection .3 hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection .2 of this Section, of where the Treasurer has issued a certificate described in paragraph (A) of subsection .2 indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.

B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to Bethel Township, a contractor’s signed estimate of the costs of removing, repairing, or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the

building or other structure.

C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by Bethel Township to be required in removing, repairing, or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal, or administrative costs incurred by Bethel Township in connection with such removal, repair, or securing or any proceedings related thereto.

(2) Mail to the named insured, at the address received from the insurer, a notice that the proceeds have been received by Bethel Township and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to Bethel Township a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to Bethel Township in excess of that required to pay municipal expenses, provided the Township has not commenced to remove, repair, or secure the building or other structure, in which case Bethel Township will complete the work.

(4) Pay to the Treasurer, for reimbursement to the Bethel Township General Fund, the amount of municipal expenses paid by Bethel Township.

(5) Any owner of property, any named insured, or insurer who violates the provisions of this Section or who shall fail to comply with any of the requirements hereof shall be liable, 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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. [Ord. 120910]

(Ord. 041196, 4/11/1996, §302; as amended by Ord. 120910, 12/9/2010)

#### **§7-302. Duties of Secretary.**

The Secretary of Bethel Township shall transmit a certified copy of this Part promptly to the Department of Community Affairs of the Commonwealth of Pennsylvania.

(Ord. 041196, 4/11/1996, §303)

#### **§7-303. Miscellaneous.**

Nothing in this Part shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any causes of action existing under other ordinances of Bethel Township prior to the enactment of this Part.



(*Ord. 041196, 4/11/1996, §304*)

**§7-304. Effective Date.**

This Part shall take effect and be in force from and after its approval as required by law, and shall apply to all losses that occur after the effective date hereof.

(*Ord. 041196, 4/11/1996, §306*)



**Part 4****Key Lock Boxes****§7-401. Definition.**

For purposes of this Part, the term “key lock box” shall mean a key lock box compatible with a Knox Rapid Entry System Key Box, as approved by the Fire Chief of the fire company that has primary responsibility for the area in which the structure is located.

(Ord. 100809A, 10/8/2009, §1)

**§7-402. Key Lock Box System.**

1. The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Fire Chief of the fire company that has primary responsibility for the area in which the structure is located:

A. Commercial or industrial structures protected by an automatic alarm system or automatic suppression system. Other commercial or industrial structures that are secured in a manner that restricts access during an emergency may be voluntarily equipped with such a key lock box.

B. Multi-family residential structures that have restricted access through locked doors and have a common corridor for the access to the living units.

C. Governmental structures, school facilities, and nursing care facilities.

2. All newly constructed structures subject to this Part shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this Part and subject to this Part shall have a key lock box installed and operational on or before December 31, 2009.

(Ord. 100809A, 10/8/2009, §1)

**§7-403. Contents of Key Lock Boxes.**

The key lock box shall contain keys to locked ports of entrance, whether on the interior or exterior of the structure, keys to locked mechanical equipment rooms, keys to locked electrical rooms, keys to elevator controls, and keys to any fenced or secured areas.

(Ord. 100809A, 10/8/2009, §1)

**§7-404. Location of Key Lock Box.**

The key lock box shall be mounted on the structure entrance at a height of between 4 to 6 feet and within 3 feet of the direct access port or such other location as approved by the Fire Chief of the fire company that has primary responsibility for the area in which the structure is located. Flush mounted or surface recessed key lock box installations will be permitted, provided that the key lock box is clearly marked. Once the key lock box is installed, the owner of the structure shall contact the Fire Chief of the fire company that has primary responsibility for the area in which the structure is located to arrange for the owner of the structure to be contacted and visited by a

member of that fire company to inspect the key lock box and to install the access keys.  
(*Ord. 100809A*, 10/8/2009, §1)

**§7-405. Fenced Structures.**

For those structures that shall have a key lock box and that are within a fenced area where the fence is locked, the owner or operator thereof shall also provide a key switch that opens the gate to the fence or a padlock that opens the gate to the fence, which shall be keyed the same as the lock box door.

(*Ord. 100809A*, 10/8/2009, §1)

**§7-406. Changing Keys.**

Whenever the owner or operator of a structure required to have a key lock box shall change the keys required to be contained in the key lock box as set forth in §7-403 above, said owner or operator shall contact the Fire Chief of the fire company that has primary responsibility for the area in which the structure is located, who shall oversee all changes to the contents of the key lock box.

(*Ord. 100809A*, 10/8/2009, §1)

**§7-407. Contact Person.**

The owner or operator of the structure required to have a key lock box shall provide a list of contact persons indicating name, home address, and home telephone number to the Fire Chief of the fire company that has primary responsibility for the area in which the structure is located, or his designee. The owner or operator of the structure shall immediately upon any change with respect to that list furnish the Fire Chief, or his designee, with the changed information.

(*Ord. 100809A*, 10/8/2009, §1)

**§7-408. Violations 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part that shall have been found to have been violated shall constitute a separate offense.

(*Ord. 100809A*, 10/8/2009, §1)

**Part 5****Alarms****§7-501. Purpose.**

The purpose of this Part is to provide standards and regulations for various types of fire and emergency alarm devices that require responses thereto by the Fredericksburg Fire Company No. 1, the Mt. Zion Community Fire Company, and the Camp Strause Fire Company.

(Ord. 100809B, 10/8/2009, §1)

**§7-502. Scope.**

The provisions of this Part shall apply to any person who operates, maintains, or owns any alarm device, dial alarm, or local alarm designed to summon a fire department to any location in response to any type of alarm signal.

(Ord. 100809B, 10/8/2009, §1)

**§7-503. Definitions.**

For purposes of this Part, the following words shall have the following meaning:

*Alarm console*—the console or control panel of devices giving a visual or audio response or both and located within the Lebanon County Emergency Agency or elsewhere.

*Alarm device*—any type of alarm system actuating equipment in the alarm console providing warning of intrusion, fire, smoke, flood, or other peril.

*Alarm system*—an alarm device, dial alarm, or local alarm or any combination of the same.

*Dial alarm*—that type of a device using telephone lines transmitting an alarm directly to Lebanon County Emergency Management Agency.

*False alarm*—any alarm actuated by inadvertence or negligence or unintentional act of someone other than an unauthorized intruder or vandal and shall include alarms caused by a malfunctioning of the alarm system or other relevant equipment, but shall not include alarms created by a malfunction of the alarm console. False alarm shall not include alarms activated by wind or electrical storms, lightning, fire, flood, or other acts of nature; shall not include alarms activated by damage to electrical or telephone poles, electrical or telephone transmission lines outside the owners' premises, or routine maintenance by power or telephone companies; shall not include alarms activated during installation of the alarm system; and shall not include alarms activated by vehicles, birds, or other animals outside the protected premises.

*Fire Chief*—the Fire Chiefs of the Fredericksburg Fire Company No. 1, the Mt. Zion Community Fire Company, and the Camp Strause Fire Company, both individually and in combination.

*Fire Department*—the Fredericksburg Fire Company No. 1, the Mt. Zion Community Fire Company, and the Camp Strause Fire Company, both individually

and in combination.

*Local alarm*—any alarm or device that, when actuated, produces a signal not connecting to the alarm console, such as a store or home burglar alarm actuating bell or horn devices.

*Person*—deemed to include any natural person, partnership, corporation, or association.

(Ord. 100809B, 10/8/2009, §1)

#### **§7-504. False Alarms.**

In the case of a false alarm, the Fire Chief, or his designee, shall cause an investigation to be made and shall keep a record of said false alarms on file. For such false alarms, the Board of Township Supervisors prescribes the following provisions:

A. For a person's first two false alarms in any year, a warning shall be issued. For the first two false alarms in any year, the Fire Chief, or his designee, shall notify the person occupying the premises upon which the alarm system is located that a false alarm has been received and shall give such person a copy of this Part.

B. For the third through fifth false alarms in the same year, an administrative fee of \$100 payable to Bethel Township shall be imposed for each false alarm.

C. For the sixth through eighth false alarms in the same year, an administrative fee of \$500 payable to Bethel Township shall be imposed for each false alarm.

D. For the ninth and subsequent false alarms in the same year, an administrative fee of \$1,000 payable to Bethel Township shall be imposed for each false alarm.

E. The administrative fee hereby imposed shall be payable in addition to any fine hereinafter imposed by this Part.

(Ord. 100809B, 10/8/2009, §1)

#### **§7-505. Computation of Time.**

For the purposes of this Part, a year shall mean 365 consecutive days following a person's first false alarm. The year ends at the conclusion of that period. A new year will begin for that person when a false alarm occurs after the conclusion of the previous year.

(Ord. 100809B, 10/8/2009, §1)

#### **§7-506. Notice.**

Notice as required by this Part shall be given by the Fire Chief, or his designee, to the person occupying the premises upon which the alarm system is located by mailing a copy of the notice, certified mail, return receipt requested, to such person at the address where the alarm system is located. A notice may also be given by personal service of the notice by handing a copy of the same to the occupant of the premises upon which the alarm system is located or to an adult resident thereof or an employee located thereon. If service is made by personal service, the Fire Chief, or his designee, shall file a proof of service with Bethel Township, which shall be under oath and which shall designate the person and title upon whom service was made.

(*Ord. 100809B*, 10/8/2009, §1)

**§7-507. Enforcement.**

Any person, firm, or corporation who shall violate any provision of this Part or any person who shall fail to pay an administrative fee hereunder, 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part that shall be found to have been violated shall constitute a separate offense.

(*Ord. 100809B*, 10/8/2009, §1)

**§7-508. Other Legal Action.**

This Part shall not prevent the Township from taking other legal action to prevent the abuse of alarm systems by the owner.

(*Ord. 100809B*, 10/8/2009, §1)





## **Chapter 8**

**[Reserved]**



## **Chapter 9**

**[Reserved]**



## **Chapter 10**

### **Health and Safety**

#### **Part 1**

##### **Nuisance Vegetation**

- §10-101. Vegetative Growth a Nuisance under Certain Conditions
- §10-102. Responsibility for Removing, Cutting, or Trimming
- §10-103. Notice to Remove, Trim, or Cut; Municipality May Do Work and Collect Cost and Additional Amount
- §10-104. Penalties for Violation

#### **Part 2**

##### **Property Maintenance Standards**

- §10-201. Short Title
- §10-202. Preface
- §10-203. Authority
- §10-204. Definitions
- §10-205. Application
- §10-206. Buildings and Structures
- §10-207. Yards, Open Lots, Parking Areas
- §10-208. Infestation; Prevention and Correction
- §10-209. Miscellaneous Provisions
- §10-210. Responsibilities of Occupants
- §10-211. Responsibilities of Owners
- §10-212. Inspection
- §10-213. Notice to Comply
- §10-214. Authority to Remedy Noncompliance
- §10-215. Hearing
- §10-216. Penalties
- §10-217. Owners Severally Responsible
- §10-218. Remedies not Mutually Exclusive

#### **Part 3**

##### **Storage of Motor Vehicles**

- §10-301. Definitions
- §10-302. Motor Vehicle Nuisances Prohibited
- §10-303. Storage of Motor Vehicle Nuisances Permitted
- §10-304. Inspection; Notice to Comply
- §10-305. Authority to Remedy Noncompliance
- §10-306. Hearing
- §10-307. Penalties
- §10-308. Remedies not Mutually Exclusive



**Part 1****Nuisance Vegetation****§10-101. Vegetative Growth a Nuisance under Certain Conditions.**

No person, firm, or corporation, owning or occupying any property within the Township shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for an agricultural or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 8 inches, or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit, or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Township in violation of any of the provisions of this §10-101 is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Township.

(Ord. 71389, 7/13/1989)

**§10-102. Responsibility for Removing, Cutting, or Trimming.**

The owner of any premises, or the occupant of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of §10-101.

(Ord. 71389, 7/13/1989)

**§10-103. Notice to Remove, Trim, or Cut; Municipality May Do Work and Collect Cost and Additional Amount.**

The Board of Supervisors, or any officer or employee of the Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of §10-101 of this Part, directing and requiring such occupant to remove, trim, or cut such grass, weeds, or vegetation so as to conform to the requirements of this Part, within 10 days after issuance of such notice. Whenever, in the judgment of the Police Chief or any duly appointed Township ordinance enforcement officer, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Board of Supervisors or any officer or employee of the Township designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 10 days. In case any person, firm, or corporation shall neglect, fail, or refuse to comply with such notice within the period of time stated therein, the Board of Supervisors may order the removal, trimming or cutting of such grass, weeds, or vegetation, and the cost thereof, together with a penalty of 10 percent of the cost thereof shall be collected by the Township from such person, firm, or corporation, in the manner provided by law.

(Ord. 71389, 7/13/1989; as amended by Ord. 120910, 12/9/2010)

**§10-104. Penalties for Violation.**

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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 71389*, 7/13/1989; as amended by *Ord. 041290A*, 4/12/1990; and by *Ord. 120910*, 12/9/2010)



**Part 2****Property Maintenance Standards****§10-201. Short Title.**

This Part shall be known and cited as the “Bethel Township Property Maintenance Ordinance.”

(*Ord. 71389, 7/13/1989*)

**§10-202. Preface.**

Recognizing the need within the Township to establish certain minimum health and safety requirements for those buildings, structures, or properties which are used or associated with human occupancy, this Part hereby establishes standards which the Board of Supervisors considers to be fair and effective in meeting those minimum requirements.

(*Ord. 71389, 7/13/1989*)

**§10-203. Authority.**

This Part, and the objectives leading to its enactment, are authorized by §1517 of the Second Class Township Code, 53 P.S. §66517.

(*Ord. 71389, 7/13/1989; as amended by Ord. 120910, 12/9/2010*)

**§10-204. Definitions.**

*Building*—a roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment, or animals.

*Court*—an open and unoccupied space on a lot enclosed on at least three sides by the walls of a building.

*Garbage*—putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

*Infestation*—the presence of insects, rodents, vermin and/or other pests.

*Lot*—plot, tracts, premises or parcel of land, with or without improvements thereto.

*Owner*—any person or persons, jointly or severally, firm, corporation, or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

*Refuse*—all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals, and market and industrial wastes.

*Unoccupied hazard*—any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than 6 months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than 6 months.

*Yard*—any open space on the same lot with a building and, for the most part, unobstructed from the ground up.

(Ord. 71389, 7/13/1989)

#### **§10-205. Application.**

The provisions of this Part shall supplement local laws, ordinances, or regulations existing in the Township or those of the Commonwealth of Pennsylvania. Where a provision of this Part is found to be in conflict with any provision of a local law, ordinance, code, or regulations or those of the Commonwealth of Pennsylvania, the provision which is more restrictive or which establishes the higher standard shall prevail.

(Ord. 71389, 7/13/1989)

#### **§10-206. Buildings and Structures.**

1. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.

2. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that these are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.

3. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direction of the Board of Supervisors, remove, or cause the removal of, the building and/or structure.

(Ord. 71389, 7/13/1989)

#### **§10-207. Yards, Open Lots, Parking Areas.**

No person shall permit:

A. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.

B. The development of accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots.

C. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.

D. Wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature, and swimming pools to remain open without adequate fencing or barricades to prevent access thereto by the general public.

E. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery, or any portion thereof, to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic.

(Ord. 71389, 7/13/1989)

**§10-208. Infestation; Prevention and Correction.**

1. Grounds, buildings, and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, and disposal of garbage and refuse.
3. Where there exist rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

(Ord. 71389, 7/13/1989)

**§10-209. Miscellaneous Provisions.**

No person shall permit:

- A. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge.
- B. Roof gutters, drains, or any other system designed and constructed to transport stormwater, to be discharged into any sanitary sewage system and/or any part thereof.
- C. Any refrigerator, freezer, and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

(Ord. 71389, 7/13/1989)

**§10-210. Responsibilities of Occupants.**

Any occupant of a premises shall be responsible for compliance with the provisions of this Part with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof.

(Ord. 71389, 7/13/1989)

**§10-211. Responsibilities of Owners.**

1. Owner of premises shall comply with the provisions of this Part as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
2. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one or more violations of this Part, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Part.

(Ord. 71389, 7/13/1989)

**§10-212. Inspection.**

The Board of Supervisors may, or may cause, through an authorized representative of the Township, entry onto premises for the purpose of inspection of any and all premises, properties, buildings, and/or structures located within the Township for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereof.

(Ord. 71389, 7/13/1989)

**§10-213. Notice to Comply.**

1. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, the Enforcement Officer shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

(Ord. 71389, 7/13/1989)

**§10-214. Authority to Remedy Noncompliance.**

If the owner does not comply with the notice to abate the conditions, within the time limit prescribed, the Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10 percent of all costs. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 71389, 7/13/1989)

**§10-215. Hearing.**

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within 10 days after notice of the Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Board of Supervisors shall sustain, modify, or overrule the action of the Enforcement Officer.

(Ord. 71389, 7/13/1989)

**§10-216. 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 71389*, 7/13/1989; as amended by *Ord. 041290A*, 4/12/1990; and by *Ord. 120910*, 12/9/2010)

**§10-217. Owners Severally Responsible.**

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this Part.

(*Ord. 71389*, 7/13/1989)

**§10-218. Remedies not Mutually Exclusive.**

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors.

(*Ord. 71389*, 7/13/1989)



**Part 3****Storage of Motor Vehicles****§10-301. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

*Lessee*—owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

*Motor vehicle*—any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby, but excluding therefrom those used in agricultural production.

*Nuisance*—any condition, structure, or improvement which shall constitute a threat or potential threat to the health, safety, or welfare of the citizens of the Township.

*Owner*—the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association, or corporation.

*Person*—a natural person, firm, partnership, association, corporation, or other legal entity.

2. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 71389, 7/13/1989)

**§10-302. Motor Vehicle Nuisances Prohibited.**

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner, or lessee within the Township. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken headlamps or tail lamps with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.

- J. Broken vehicle frame suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid.
- M. Inoperable locking mechanism for doors or trunk.
- N. Open or damaged floor boards including trunk and firewall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennae.
- S. Suspended on unstable supports.
- T. Such other defects which could threaten the health, safety, and welfare of the citizens of the Township.

(Ord. 71389, 7/13/1989)

**§10-303. Storage of Motor Vehicle Nuisances Permitted.**

Any person, owner, or lessee who has one or more motor vehicle nuisances as defined in §10-302 above may store such vehicle(s) in the Township only in strict compliance with the regulations provided herein. Such person, owner or lessee must, first, apply for a permit for either temporary or permanent storage and pay a fee to the Township such as may be provided from time to time by resolution of the Board of Supervisors. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within an opaque fence at least 6 feet high which is locked at all times when unattended. With the special approval of the Board of Supervisors motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed 200 square feet. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Township Zoning Ordinance [Chapter 27].

(Ord. 71389, 7/13/1989)

**§10-304. Inspection; Notice to Comply.**

1. The Chief of Police or any duly appointed Township ordinance enforcement officer is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises. [Ord. 120910]



2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

(*Ord. 71389, 7/13/1989; as amended by Ord. 120910, 12/9/2010*)

**§10-305. Authority to Remedy Noncompliance.**

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the conditions, within the time limit prescribed, the Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10 percent of all costs. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(*Ord. 71389, 7/13/1989*)

**§10-306. Hearing.**

1. Any person aggrieved by the decision of the Chief of Police or any duly appointed Township ordinance enforcement officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within 10 days after notice of the Chief of Police's or any duly appointed Township ordinance enforcement officer's, decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause. [*Ord. 120910*]

2. After such hearing, the Board of Supervisors shall sustain, modify, or overrule the action of the Chief of Police or any duly appointed Township ordinance enforcement officer.

(*Ord. 71389, 7/13/1989; as amended by Ord. 120910, 12/9/2010*)

**§10-307. 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 71389, 7/13/89; as amended by Ord. 041290A, 4/12/1990; and by Ord. 120910, 12/9/2010*)

**§10-308. Remedies not Mutually Exclusive.**

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors.

(*Ord. 71389, 7/13/1989*)

## **Chapter 11**

**[Reserved]**



## **Chapter 12**

**[Reserved]**



## **Chapter 13**

### **Licenses, Permits and General Business Regulations**

#### **Part 1 Peddling**

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#### **Part 2 CATV Franchises**

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**Part 1****Peddling****§13-101. Definitions.**

*Peddler*—any person who shall engage in peddling, as defined in this Section.

*Peddling*—engaging in peddling, canvassing, soliciting, or taking of orders, either by sample or otherwise, for any goods, wares, or merchandise, upon any of the streets or sidewalks or from house to house within the Township of Bethel. Provided, the word “peddling” shall not apply (A) to farmers selling their own produce, (B) to the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or (C) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk or milk products.

*Person*—any natural person, association, partnership, firm, or corporation.

In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 6/17/1982, 6/17/1982, §1)

**§13-102. License Required.**

No person shall engage in peddling in the Township of Bethel without first having taken out a license as herein provided.

(Ord. 6/17/1982, 6/17/1982, §2)

**§13-103. Application for License.**

Every person desiring to engage in peddling in the Township of Bethel shall first make application to the Supervisors for a license. If such person shall also be required to obtain a license from any County officer, he shall, when making such application exhibit a valid County license. Upon such application, such person shall give his name, address, previous criminal record, if any; the name of the person for whom he works, if any; the types of goods, wares, and merchandise he wishes to peddle; the length of time for which he wishes to be licensed; the type of vehicle he uses, if any; and the number of helpers he has. Provided, where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper. No license issued under this Part shall be transferable from one person to another.

(Ord. 6/17/1983, 6/17/1982, §3)

**§13-104. License Fee.**

No license shall be issued under this Part until the proper fee in an amount as established from time to time by resolution of the Board of Supervisors shall be paid to the Supervisors, which shall be for the use of the Township.

(Ord. 6/17/1982, 6/17/1982, §4; as amended by Ord. 71389, 7/13/1989; and by Ord. 120910, 12/9/2010)

**§13-105. Issuance of License.**

Upon making application therefore and paying the proper fee, as herein specified, a license shall be issued to every peddler. Such license shall contain the information required to be given upon the application therefor. Every peddler shall at all times when engaged in peddling in the Township carry such license upon his person, and shall exhibit such license, upon request, to all police officers, Township officials and citizens. No peddler shall engage in selling any product not mentioned upon such license nor shall any person having a foot peddler's license operate from or with any horse-drawn or motor vehicle.

(Ord. 6/17/1982, 6/17/1982, §5)

**§13-106. Peddling Prohibited at Certain Times.**

No person licensed as a peddler under this Part shall engage in peddling at any time on Sunday, or upon any other day of the week before 9 a.m. or after 5 p.m.

(Ord. 6/17/1982, 6/17/1982, §6)

**§13-107. Prohibited Activities.**

No person, licensed as a peddler under this Part, shall hawk or cry his wares upon any of the streets or alleys or sidewalks of the Township, nor shall he use any loud speaker or horn or any other device for announcing his presence by which the public is annoyed.

(Ord. 6/17/1982, 6/17/1982, §7)

**§13-108. Parking and Littering.**

No person, licensed as a peddler under this Part, shall park any vehicle upon any of the streets or alleys of the Township in order to sort, rearrange or clean any of his goods, wares, or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

(Ord. 6/17/1982, 6/17/1982, §8)

**§13-109. Fixed Locations Prohibited.**

No person, licensed as a peddler under this Part, shall occupy any fixed location upon any of the streets, alleys, or sidewalks of the Township for the purpose of peddling, with or without any stand or counter.

(Ord. 6/17/1982, 6/17/1982, §9)

**§13-110. Record to Be Kept of Licenses Issued.**

The Supervisors shall keep a record of all licenses issued under this Part. The Supervisors and Chief of Police shall supervise the activities of all holders of such licenses.

(Ord. 6/17/1982, 6/17/1982, §10)

**§13-111. Suspension of License.**

The Supervisors of the Township of Bethel are hereby authorized to suspend any license issued under this Part when they deem such suspension to be beneficial to the public health, safety, or morals, or for the violation of any of the provisions of this Part, or for giving false information upon any application for a license hereunder.

(*Ord. 6/17/1982, 6/17/1982, §11*)

**§13-112. Penalty.**

Any person who shall violate any of the provisions 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 6/17/1982, 6/17/1982, §12; as amended by Ord. 71389, 7/13/1989; and by Ord. 120910, 12/9/2010*)



**Part 2****CATV Franchises****§13-201. Short Title.**

This Part shall be known and may be cited as the “Cable Television Ordinance.”  
(Ord. 12/29/98, 12/29/1998, §1)

**§13-202. Definitions.**

For the purpose of this Part, the following terms, phrases, and words shall have the following meanings:

*Municipality*—the Township of Bethel.

*Grantee*—any person or entity that is granted a nonexclusive franchise pursuant to the terms of this Part.

*Board of Supervisors*—the Board of Supervisors of the Township of Bethel.

*Person*—any person, firm, partnership, association, corporation, company, or organization of any kind.

*Cable system*—a facility that crosses public rights of way, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable services as well as broadband telecommunications services to customers, but such term does not include (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (2) a facility that serves only subscribers in one or more multiple unit dwellings, not including single family dwellings, under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; (3) a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, except that such facility shall be considered as a cable system to the extent such facility is used in transmission of video programming directly to subscribers; or (4) any facilities of any electric utility used solely for operating its electric utility system.

*Cable service*—the provision of any lawful service through data transmission or electrical or electronic signal transmission.

(Ord. 12/29/98, 12/29/1998, §2)

**§13-203. Franchise Required to Operate.**

A nonexclusive franchise to construct, operate, and maintain a cable system within all or any portion of the Municipality is required of anyone desiring to provide cable service in the Municipality. A franchise may be granted by the Board of Supervisors by resolution approving a franchise application of any person, firm, or corporation, whether operating under an existing franchise or not, who or which offers to furnish and provide such cable service. Such franchises shall be subject to the following conditions, in addition to those set forth elsewhere in this Part:

A. A franchise will take effect upon adoption of a resolution as provided for herein above.

B. *Nonexclusive Grant.* No right to use and occupy said streets, alleys, public ways, and places granted pursuant to this Part shall be deemed to be exclusive, and the Municipality reserves the right to grant rights to any other qualified person at any time. The foregoing notwithstanding, in the event any material provision(s) of any franchise granted by the Municipality to any subsequent grantee is (are) more favorable (by inclusion, exclusion, or altering of such material provision(s) to such subsequent grantee) than corresponding provision(s) of a previous grantee, such previous franchise shall be deemed to include all such more favorable provisions.

(Ord. 12/29/98, 12/29/1998, §3)

#### **§13-204. Compliance with Applicable Laws and Ordinances.**

Grantees shall, at all times during the life of a franchise granted pursuant hereto, be subject to all lawful exercise of the police power by the Municipality, and to such reasonable regulation, pursuant to the exercise of such police power, as the Municipality, Commonwealth of Pennsylvania or United States of America shall hereafter by resolution, ordinance, statute or regulation provide, and in addition thereto shall be subject to the following:

A. *Interference.* If there is any interference on any television set, radio, or other electronic device not connected with the conductors or fixtures of the grantee that is caused by the conductors or fixtures of the grantee, the grantee shall immediately at its own cost and expense eliminate such interference. If such interference cannot be eliminated within 48 hours, Municipality may direct the suspension of the operation of the grantee within the affected area of the Municipality until such interference is eliminated.

B. *Building Permits.* The grantee shall apply for and take out any and all building permits required by the Municipality for any construction to be undertaken by the grantee.

C. *Access.* The grantee shall not deny access to cable television service to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.

(Ord. 12/29/98, 12/29/1998, §4)

#### **§13-205. Indemnification; Insurance.**

Grantee shall save the Municipality harmless from any suit, judgement, claim, or demand whatsoever, arising out of the operations of the grantee in the construction, operation or maintenance of its cable television system in the Municipality, excluding any activities that are the result of gross negligence, deliberate acts, or deliberate omissions of the Municipality, its officers, employees, or commissions. The Municipality shall notify the grantee's representative in the Municipality within a reasonable amount of time after the presentation of any claim or demand, either by suit or otherwise, made against the Municipality on account of any damages or losses as aforesaid resulting from the operations of the grantee. The grantee shall furnish to the Municipality, prior to the grant of a franchise hereunder, evidence in writing that the grantee has in full force and effect public liability insurance of not less than \$500,000 for any one person and \$1,000,000 for any one accident, and property damage insurance of not less than \$500,000 duly issued by an insurance company or companies authorized

to do business in the Commonwealth of Pennsylvania, said insurance to cover all operations by the grantee within the Municipality. Upon request, written evidence of the maintenance of such insurance in full force and effect shall be furnished annually thereafter to the Municipality.

(Ord. 12/29/98, 12/29/1998, §5)

**§13-206. Grantee Rules.**

The grantee may promulgate such rules, regulations, terms, and conditions governing the conduct of its business as shall be reasonably necessary to enable the grantee to exercise its rights and perform its obligations under a franchise granted pursuant to this Cable Television Ordinance, and to assure an uninterrupted service to each and all of its customers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof, additional regulations or ordinances of the Municipality, or the laws of the Commonwealth of Pennsylvania or the United States of America; and further that such rules, regulations, terms, and conditions shall not be construed to have any force of law whatsoever, by reason of this Part.

(Ord. 12/29/98, 12/29/1998, §6)

**§13-207. Conditions on Street Occupancy.**

1. *Use.* All transmission and distribution structures, lines and equipment erected by the grantee within the Municipality shall be so located as to cause minimum interference with the use by others of streets, alleys, and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of owners of property that abuts the said streets, alleys, or other public ways and places.

2. *Restoration.* In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, grantee shall at its own cost and expense and in a manner approved by the Municipality's engineer or other person designated by the Township Supervisors, replace and restore all paving, sidewalk, driveway, or surface of any street or alley disturbed, in as good condition as before said work was commenced.

3. *Relocation.* In the event that at any time during the period of any franchise granted pursuant to this Part the Municipality shall lawfully elect to alter, or change the grade or location of any street, alley, or other public way, grantee, upon reasonable notice by the Municipality, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense.

4. *Placement of Fixtures.* Grantee, insofar as it is reasonably possible to do so, shall locate its wires, cables, conduits, and other television conductors and fixtures on existing utility poles of either the electric or the telephone company. Grantee shall not place poles or other fixtures where the same will interfere with any gas, electric, or telephone fixtures, water hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line; those placed in alleys shall be placed close to the line of the lot abutting on said alley, and in such a manner as not to interfere with the usual travel on said alleys.

5. *Temporary Removal of Wire for Building Moving.* Grantee shall, on the request of any person holding a building permit issued by the Municipality, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary

removal, raising or lowering of wires shall be paid by the person requesting the same, and grantee shall have the authority to require such payment in advance. Grantee shall be given not less than 48 hours advance notice to arrange for such temporary wire changes.

6. *Tree Trimming.* Grantee shall have the authority to the same extent that the Municipality has such authority, to trim trees overhanging streets, alleys, sidewalks, and public places of the Municipality so as to prevent the branches of such trees from coming in contact with the wires and cables of grantee.

(Ord. 12/29/98, 12/29/1998, §7)

#### **§13-208. Municipality Rights.**

1. *Municipality Rules.* Municipality may adopt by resolution such additional regulations as it shall find necessary in the exercise of the police power.

2. *Use of System by Municipality.* The Municipality shall have the right, during the life of this franchise, free of charge, where aerial construction exists, of maintaining upon the poles of grantee within the Municipality wires and fixtures necessary for police communications, fire alarm, and civil defense warning systems. Municipality will be responsible for installation and maintenance of any such systems. If any such systems interfere with the operation of maintenance of the cable system, then grantee shall repair, move or remove equipment and shall be reimbursed by Municipality for all reasonable costs of labor and material.

3. *Inspection.* The Municipality shall have the right to inspect all construction or installation work during such construction or installation or at any time after completion thereof, in order to insure compliance with the provisions of this Part and all other governing ordinances.

(Ord. 12/29/98, 12/29/1998, §8)

#### **§13-209. Service to Institutions.**

Grantee will, upon request, provide free installation and standard service to one outlet in each municipal building; public and private school building; and police, fire, and ambulance station within Municipality provided such structures are within 200 feet of existing service area.

(Ord. 12/29/98, 12/29/1998, §9)

#### **§13-210. Payment to Municipality.**

Any grantee holding a franchise pursuant to the terms of this Part shall pay to the Municipality for the privilege of operating its community television system under such franchise a percentage of its annual gross revenues derived from the grantee's operations within the Municipality. The franchise fee percentage and the time of payment shall be established by resolutions adopted from time to time by the Supervisors.

(Ord. 12/29/98, 12/29/1998, §10)

#### **§13-211. Records and Reports.**

The grantee shall at all times maintain adequate records of the gross revenues,



which shall be available at all reasonable times during regular business hours to inspection by the Municipality through its duly designated agents or officers.

(Ord. 12/29/98, 12/29/1998, §11)

**§13-212. Terms of Franchise.**

Any franchise granted hereunder shall be for the initial term of 15 years.

(Ord. 12/29/98, 12/29/1998, §12)

**§13-213. Franchise Applications.**

All applicants for a franchise shall submit to the Municipality a statement containing the following:

- A. Name of the applicant.
- B. Address of the applicant.
- C. Evidence of financial condition of the applicant and, if the applicant is a corporation or partnership, the names of the principal stockholders or partners, whichever is applicable. A financial statement of the person or corporation shall be submitted and shall be certified by a certified public accountant.
- D. Description of the area to be covered by the franchise. Upon receipt of the above information, together with such other information as is requested by the Municipality, the Township Supervisors shall determine whether or not it is in the best interests of the Municipality to grant a franchise to the applicant.

(Ord. 12/29/98, 12/29/1998, §13)

**§13-214. Termination of Franchise.**

Upon revocation of the franchise by the Municipality, or at the end of the term of a franchise, grantee shall remove all of its equipment and other facilities from the Municipality within a reasonable time, and shall restore as nearly as possible all public and private property affected thereby to the condition it was in prior to the installation of such equipment and facilities by said company. In addition to all other rights and remedies retained by the Municipality under this Part, the Municipality shall have the right to revoke a franchise if the grantee knowingly fails to substantially comply with any material provisions of this Part or the Franchise Agreement. The Municipality shall not have the right to revoke a franchise if the grantee cures the material breach in accordance with paragraph .A below or if the material breach occurs without fault of the grantee or occurs as a result of circumstances beyond grantee's control. Revocation shall be by ordinance duly adopted by the Township Board of Supervisors, in accordance with the following procedures:

- A. The Township Supervisors shall notify the grantee in writing of the alleged failure of compliance, setting forth the reasons for alleging that the failure is knowing, material and substantial. The grantee shall have 60 days subsequent to the receipt of the notice to correct the failure and respond to the Township Supervisors.
- B. Within 30 days of the receipt of the grantee's response, or if the grantee fails to respond, the Township Supervisors, if it concludes that a basis for revocation still exists, shall notify the grantee in writing of this conclusion.

C. Within 30 days of the determination that a basis for revocation exists, the Township Supervisors shall hold a public hearing upon reasonable notice and affording due process to consider revocation. At the public hearing, the grantee shall be given an opportunity to address the grounds for revocation including the right to present evidence and examine witnesses. The Township Supervisors will provide a stenographic record of the public hearing. The Township Supervisors shall, within 30 days of the hearing, either determine not to revoke the franchise, or, upon stated grounds, initiate proceedings to enact an ordinance to revoke the franchise absolutely or conditionally. No revocation will be deemed effective, however, until either the grantee has exhausted all its administrative and judicial appeals and the Township Supervisors' ruling has been upheld by a court of last resort, or the grantee does not avail itself of such remedies.

(*Ord. 12/29/98, 12/29/1998, §14*)

## **Chapter 14**

**[Reserved]**



## **Chapter 15**

### **Motor Vehicles and Traffic**

#### **Part 1**

##### **General Regulations**

- §15-101. Definitions and Interpretation
- §15-102. Manner of Adopting Permanent Traffic and Parking Regulations
- §15-103. Provisions to Be a Continuation of Existing Regulations
- §15-104. Temporary and Emergency Regulations
- §15-105. Experimental Regulations
- §15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance, or Special Events
- §15-107. Use of Streets by Processions and Assemblages
- §15-108. Authority of Police Officers
- §15-109. Authorization for Use of Speed Timing Devices

#### **Part 2**

##### **Traffic Regulations**

- §15-201. Maximum Speed Limits Established on Certain Streets
- §15-202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures
- §15-203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades
- §15-204. Maximum Speed Limits Established in Parks
- §15-205. Traffic Signals at Certain Locations
- §15-206. Intersections Where Turn Prohibited on Red Signal
- §15-207. One-Way Streets Established
- §15-208. Turning at Certain Intersections Prohibited or Restricted
- §15-209. Right Turns Only Permitted at Certain Intersections
- §15-210. U-Turns Prohibited at Certain Locations
- §15-211. No Passing Zones Established
- §15-212. Through Highways Established
- §15-213. Stop Intersections Established
- §15-214. Yield Intersections Established

#### **Part 3**

##### **Motor Vehicle Weight Limitation**

- §15-301. Short Title
- §15-302. Enactment
- §15-303. Definitions
- §15-304. Findings of the Board of Supervisors of Bethel Township
- §15-305. Vehicle Weight Limits Established
- §15-306. Permits and Security
- §15-307. Erection of Signs

- §15-308. Authority to Adopt Forms and Fees by Resolution
- §15-309. Penalties for Violation
- §15-310. Vehicle Weight Limits Established on Certain Bridges
- §15-311. Truck Traffic Restricted on Certain Streets

#### **Part 4**

#### **General Parking Regulations**

- §15-401. Vehicles to Be Parked Within Marked Spaces
- §15-402. Angle Parking Required on Parts of Certain Streets
- §15-403. Parking Prohibited at All Times in Certain Locations
- §15-404. Parking Prohibited in Specific Locations Certain Days and Hours
- §15-405. Parking of Trucks, Buses, and Certain Other Vehicles Prohibited in Certain Locations
- §15-406. Parking Time Limited in Certain Locations Certain Days and Hours
- §15-407. Special Purpose Parking Zones Established; Parking Otherwise Prohibited
- §15-408. Standing or Parking on Roadway for Loading or Unloading
- §15-409. Penalties

#### **Part 5**

#### **Removal and Impoundment of Illegally Parked Vehicles**

- §15-501. Applicability and Scope
- §15-502. Authority to Remove and Impound
- §15-503. Tow Away Zones Designated
- §15-504. Designation of Approved Storage Garages; Bonding; Towing and Storage
- §15-505. Payment of Towing and Storage Charges
- §15-506. Reclamation Costs
- §15-507. Records of Vehicles Removed and Impounded
- §15-508. Restrictions upon Removal of Vehicles
- §15-509. Penalty
- §15-510. Reports and Disposition of Unclaimed Vehicles

#### **Part 6**

#### **Snow and Ice Emergency**

- §15-601. Declaration of Snow and Ice Emergency
- §15-602. Parking Prohibited, Driving of Motor Vehicles Restricted, on Snow  
Emergency Routes During Emergency
- §15-603. Snow Emergency Routes Designated
- §15-604. Penalty for Violation

**Part 1****General Regulations****§15-101. Definitions and Interpretation.**

1. 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, the Act of June 17, 1976, P.L. 162 No. 81, as amended, 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.

2. 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.

3. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 71389, 7/13/1989, §15-101)

**§15-102. 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.

(Ord. 71389, 7/13/1989, §15-102)

**§15-103. 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.

(Ord. 71389, 7/13/1989, §15-103)

**§15-104. Temporary and Emergency Regulations.**

1. The Chief of Police 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.

B. 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 72 hours.

2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor 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 \$25 together with costs of prosecution.

(Ord. 71389, 7/13/1989, §15-104)

#### **§15-105. Experimental Regulations.**

The Board of Supervisors may, from time to time by resolution, designate places upon and along the highways in the Township where, for a period of not more than 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 or tractor 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 \$25 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 ordinances of the Township relative to traffic and parking.

(Ord. 71389, 7/13/1989, §15-105)

#### **§15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance, or Special Events.**

1. The 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.

2. The 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.

3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 71389, 7/13/1989, §15-106)

#### **§15-107. Use of Streets by Processions and Assemblages.**

1. 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.

2. 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 Township Secretary, which shall be issued without fee. Application for the permit shall be made at least 1 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 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 may 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. [Ord. 120910]

3. 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 Township Secretary, which shall be issued without fee. Application for the permit shall be made at least 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, application shall be made at least 3 weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may 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. [Ord. 120910]

4. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 71389, 7/13/1989, §15-107; as amended by Ord. 120910, 12/9/2010)

#### **§15-108. Authority of Police Officers.**

The police officers of the Township are hereby given authority to direct traffic on the highways of the Township and at intersections thereof.

(Ord. 71389, 7/13/1989, §15-108)

#### **§15-109. Authorization for Use of Speed Timing Devices.**

The Township Police Department is hereby authorized to use 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 Township, County, or State highways, and does also hereby elect to exercise all powers granted to “local authorities” under the

Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa.C.S.A. §6101 *et seq.* as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.

(*Ord. 71389*, 7/13/1989, §15-109)

**Part 2****Traffic Regulations****§15-201. Maximum Speed Limits Established on Certain Streets.**

1. 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 a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street:

<b>Street</b>	<b>Between</b>	<b>Maximum Speed Limit</b>
Airport Road (T-601)	Entire length	40 mph
Beagle Road (T-521)	Union to Freeport	15 mph
Beagle Road (T-525)	Union to Mt. Zion	35 mph
Belair Road	Entire length	15 mph
Bethel Street	Entire length	25 mph
Blue Mountain Drive (T-510)	Entire length	35 mph
Blue Mountain View Drive (T-404)	Entire length	25 mph
By-pass Road (T-484)	Entire length	35 mph
Center Street (T-504)	Entire length	25 mph
Chase Drive (T-529)	Entire length	15 mph
Chestnut Hill Road (T-533)	Entire length	35 mph
Church Street	Entire length	25 mph
Deep Run Road (T-564)	Entire length	35 mph
Deer Drive (T-405)	Entire length	25 mph
Doe Street	Entire length	25 mph
Elk Drive (T-406)	Entire length	25 mph
Elm Avenue (T-408)	Entire length	25 mph
Elm Street (T-537)	Entire length	25 mph
Farmers Drive (T-566)	Entire length	15 mph
First Street (T-478)	Entire length	15 mph
Forest Drive (T-488)	Entire length	25 mph
Fredericksburg Road (T-514)	Entire length	35 mph
Grubb Avenue (T-544)	Entire length	40 mph

<b>Street</b>	<b>Between</b>	<b>Maximum Speed Limit</b>
Halfway Drive (T-546)	Entire length	40 mph
Hamlin Road (T-512)	Entire length	35 mph
Heffelfinger Road (T-493)	Entire length	35 mph
Houtztown Road (T-568)	Entire length	45 mph
Lake Drive (T-475)	Entire length	15 mph
Light Church Road (T-502)	Entire length	25 mph
Locust Street (T-549)	Entire length	25 mph
Long Road (T-523)	Mt. Zion to Deep Run	35 mph
Long Road (T-564)	Deep Run to Greble	35 mph
Maple Drive (T-508)	Entire length	35 mph
Market Street (T-545)	Entire length	35 mph
Meadow Street (T-496)	Entire length	15 mph
Melanie Drive (T-490)	Entire length	35 mph
Military Road	Entire length	15 mph
Mill Road (T-535)	Entire length	45 mph
Monroe Valley Road (T-557)	Entire length	15 mph
Morrsey Drive (T-518)	Entire length	35 mph
Mountain Drive (T-553)	Entire length	35 mph
Mountain Road (T-477)	Entire length	15 mph
Mowery Road (T-541)	Entire length	35 mph
North Street	Entire length	25 mph
Old State Road (T-470)	Entire length	25 mph
Pine Avenue (T-407)	Entire length	25 mph
Pine Street (T-480)	Entire length	15 mph
Pleasant Road (T-513)	Entire length	35 mph
Poplar Street (T-551)	Entire length	25 mph
School Drive (T-490)	Entire length	35 mph
Second Street (T-476)	Entire length	15 mph
Shirksville Road (T-531)	Entire length	40 mph
Short Road (T-527)	Entire length	35 mph

Street	Between	Maximum Speed Limit
Snow Drive (T-504)	Entire length	35 mph
Strawberry Street	Entire length	25 mph
Sugar Road (T-486)	Entire length	25 mph
Sunrise Road (T-512)	Entire length	25 mph
Sunset Road (T-484)	Entire length	45 mph
Swope Valley Road (T-648)	Entire length	40 mph
Tan Street	Entire length	25 mph
Tile Street	Entire length	25 mph
Union Road	Entire length	25 mph
Valley Road (T-470)	Entire length	45 mph
Walnut Street (T-547)	Entire length	15 mph

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than 5 miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of 5 miles per hour over the maximum speed limit.

(Ord. 71389, 7/13/1989, §15-201)

#### **§15-202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures.**

1. 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
[Reserved]		

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than 5 miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of 5 miles per hour over the maximum speed limit.

(Ord. 71389, 7/13/1989, §15-202)

#### **§15-203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades.**

1. 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 every 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
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[Reserved]

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than 5 miles per hour shall pay an additional fine of \$2 for each mile in excess of 5 miles per hour over the maximum speed limit.

(Ord. 71389, 7/13/1989, §15-203)

#### **§15-204. Maximum Speed Limits Established in Parks.**

1. A speed limit of 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
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[Reserved]

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than 5 miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of 5 miles per hour over the maximum speed limit.

(Ord. 71389, 7/13/1989, §15-204)

#### **§15-205. Traffic Signals at Certain Locations.**

1. 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
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[Reserved]

2. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 71389, 7/13/1989, §15-205)

#### **§15-206. Intersections Where Turn Prohibited on Red Signal.**

1. 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
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[Reserved]

2. Any driver of a vehicle who violates any provision of this Section shall, upon

conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 71389, 7/13/1989, §15-206)

**§15-207. One-Way Streets Established.**

1. 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
Church Street	Pine Grove	Center Street	West

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 71389, 7/13/1989, §15-207)

**§15-208. Turning at Certain Intersections Prohibited or Restricted.**

1. 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
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[Reserved]

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 71389, 7/13/1989, §15-208)

**§15-209. Right Turns Only Permitted at Certain Intersections.**

1. 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
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[Reserved]

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 71389, 7/13/1989, §15-209)

**§15-210. U-Turns Prohibited at Certain Locations.**

1. 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:

<b>Street</b>	<b>Portion</b>	<b>Direction of Travel</b>
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[Reserved]

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 71389, 7/13/1989, §15-210)

**§15-211. No Passing Zones Established.**

1. 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:

<b>Street</b>	<b>Direction of Travel</b>	<b>Between</b>
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[Reserved]

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 71389, 7/13/1989, §15-211)

**§15-212. Through Highways Established.**

1. 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 §§3323(b) or 3323(c) of the Vehicle Code, 75 Pa.C.S.A. §§3323(b), (c) as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that Section of the law:

<b>Highway</b>	<b>Between</b>
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[Reserved]

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 71389, 7/13/1989, §15-212)

**§15-213. Stop Intersections Established.**

1. The following intersections (in addition to intersections with the through highways established by §15-212) 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 §3323(b) of the Vehicle Code, 75 Pa.C.S.A. §3323(b) 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
Airport Road (T-601)	Main Street	
Beagle Road (T-525)	Mount Zion Road	
Beagle Road (T-525)	Union Road	Both
Beagle Road (T-525)	Freeport Road	
Belair Road	Sunset Drive	
Bethel Street	Main Street	
Blue Mountain Drive (T-510)	N. Pine Grove Street	
Blue Mountain Drive (T-510)	Pa. Route 22	Both
Blue Mountain View Drive (T-404)	Blue Mountain Drive	
By-pass Road (T-484)	Lickdale Road	
Center Street (T-504)	Greble Road	
Center Street (T-504)	Main Street	Both
Center Street (T-504)	Pa. Route 22	Both
Chase Drive (T-529)	Mount Zion Road	
Chestnut Hill Road (T-533)	Blue Mountain Drive	Both
Chestnut Hill Road (T-533)	Mount Zion Road	
Church Street	Center Street	Both
Church Street	Pine Grove Street	Both
Deep Run Road (T-564)	Long Road	
Deep Run Road (T-564)	Pleasant Road	
Deer Drive (T-405)	Center Street	
Deer Drive (T-405)	SR-343	
Doe Street	Main Street	Both
Elk Drive (T-406)	Center Street	
Elk Drive (T-406)	SR-343	
Elm Avenue (T-408)	Sugar Road	
Elm Street (T-537)	Center Street	
Elm Street (T-537)	S. Pine Grove Street	
Farmers Drive (T-566)	Frystown Road	
Farmers Drive (T-566)	Shirksville Road	

<b>Stop Street</b>	<b>Intersecting or Through Street</b>	<b>Direction of Travel</b>
First Street (T-478)	Lake Drive	
First Street (T-478)	Monroe Valley Road	
Fredericksburg Road (T-514)	Shirksville Road	
Forest Drive (T-488)	Mountain Road	
Grubb Avenue	Prescott Road	
Hamlin Road (T-512)	Chestnut Hill Road	
Hamlin Road (T-512)	Pa. Route 22	
Houtztown Road (T-568)	Greble Road	Both
Lake Drive (T-475)	Pine Street	
Light Church Road (T-502)	Golf Road	
Light Church Road (T-502)	Greble Road	
Locust Street (T-549)	Sugar Road	
Long Road (T-523)	Greble Road	
Long Road (T-523)	Mount Zion Road	
Maple Drive (T-508)	Mountain Drive	
Maple Drive (T-508)	Pine Grove Street	
Market Street (T-545)	Blue Mountain Drive	
Market Street (T-545)	Pine Grove Street	
Meadow Street (T-496)	Pine Grove Street	
Melanie Drive (T-490)	W. Main Street	
Melanie Drive (T-490)	School Drive	
Mill Road (T-535)	Fredericksburg Road	
Mill Road (T-535)	Pa. Route 343	
Morrsey Drive (T-518)	Freeport Road	
Mountain Drive (T-553)	Camp Strauss Road	
Mountain Drive (T-553)	Mechanic Street	
Mountain Drive (T-553)	Pine Grove Street	
Mountain Road (T-477)	Pine Street	
Mowery Road (T-541)	E. Main Street	
North Street	Center Street	Both

Stop Street	Intersecting or Through Street	Direction of Travel
North Street	Doe Street	
North Street	Mechanic Street	Both
Pine Avenue (T-407)	Sugar Road	
Pine Street (T-480)	Monroe Valley Road	
Pleasant Road (T-513)	Long Road	
Poplar Street (T-551)	Center Street	Both
Poplar Street	Mechanic Street	Both
School Drive (T-490)	Airport Road	Both
School Drive (T-490)	Pa. Route 22	Both
Second Street (T-476)	Lake Drive	
Second Street (T-476)	Monroe Valley Road	
Shirksville Road (T-531)	Mount Zion Road	Both
Shirksville Road (T-531)	Pa. Route 343	Both
Short Road (T-527)	Long Road	
Short Road (T-527)	Mount Zion Road	
Snow Drive (T-504)	Mountain Drive	
Snow Drive (T-504)	Pine Grove Street	
Strawberry Street	Main Street	Both
Sugar Road (T-486)	E. Main Street	
Sugar Road (T-486)	Mountain Drive	
Sunrise Road (T-512)	Mount Zion Road	
Sunset Drive (T-484)	Mountain Drive	
Tan Street	Main Street	Both
Tile Street	Center Street	Both
Tile Street	Mechanic Street	Both
Tile Street	Pine Grove Street	Both
Tree Line Avenue	Elm Avenue	North [Ord. 051498]
Union Road	Freeport Road	
Union Road	Mount Zion Road	
Walnut Street (T-547)	Center Street	Both

<b>Stop Street</b>	<b>Intersecting or Through Street</b>	<b>Direction of Travel</b>
Walnut Street (T-547)	Mechanic Street	Both
Walnut Street (T-547)	Pine Grove Street	

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(*Ord. 71389*, 7/13/1989, §15-213; as amended by *Ord. 051498*, 5/14/1998, §2)

#### **§15-214. Yield Intersections Established.**

1. The following intersections (in addition to intersections with the through highways established by §15-213) 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 §3323(c) of the Vehicle Code, 75 Pa.C.S.A. §3323(c), and then yield the right-of-way as required by that subsection of the Vehicle Code.

<b>Yield Street</b>	<b>Through Street</b>	<b>Direction of Travel</b>
Fredericksburg Road (T-514)	Chestnut Hill Road	

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(*Ord. 71389*, 7/13/1989, §15-214)

**Part 3****Motor Vehicle Weight Limitation****§15-301. Short Title.**

This Part shall be known as “Motor Vehicle Weight Limitation Ordinance of Bethel Township.”

(Ord. 051310, 5/13/2010, §1)

**§15-302. Enactment.**

This Part is enacted pursuant to the authority conferred by the Vehicle Code, Act of 1976, June 17, P.L. 162, No. 81, §1, effective July 1, 1977 (75 Pa.C.S. §101 *et seq.*), as amended, and is intended to include and be subject to all provisions of §4902 of the Vehicle Code, 75 Pa.C.S. §4902, and all Pennsylvania Department of Transportation regulations promulgated under the Vehicle Code.

(Ord. 051310, 5/13/2010, §2)

**§15-303. Definitions.**

The following words when used in this Part shall have the following meanings, unless the context clearly indicates otherwise:

*Motor vehicle*—any vehicle or combination as defined or governed by the Vehicle Code, 75 Pa.C.S. §101 *et seq.*, as amended.

*Local traffic*—emergency vehicles and school buses, both as defined below, vehicles and combinations of governmental agencies and utilities where their contractors are engaged in construction or maintenance on a posted highway or in a location that can be reached only by way of a posted highway, and vehicles and combinations going to or coming from a residence, business, or farm located on a posted highway or which can be reached only by way of a posted highway.

*Emergency vehicle*—a fire department vehicle, police vehicle, ambulance, blood delivery vehicle, Armed Forces emergency vehicle, one private vehicle of a fire or police chief or assistant chief, or ambulance corps commander or assistant commander, or of a river rescue commander used for answering emergency calls, or other vehicle designated by the State Police under §6101 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).

*School bus*—a motor vehicle designated for carrying more than 10 passengers, exclusive of the driver, and used for the transportation of school children.

(Ord. 051310, 5/13/2010, §3)

**§15-304. Findings of the Board of Supervisors of Bethel Township.**

The Board of Supervisors has determined and hereby determines, based upon weight limit studies performed by the Township Engineer, Larson Design Group, a copy of which is attached to this Part as Exhibit 15-3-B, that the following roads may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed. These roads are identified on a list of roads identified by their

route number, road name, part of the road restricted, and weight limit, which is attached hereto as Exhibit 15-3-A.

(*Ord. 051310, 5/13/2010, §4*)

**§15-305. Vehicle Weight Limits Established.**

1. Pursuant to the findings in §15-304, above, and by authority of §4902 of the Vehicle Code and regulations promulgated thereunder, no motor vehicle or combination shall be operated upon any of the roads listed in Exhibit 15-3-A with gross weight in excess of the weight limits listed for said road in Exhibit 15-3-A.

2. Local traffic as defined in §15-303, above, shall be exempt from the restrictions imposed under subsection .1 above; provided, however, that if the Board of Supervisors determines that any local traffic is likely to damage the road, the Board of Supervisors will notify the registrants of the motor vehicle or combination and the Pennsylvania State Police of that determination. After 2 business days following delivery of those notices, or after 5 days following mailing of those notices, such local traffic vehicles shall not exceed the weight limits except in accordance with §15-306 hereof.

(*Ord. 051310, 5/13/2010, §5*)

**§15-306. Permits and Security.**

1. The Board of Supervisors of Bethel Township may issue permits for the movement of motor vehicles or combinations with weights in excess of the restrictions imposed under §15-304, above, and may require such undertaking or security as it deems necessary to cover the costs of anticipated or probable repairs and restoration necessitated by the permitted movement of such vehicles.

2. All actions taken under the authority of this Section shall be taken in accordance with the rules and regulations adopted by the Commonwealth of Pennsylvania, Department of Transportation, as found in Title 67 of the Pennsylvania Code.

(*Ord. 051310, 5/13/2010, §6*)

**§15-307. Erection of Signs.**

The Township shall erect, or cause to be erected, and maintained restriction signs designating the restrictions at the end of the portion of road restricted as provided in this Part. In the case of a restriction on a road that has not begun or ended at an intersection with an unrestricted highway, the Township shall also place an advance informational sign at the intersection nearest each end of the restricted portion of the road that will allow drivers to avoid the restricted portion of road.

(*Ord. 051310, 5/13/2010, §7*)

**§15-308. Authority to Adopt Forms and Fees by Resolution.**

The Board of Supervisors shall have the authority from time to time to adopt by resolution: (A) forms to be used for the application for and issuance of permits under this Part; (B) a schedule of fees to be paid by permittees for the processing and issuance of permits under this Part; and (C) a schedule of fees to be paid by permittees for inspections of highways subject to this Part.

(*Ord. 051310, 5/13/2010, §8*)

**§15-309. Penalties for Violation.**

Pursuant to §4902(g)(1) of the Vehicle Code (75 Pa.C.S. §4902(g)(1)), any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under §15-305, above, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

(*Ord. 051310*, 5/13/2010, §9)

**§15-310. Vehicle Weight Limits Established on Certain Bridges.**

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), 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
Shirksville Road Bridge	(Over) Earlakill Run	16 Tons; 28 Tons Combination [ <i>Ord. 120910</i> ]

2. Nothing in this Section shall prohibit any person from driving an emergency vehicle or school bus 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 vehicle making local deliveries to or pickups from premises located along those streets or parts of streets.

3. Any person who operates a truck or other vehicle for the purpose of transporting forest products over roads maintained by the Township shall be required to:

A. Obtain a hauling permit from Bethel Township authorizing the use of overweight vehicles over certain roads within Bethel Township.

B. Submit a bond to the Township in a form satisfactory to the Township which shall be either cash or with corporate surety, conditioned upon the faithful compliance with the provisions of this Section. The bond shall be in the principal amount of not less than \$50,000 per linear mile of Township road or in an amount determined by the Township Board of Supervisors to ensure the intent and condition of this Section. The bond required by this subsection shall be used by the Township to guarantee payment for the repair of any damage to its road caused by the operation of the trucks and equipment of the person required to submit the bond.

C. *Execute Guaranty Agreement with Performance Bond and/or Letter of Credit.* Said agreement to guarantee the performance of maintenance and repairs as required within the guaranty agreement.

4. Any person who violates any provision of this Section shall be prosecuted under §§4092(a) and 4092(g-1) of the Vehicle Code, 53 P.S. §§4092(a) and 4092(g-1), and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

(*Ord. 71389*, 7/13/1989, §15-301; as amended by *Ord. 041290*, 4/12/1990; and by *Ord.*

120910, 12/9/2010)

**§15-311. Truck Traffic Restricted on Certain Streets.**

1. 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:

<b>Street</b>	<b>Between</b>
Union Road (T-516)	Mt. Zion Road (LR 381011) and Freeport Road (LR 381008)

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.

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(*Ord. 71389*, 7/13/1989, §15-305; as amended by *Ord. 071405*, 7/14/2005)



## BETHEL TOWNSHIP EXHIBIT 15-3-A

[illegible]

## WEIGHT, SIZE AND LOAD RESTRICTIONS

[67 Pa Code, Chapter 212.117]

## STUDY AND DATA SHEET

Page 1 of 3

County: LobanconMunicipality: Bethel TownshipRoadway Name: Monroe Valley & Valley DrivesTwp. Road No. 470Restricted: Municipal Line to Camp Strause RoadLength: 0.98 MilesEstimated ADT: 150

## Chapter 212.117. Weight, size and load restrictions

(a) Weight restriction based on condition of bridge. [75 Pa. C.S. Sec. 4902(a)]

- (1)      Safe load capacity is exceed by the load effect of any legal load configuration (Pub 238).
- (2)      Engineering judgement that the condition or material of one or more portions or components is such that further use by heavy vehicles may cause damage due to severe impact, fatigue or other reason.
- (3)      Damage due to fire, vehicular crash or environmental deterioration indicates that a weight restriction is necessary to ensure an adequate level of safety.

(b) Weight restriction based on condition of highway. [75 Pa. C.S. Sec. 4902(a)]

- (1) X Inadequate structural capacity.
- (2)      Climatic conditions.

(c) Size restriction based on condition of bridge or highway. [75 Pa. C.S. Sec. 4902(a)]

- (1)      Bridge has poor alignment, substandard clearances or low ground clearance for vehicles.
- (2)      Highway has inadequate turning radii, horizontal width or low ground clearance issues.

(d) Weight and size restrictions based on traffic conditions. [75 Pa. C.S. Section 4902(b)]

     Evaluation of the following factors indicates the movement of certain types of vehicles constitutes a safety issue: substandard horizontal and vertical alignment; prevailing traffic speeds; compatibility of the various types of traffic; history of vehicle crashes; or vehicular characteristics.

## Recorded Pavement:

Monroe Valley Drive is a former state route of undetermined pavement depth. Valley Drive has approximately 4" of paved material as reported by the township. As per PennDOT Pub 221, they are both Type 52 Bituminous Intermediate pavements.

## Engineering Evaluation:

Monroe Valley Drive is 20' in width and has center and edgelines. The pavement exhibits minor fatigue cracking and there is an area at the municipal line that has poor drainage. (See attached photograph)

Valley Drive is 18' in width and has center and edgelines. The pavement exhibits moderate fatigue and edge cracking. There is a culvert which, although not inspected, could impact weight limits. (See attached photographs)

## Restriction:

15 Tons on Monroe Valley Drive and 12 Tons on Valley Drive based on the pavement type and engineering judgement of the condition of the highway.

Study Date: October 28, 2009

Study Conducted by:

Edward J. Baszczewski  
Edward J. Baszczewski, P.E.  
Larson Design Group

Authorized Municipal Official

Title: \_\_\_\_\_

Date: \_\_\_\_\_



T470 - Monroe Valley Drive  
Eastbound View from Municipal Line of Fatigue Cracking and  
Drainage



T470 - Valley Drive  
Westbound View Looking Toward Monroe Valley Drive Intersection

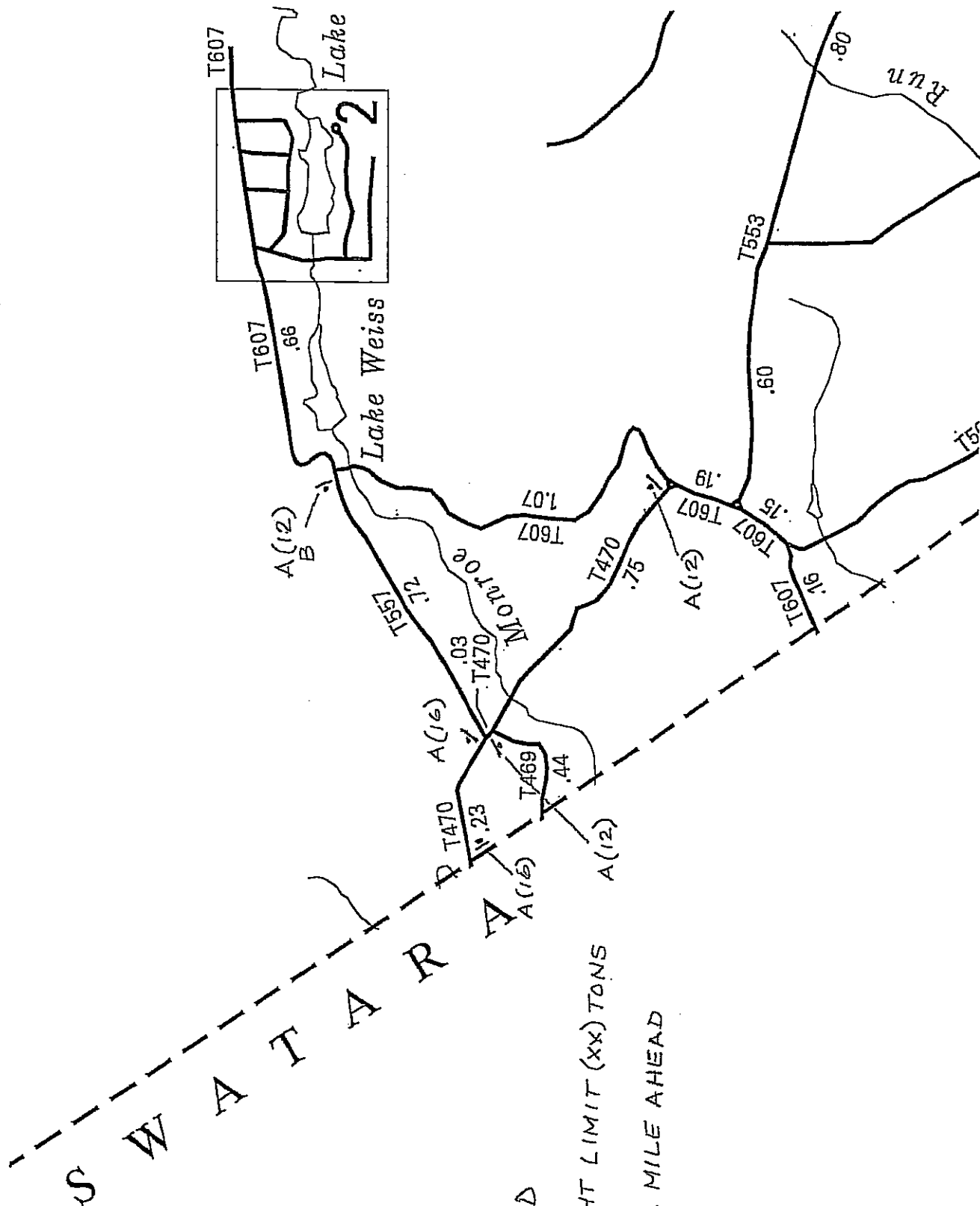


T470 - Valley Drive  
Eastbound View of Culvert and Fatigue Cracking



T470 - Valley Drive  
View of Fatigue Cracking

BETHEL TWP., LEBANON CO.



# SIGN LEGEND

A(xx) = R12-1, WEIGHT LIMIT (xx) TONS  
24" x 30"

B = R12-1-1, 3/4 MILE AHEAD  
24" x 18"



## Part 4

### General Parking Regulations

#### §15-401. 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.

(Ord. 71389, 7/13/1989, §15-401)

#### §15-402. Angle Parking Required on Portions of Certain Streets.

1. Only angle parking shall be permitted on the following portions of streets:

Street	Side	Between
--------	------	---------

[Reserved]

2. On all streets where angle parking is required, every vehicle parked at the angle shall be parked with its front nearest the curb.

(Ord. 71389, 7/13/1989, §15-402)

#### §15-403. Parking Prohibited at All Times in Certain Locations.

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

Street	Side	Between
South Center Street	Both	Elm Street and Church Street
Main Street	North	Pine Grove Street to 35 feet west [Ord. 051498]
Pa. Route 22	North	School Drive and Township Line
Pine Street	Both	Mountain Road and Monroe Valley Road
School Drive	Both	Pa. Route 22 and Airport Road

(Ord. 71389, 7/13/1989, §15-403; as amended by Ord. 051498, 5/14/1998, §1)

#### §15-404. 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
Center Street	East	Main Street and Church Street	All	1 hour

(Ord. 71389, 7/13/1989, §15-404)

#### §15-405. 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):

<b>Street</b>	<b>Between</b>
---------------	----------------

[Reserved]

(Ord. 71389, 7/13/1989, §15-405)

**§15-406. 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:

<b>Street</b>	<b>Side</b>	<b>Between</b>	<b>Days</b>	<b>Hours</b>	<b>Parking Time Limit</b>
---------------	-------------	----------------	-------------	--------------	---------------------------

[Reserved]

(Ord. 71389, 7/13/1989, §15-406)

**§15-407. 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:

<b>Street</b>	<b>Side</b>	<b>Location</b>	<b>Authorized Purpose or Vehicle</b>
---------------	-------------	-----------------	--------------------------------------

[Reserved]

(Ord. 71389, 7/13/1989, §15-407)

**§15-408. 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.

<b>Street</b>	<b>Side</b>	<b>Between</b>
---------------	-------------	----------------

[Reserved]

(Ord. 71389, 7/13/1989, §15-408)

**§15-409. Penalties.**

Any person who violates §15-403 above, any of the parking provisions of the Motor Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*, or any other parking regulations of this



Township, whether heretofore or hereinafter enacted, shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs. Provided: it shall be the duty of the police officers of the Township to report to the Chief of Police all such violations, indicating in each case: the Section violated, the license number of the vehicle involved in the violation, the location where the violation took place, and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of the law, and citing the section of the law violated. The notice shall contain instructions to the owner or driver of the vehicle that if he or she reports to the office of the Chief of Police within 5 days and pays the sum of \$5 either by sending it to the Township police office, or by making payment in person during regular office hours at the Township police office situate at 152 South Pine Grove Street, Bethel Township, Lebanon County, Pennsylvania, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

(*Ord. 71389*, 7/13/1989, §15-409; as amended by *Ord. 051498*, 5/14/1998, §5)



## Part 5

### Removal and Impoundment of Illegally Parked Vehicles

#### §15-501. Applicability and Scope.

This Part is enacted under authority of §6109(a-22) of the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.* as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania, and gives authority to the Township 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.

(Ord. 71389, 7/13/1989, §15-501)

#### §15-502. 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 §15-501 of this Part. Provided: no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part, or the provisions of the Pennsylvania Vehicle Code.

(Ord. 71389, 7/13/1989, §15-502)

#### §15-503. Tow Away Zones Designated.

The following designated streets and/or parking lots are hereby established as towaway 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
[Reserved]			

(Ord. 71389, 7/13/1989, §15-503)

#### §15-504. 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.

(Ord. 71389, 7/13/1989, §15-504)

**§15-505. 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.

(Ord. 71389, 7/13/1989, §15-505)

**§15-506. Reclamation Costs.**

In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a \$50 fee of which \$25 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

(Ord. 71389, 7/13/1989, §15-506; as amended by Ord. 120910, 12/9/2010)

**§15-507. Records of Vehicles Removed and Impounded.**

The Township 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.

(Ord. 71389, 7/13/1989, §15-507)

**§15-508. Restrictions upon Removal of Vehicles.**

No vehicle shall be removed under the authority of this Part or the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*, 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.

(Ord. 71389, 7/13/1989, §15-508)

**§15-509. Penalty.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$50 together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 P.S. §7301 *et seq.*, as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.

(Ord. 71389, 7/13/1989, §15-509)

**§15-510. Reports and Disposition of Unclaimed Vehicles.**

If after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with §7311 of the Vehicle Code, 75 Pa.C.S.A. §7311, by the person having legal custody of the vehicle. If the vehicle has not been claimed after 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 Vehicle Code, 75 Pa.C.S.A. §7301 *et seq.*  
(*Ord. 71389*, 7/13/1989, §15-510)



**Part 6****Snow and Ice Emergency****§15-601. Declaration of Snow and Ice Emergency.**

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §15-603 of this Part, the Chairman of the Board of Supervisors, in his discretion, may declare a snow and ice emergency (designated in this Part as a “snow emergency”). Information on the existence of a snow emergency may be given by the Township through radio, newspaper, or other available media, and information on the termination of the emergency may be given by use of the same media.

(*Ord. 71389, 7/13/1989, §15-601; as amended by Ord. 120910, 12/9/2010*)

**§15-602. Parking Prohibited, Driving Motor Vehicles Restricted, on Snow Emergency Routes During Emergency.**

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §15-603 of this Part.

B. To drive any motor vehicle on any such snow emergency route, unless that vehicle is equipped with snow tires or chains.

(*Ord. 71389, 7/13/1989, §15-602*)

**§15-603. Snow Emergency Routes Designated.**

The following are designated as snow emergency routes:

<b>Street</b>	<b>Between</b>
Chestnut Hill Road	Fredericksburg Road and Blue Mountain Drive
Deer Drive	SR 343 and South Center Street
Elk Drive	SR 343 and South Center Street
Blue Mountain View Drive	Blue Mountain Drive to Blue Mountain Drive
Elm Avenue	Sugar Road and end of road
Locust Avenue	Sugar Road and end of road
Pine Avenue	Sugar Road and end of road

(*Ord. 71389, 7/13/1989, §15-603*)

**§15-604. Penalty for Violation.**

1. If, at any time during a period of snow emergency declared under §15-601 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this

Part, and, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs.

2. If, at any time during a period of snow emergency declared under §15-601 of this Part, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(*Ord. 71389, 7/13/1989, §15-604*)



## BETHEL TOWNSHIP EXHIBIT 15-3-A

[illegible]

## WEIGHT, SIZE AND LOAD RESTRICTIONS

[67 Pa Code, Chapter 212.117]

## STUDY AND DATA SHEET

Page 1 of 3

County: LobanconMunicipality: Bethel TownshipRoadway Name: Monroe Valley & Valley DrivesTwp. Road No. 470Restricted: Municipal Line to Camp Strause RoadLength: 0.98 MilesEstimated ADT: 150

## Chapter 212.117. Weight, size and load restrictions

(a) Weight restriction based on condition of bridge. [75 Pa. C.S. Sec. 4902(a)]

- (1)    Safe load capacity is exceed by the load effect of any legal load configuration (Pub 238).
- (2)    Engineering judgement that the condition or material of one or more portions or components is such that further use by heavy vehicles may cause damage due to severe impact, fatigue or other reason.
- (3)    Damage due to fire, vehicular crash or environmental deterioration indicates that a weight restriction is necessary to ensure an adequate level of safety.

(b) Weight restriction based on condition of highway. [75 Pa. C.S. Sec. 4902(a)]

- (1) X Inadequate structural capacity.
- (2)    Climatic conditions.

(c) Size restriction based on condition of bridge or highway. [75 Pa. C.S. Sec. 4902(a)]

- (1)    Bridge has poor alignment, substandard clearances or low ground clearance for vehicles.
- (2)    Highway has inadequate turning radii, horizontal width or low ground clearance issues.

(d) Weight and size restrictions based on traffic conditions. [75 Pa. C.S. Section 4902(b)]

   Evaluation of the following factors indicates the movement of certain types of vehicles constitutes a safety issue: substandard horizontal and vertical alignment; prevailing traffic speeds; compatibility of the various types of traffic; history of vehicle crashes; or vehicular characteristics.

## Recorded Pavement:

Monroe Valley Drive is a former state route of undetermined pavement depth. Valley Drive has approximately 4" of paved material as reported by the township. As per PennDOT Pub 221, they are both Type 52 Bituminous Intermediate pavements.

## Engineering Evaluation:

Monroe Valley Drive is 20' in width and has center and edgelines. The pavement exhibits minor fatigue cracking and there is an area at the municipal line that has poor drainage. (See attached photograph)

Valley Drive is 18' in width and has center and edgelines. The pavement exhibits moderate fatigue and edge cracking. There is a culvert which, although not inspected, could impact weight limits. (See attached photographs)

## Restriction:

15 Tons on Monroe Valley Drive and 12 Tons on Valley Drive based on the pavement type and engineering judgement of the condition of the highway.

Study Date: October 28, 2009

Study Conducted by:

Edward J. Baszczewski  
Edward J. Baszczewski, P.E.  
Larson Design Group

Authorized Municipal Official

Title: \_\_\_\_\_

Date: \_\_\_\_\_



T470 - Monroe Valley Drive  
Eastbound View from Municipal Line of Fatigue Cracking and  
Drainage



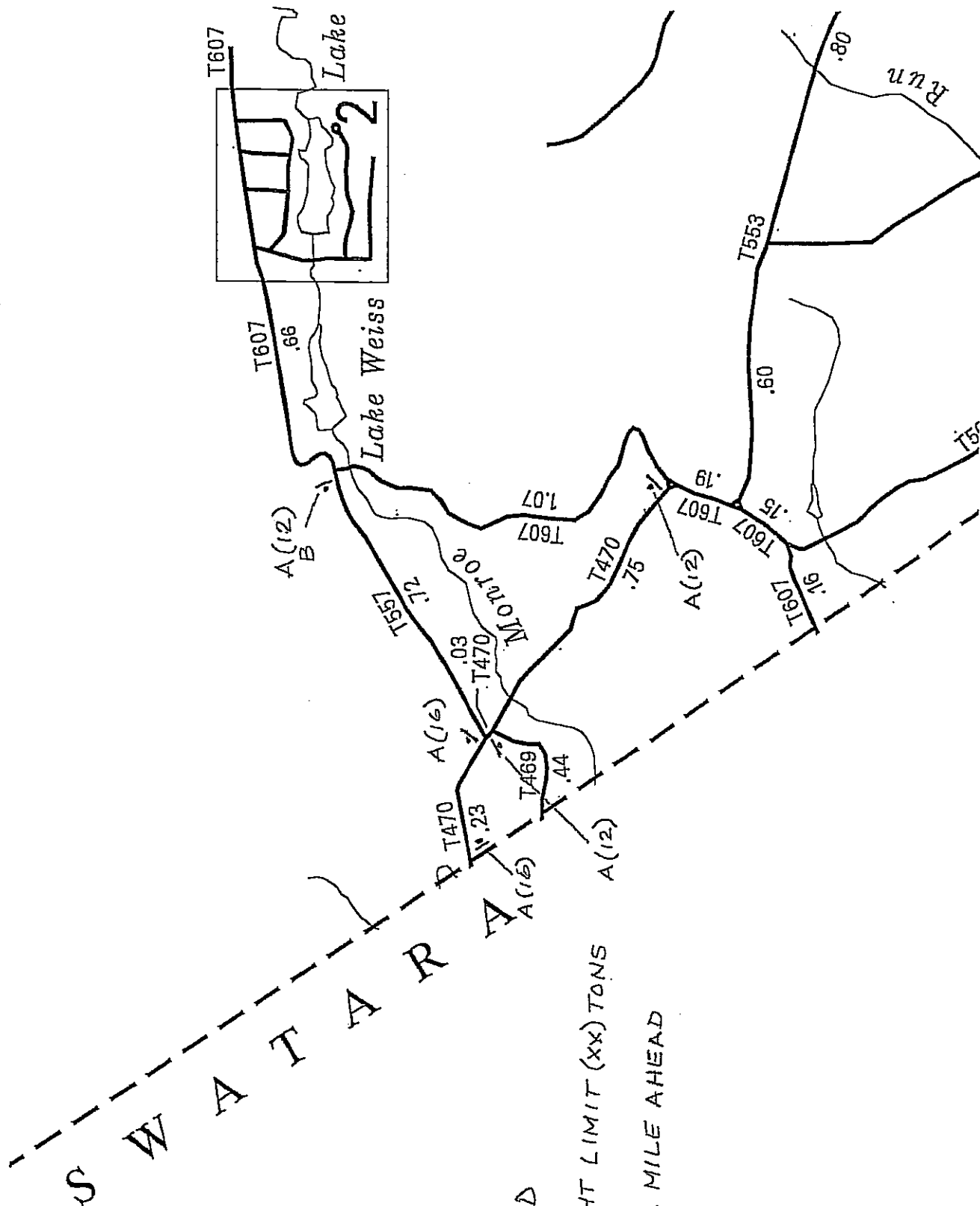
T470 - Valley Drive  
Westbound View Looking Toward Monroe Valley Drive Intersection



T470 - Valley Drive  
Eastbound View of Culvert and Fatigue Cracking



T470 - Valley Drive  
View of Fatigue Cracking



# SIGN LEGEND

A(xx) = R12-1, WEIGHT LIMIT (xx) TONS  
24" x 30"

B = R12-1-1, 3/4 MILE AHEAD  
24" x 18"



## **Chapter 16**

**[Reserved]**





## **Chapter 17**

**[Reserved]**



## **Chapter 18**

### **Sewers and Sewage Disposal**

#### **Part 1**

##### **Mandatory Connection to Public Sewers**

- §18-101. Definitions
- §18-102. Use of Public Sewers Required
- §18-103. Building Sewers and Connections
- §18-104. Rules and Regulations Governing Building Sewers and Connections to Sewers
- §18-105. Enforcement
- §18-106. Declaration of Purpose

#### **Part 2**

##### **Retaining Tanks**

- §18-201. Purposes
- §18-202. Definitions
- §18-203. Rules and Regulations
- §18-204. Rules and Regulations to Be in Conformity with Applicable Law
- §18-205. Rates and Charges
- §18-206. Collection, Transportation, and Inspection
- §18-207. Duties of Improved Property Owner
- §18-208. Term of Retaining Tank Permit
- §18-209. Use Alternate Sewage System
- §18-210. Penalties
- §18-211. Abatement of Nuisances

#### **Part 3**

##### **On-Lot Sewage Disposal System Management**

- §18-301. Title
- §18-302. Definitions and Word Usage
- §18-303. Applicability
- §18-304. Permit Requirements
- §18-305. Primary and Replacement Areas
- §18-306. Individual Residential Spray Irrigation Systems
- §18-307. Inspections
- §18-308. Operation
- §18-309. Maintenance of Systems
- §18-310. Pumper / Hauler Business Registration
- §18-311. Management Districts Created
- §18-312. Special Regulations Governing Sewage Management District A
- §18-313. Hydrogeologic Evaluations

- §18-314. Capped Sewers
- §18-315. Non-building Waivers
- §18-316. Abating Health Hazards
- §18-317. System Rehabilitation
- §18-318. Liens
- §18-319. Disposal of Septage
- §18-320. Administration
- §18-321. Appeals, Hearings and Requests for Relief
- §18-322. Violations / Penalties / Suspensions

**Part 1****Mandatory Connection to Public Sewers****§18-101. Definitions.**

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

*Authority*—Fredericksburg Sewer and Water Authority, a municipality authority incorporated pursuant to provisions of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth.

*Building sewer*—the extension from the sewage drainage system of any structure to the lateral of a sewer.

*Commonwealth*—the Commonwealth of Pennsylvania.

*Developer*—a person who improves and subdivides land and builds and/or sells houses, or other structures, thereon. [Ord. 71389]

*Improved property*—any property within this 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 sanitary sewage and/or industrial wastes shall be or may be discharged.

*Industrial establishment*—any improved property located within this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering, or assembling of any product, commodity, or article, or any other improved property located within this Township, from which wastes, in addition to or other than sanitary sewage, shall be discharged.

*Industrial wastes*—any and all wastes discharged from any industrial establishment, other than sanitary sewage.

*Lateral*—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 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, trust, corporation, municipality, municipal authority, or other group or entity.

*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 purposes.

*Sewer system*—all facilities, as of any particular time, for collecting, pumping, transmitting, treating and disposing of sanitary sewage and/or industrial wastes, situate in or adjacent to this Township and owned by the Authority.

*Street*—any street, road, lane, court, cul-de-sac, alley, public way, or public

square.

*Township*—the Township of Bethel, Lebanon County, Pennsylvania, a township of the second class of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

(*Ord. 3/10/1983-4, 3/10/1983, §1.01; as amended by Ord. 71389, 7/13/1989*)

**§18-102. Use of Public Sewers Required.**

1. The owner of any improved property accessible to and whose principal building is within 150 feet from the sewer system shall connect such improved property with and shall use such sewer system, in such manner as this Township may require, within 60 days after notice to such owner from this Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

2. A developer of land shall connect such land, or each subdivision thereof, with and shall use such sewer system in such manner as this Township may require for the purpose of discharge of all sanitary sewage and industrial wastes from such land or subdivisions thereof; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township from time to time. [*Ord. 71389*]

3. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under subsection .1, shall be conducted into a sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

4. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of subsection .1. No person shall discharge or shall permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of subsection .1, except where suitable treatment has been provided which is satisfactory to this Township.

5. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used or shall be maintained at any time upon any improved property which has been connected to a sewer or which shall be required under subsection .1 to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank, or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and shall be filled, at the expense of the owner of such improved property, under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank, or similar receptacle not so abandoned and, if required by this Township, not 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.

6. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle at any time shall be connected with a sewer.

7. The notice by this Township to make a connection to a sewer, referred to in

subsection .1, shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 60 days after the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place which can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given or served upon the owner in accordance with law.

(*Ord. 3/10/1983-4, 3/10/1983, §§2.01-2.06; as amended by Ord. 71389, 7/13/1989*)

**§18-103. Building Sewers and Connections.**

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining a permit, in writing, from this Township.

2. Application for a permit required under subsection .1 shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.

3. No person shall make or shall cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

A. Such person shall have notified the Secretary of this Township of the desire and intention to connect such improved property to a sewer.

B. Such person shall have applied for and shall have obtained a permit as required by subsection .1.

C. Such person shall have given the Secretary of this Township at least 24 hours notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

D. If applicable, such person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee which may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to a sewer has been paid.

4. Except as otherwise provided in this subsection .4, 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, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.

5. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer, to include a tap-on fee charged at the time the connection is completed or thereafter, shall be borne by the owner of the improved property or the developer of land, or subdivisions thereof, to be connected; and such owner or developer shall indemnify and shall save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a

result of construction of a building sewer or of connection of a building sewer to a sewer. [Ord. 71389]

6. All costs and expenses of an extension of a sewer and construction of a lateral to a sewer, shall be borne by the developer of land, or subdivisions thereof, to be connected; and such developer shall indemnify and shall save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of an extension of a sewer, construction of a lateral or building sewer, or of connection of a building sewer to a sewer. [Ord. 71389]

7. A building sewer shall be connected to a sewer at the place designated by this Township or by the Authority and where, if applicable, the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

8. If the owner of any improved property located within this Township and accessible to and whose principal building is within 150 feet from the sewer system, after 60 days notice from this Township, in accordance with §18-102, shall fail to connect such improved property, as required, this Township may enter upon such improved property and construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ord. 3/10/1983-4, 3/10/1983, §§3.01-3.07; as amended by Ord. 71389, 7/13/1989)

#### **§18-104. Rules and Regulations Governing Building Sewers and Connections to Sewers.**

1. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device, and attachment shall be made, with proper fittings, to continue such house and sewer line as a building sewer.

2. No building sewer shall be covered until it has been inspected and approved by this Township. 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, or developer, of the improved property to be connected to a sewer. [Ord. 71389]

3. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk 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.

5. If any person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 60 days of receipt of such notice, this Township or the Authority 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 this Township and the Authority.



6. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and with the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(*Ord. 3/10/1983-4*, 3/10/1983, §§4.01-4.06; as amended by *Ord. 71389*, 7/13/1989)

**§18-105. Enforcement.**

Any person 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to be violated shall constitute a separate offense.

(*Ord. 3/10/1983-4*, 3/10/1983-4, §§5.01, 5.02; as amended by *Ord. 71389*, 7/13/1989; by *Ord. 110900*, 11/9/2000, §6; and by *Ord. 120910*, 12/9/2010)

**§18-106. Declaration of Purpose.**

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety, and welfare of inhabitants of this Township.

(*Ord. 3/10/1983-4*, 3/10/1983, §8.01)



**Part 2****Retaining Tanks****§18-201. Purposes.**

The purpose of this Part is to establish procedures for the use and maintenance of retaining tanks designed and constructed 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.

(Ord. 120910, 12/9/2010)

**§18-202. Definitions.**

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

*Department*—the Department of Environmental Protection of the Commonwealth of Pennsylvania.

*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.

*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.

*Retaining tank*—a watertight receptacle that receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to, the following:

*Chemical toilet*—a permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.

*Holding tank*—a tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.

*Privy*—a tank designated to receive sewage, where water under pressure is not available.

*Incinerating toilet*—a device capable of reducing waste materials to ashes.

*Composting toilet*—a device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

*Recycling toilet*—a device in which the flushing medium is restored to a condition suitable for reuse in flushing.

*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.

*Township–Bethel Township, Lebanon County, Pennsylvania.*

*(Ord. 120910, 12/9/2010)*

**§18-203. Rules and Regulations.**

The Township 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.

*(Ord. 120910, 12/9/2010)*

**§18-204. Rules and Regulations to Be in Conformity with Applicable Law.**

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

*(Ord. 120910, 12/9/2010)*

**§18-205. Rates and Charges.**

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

*(Ord. 120910, 12/9/2010)*

**§18-206. Collection, Transportation, and Inspection.**

1. The collection and transportation of all sewage from any improved property using a retaining tank shall be done solely by, or under the direction and control of, a pumper/hauler registered with the Township pursuant to the Township's On-Lot Sewage Disposal System Management Ordinance [Part 3], and shall be made only at such site or sites as may be approved by the Department.

2. The Township shall receive, review, and retain all pumping receipts from permitted retaining tank owners.

3. The Township directly and through its Sewage Enforcement Officer will complete and retain annual inspection reports for each permitted tank, and in conjunction therewith, shall review the pumping receipts applicable to each permitted tank. The cost of the inspection and review of pumping receipts shall be paid by owner.

*(Ord. 120910, 12/9/2010)*

**§18-207. Duties of Improved Property Owner.**

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

A. Maintain a retaining tank in conformance with this Part or any ordinance of the Township, the provisions of any applicable law, and the rules and regulations of the Township and the Department.

B. Permit only the Township or its agent to inspect the retaining tank on an annual basis.

C. To pay within 10 days any charge, rate, or assessment which is fixed by

the Township.

D. Provide regular service and maintenance of all retaining tanks, including the regular cleaning thereof and having the contents removed in accordance with this Section.

E. Prevent overflows of the retaining tank.

F. Prior to issuance of the retaining tank permit, owner shall enter into an agreement with a pumper/hauler registered with the Township pursuant to the Township's On-Lot Sewage Disposal System Management Ordinance [Part 3] evidencing the pumper/hauler's agreement to collect, transport, and dispose of the contents of the retaining tank at a licensed permanent dumping site.

G. Owner shall discontinue the use of the retaining tank, if a permit for its use has been issued pursuant to this Part and rules and regulations adopted hereunder, within 1 year from the date of issuance of the permit, and begin using a sewage collection and disposal system that has been approved for permanent use in place of such holding tank, unless the permit has been renewed by the Township.

H. Fill any retaining tank which has remained unused for a period of 4 consecutive years with dirt or a similar material.

I. Enter into and execute a retaining tank agreement with the Township and deposit with the Township financial security in a form in an amount satisfactory to the Township to secure reimbursement to the Township for the costs of collecting, transporting, and disposing of the contents of the retaining tanks, repairing or correcting malfunctions of the retaining tanks, or eliminating health hazards caused by the use of the retaining tanks, and the Township shall have the right to withdraw funds from such financial security for such purposes without any specific consent of the owner.

(Ord. 120910, 12/9/2010)

#### **§18-208. Term of Retaining Tank Permit.**

Any permit for the use of a retaining tank issued by the Township pursuant to this Part or any other rules and regulations adopted hereunder, shall be valid for only 1 year and shall not be renewable, except at the discretion of the Township, upon the Township's review, for such additional period of time as the Township shall deem appropriate. Any person who sells, transfers, or conveys an improved property in the Township of Bethel which uses a permitted retaining tank for collection and disposal of sewage shall give written notice to the purchaser or transferee thereof that the permit for the retaining tank shall expire 1 year from the date of issuance thereof and shall not be renewable and shall furnish a true and correct copy of the retaining tank permit to the new owner.

(Ord. 120910, 12/9/2010)

#### **§18-209. Use Alternate Sewage System.**

1. No permit for the use of a retaining tank shall be issued, whether pursuant to this Part, any rules or regulations adopted herein, or otherwise, unless all other possible means of collecting and disposing of sewage at the property in question have been considered and found to be unusable.

2. The issuance of permits for retaining tanks by the Township shall also be subject to the following conditions:

A. The Township Act 537 Plan, or revision thereto, indicates the use of retaining tanks for the lot and provides for replacement by adequate sewage services in accordance with the schedule approved by the Department.

B. The Township Act 537 Plan, or revision thereto, includes municipal financial assurances of the replacement project's implementation, such as public financing, bonding, or other security of sufficient present value to assure completion or other assurances, either singularly or in combination, that the Department deems necessary.

C. The conditions set forth in paragraphs .A and .B above shall not apply to retaining tanks when the Township or the Department determines that the use is necessary to abate a nuisance or public health hazard.

D. The conditions set forth in paragraphs .A and .B above do not apply to retaining tanks when the use is for institutions, recreational vehicle dump stations, or commercial establishments with a sewage flow of less than 800 gallons per day.

E. Privies or chemical toilets shall be used in lieu of other methods of sewage disposal only when the following conditions are met:

(1) The Township Act 537 Plan, or revision thereto, indicates the use of privies or chemical toilets for that lot and documents that soil and site suitability testing of that lot under 25 Pa.Code §§73.11–73.16 has been conducted and the site meets the requirements for the ultimate sewage disposal by one of the systems described under 25 Pa.Code §§73.51-73.55 and 73.167 to assure adequate sewage facilities will be available to that lot in the future.

(2) The Township has assumed responsibility for assuring the removal of a privy or chemical toilet and the installation of an approved on-lot sewage disposal system when water under pressure or pipe water is available to the lot or when the property owner installs water under pressure or pipe water or plumbing to move waste water from the structure to the privy vault or to an unpermitted disposal system on that lot.

F. The restrictions in paragraph .E above do not apply (1) to a privy or chemical toilet when proposed for use on a lot of record in existence prior to May 15, 1972, which is 1 acre or larger and is not served now and will not be served in the future by water under pressure, pipe water or plumbing to move waste water from the structure to the privy vault, or to an unpermitted disposal system on that lot, and (2) the temporary use of portable retention tanks or portable chemical toilets when their use is proposed at construction site or at the site of public gatherings or entertainments.

(Ord. 120910, 12/9/2010)

#### **§18-210. 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

*(Ord. 120910, 12/9/2010)*

**§18-211. Abatement of Nuisances.**

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

*(Ord. 120910, 12/9/2010)*





**Part 3****On-Lot Sewage Disposal System Management****§18-301. Title.**

This Part shall be known and may be cited as the “Bethel Township On-Lot Sewage Disposal System Management Ordinance.”

(Ord. 120910, 12/9/2010)

**§18-302. Definitions and Word Usage.**

1. *Word Usage.* In the interpretation of this Part the singular shall include the plural, and the masculine shall include the feminine and the neuter.

2. *Definitions.*

*Absorption area easement*—a portion of a lot, tract, or parcel that encompasses the primary and replacement absorptions area and which shall be delineated and preserved. The primary and replacement absorption areas need not be contiguous.

*Act*—The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. §750.1 *et seq.*

*Authorized agent*—a licensed Sewage Enforcement Officer, professional engineer or sanitarian, plumbing inspector, soils scientist, or any other qualified or licensed person who is delegated to function within the specified limits as the agent of the Board of Supervisors of Bethel Township, Lebanon County, to carry out the provisions of this Part.

*Board*—the Board of Supervisors of Bethel Township, Lebanon County, Pennsylvania.

*Community sewage system*—any system, whether publicly or privately owned, for the collection of sewage of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage on one or more of the lots or at any other site and that shall comply with all applicable regulations of the Department.

*DEP/Department*—the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

*Developer*—any person, partnership, corporation, or other legal entity that erects or contracts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

*Equivalent dwelling unit (EDU)*—for the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to 400 gallons per day.

*Individual on-lot sewage disposal system*—any 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 and/or any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and that is located upon

the lot which it serves.

*Land development*—land development includes any of the following activities:

(1) A group of two 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 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.

(3) Development in accordance with §503(1.1) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10503(1.1).

*Lot*—a parcel of land used or intended to be used as a building site or separate parcel to be created as a result of approval of a subdivision or land development application. The term lot shall include parcels equal to or greater than 10 acres in size where the lot may be occupied by one or more persons or families.

*Malfunction*—the condition which occurs when a sewage system causes pollution to the ground or surface waters of the Commonwealth, contamination of private or public drinking water supplies, nuisance problems or hazards to public health.

*Official sewage facilities plan*—a comprehensive plan for the provision of adequate sewage systems adopted by the Township and approved by the Department in accordance with the Act and with applicable Department regulations.

*On-lot sewage disposal system (OLDS)*—any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.

*Owner*—any person having legal title to land within the Township.

*Person*—any individual, association, partnership, public or private corporation whether for profit or nonprofit, trust, firm, estate, or other legally recognized entity. Whenever the term “person” is used in connection with any clause providing for the imposition of a fine or imprisonment or the ordering of action to comply with the terms of this Part, the term “person” shall include the members of an association, partnership or firm or other legal entity.

*Planning module for land development*—a revision to the Township Official Sewage Facilities Plan submitted in connection with the request for approval of a subdivision or land development in accordance with the Department regulations.

*Pumper/hauler*—any person who engages in cleaning on-lot sewage disposal systems and transports the septage removed from those systems.

*Rehabilitation*—work done to modify, alter, repair, enlarge, or replace an existing on-lot sewage disposal system.

*Replacement absorption area*—a location designated as the future location of an OLDS that shall be installed should the OLDS installed or to be installed fails or

otherwise becomes inoperable and that shall meet all the regulations of the Department and all applicable Township ordinances for an OLDS. Both primary and replacement absorption areas must pass all required tests.

*Retaining tank*—a watertight receptacle that receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to, the following:

*Chemical toilet*—a permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.

*Holding tank*—a tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.

*Privy*—a tank designated to receive sewage, where water under pressure is not available.

*Incinerating toilet*—a device capable of reducing waste materials to ashes.

*Composting toilet*—a device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

*Recycling toilet*—a device in which the flushing medium is restored to a condition suitable for reuse in flushing.

*Septage*—the residual scum, sludge, and other materials pumped from septic or aerobic treatment tanks and the systems they serve.

*Sewage*—any substance that contains any waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation, or a substance which constitutes pollution to the waters of the Commonwealth under the Clean Streams Law, 35 P.S. §691.1 *et seq.*, as amended.

*Sewage enforcement officer (SEO)*—a person certified by the Department, who is employed/appointed by the Board to administer the provisions of this Part, the provisions of the Act, and as further defined in the Act and in Chapters 71, 72, and 73 of Title 25 of the Pennsylvania Code.

*Sewage facilities*—any method of sewage collection, conveyance, treatment, and disposal, that will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth, or otherwise provide for the safe treatment and disposal of sewage or other waste.

*Sewage management district*—the entire Township as designated in the Official Sewage Facilities Plan.

*Sewage management program*—a comprehensive set of legal and administrative requirements encompassing the requirements of this Part, the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, the Clean Streams Law, 35 P.S. §691.1 *et seq.*, the regulations promulgated thereunder, and such other requirements adopted by the Board to effectively enforce and administer this Part.

*Single and separate ownership*—the ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

*Soil absorption system*—an on-lot system that uses the renovation capacity of

the soil for final treatment of the effluent. The SEO permitted systems, except retention tank systems, are soil absorption systems.

*Subdivision*—the division or re-division of a lot, tract, or other 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 lot development. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

*Township*—Bethel Township, Lebanon County, Pennsylvania.

*Treatment tank*—a watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

*Septic tank*—a treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

*Aerobic sewage treatment tank*—a mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

3. *Additional Definitions.* All words within this Part which are defined within Chapters 71, 72, or 73 of Title 25 of the Pennsylvania Code which are not otherwise defined herein shall have those definitions contained in said regulations.

(Ord. 120910, 12/9/2010)

### **§18-303. Applicability.**

From the effective date of this Part, its provisions shall apply to the entire Township. The provisions of this Part shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems. Notwithstanding the foregoing, the provisions of this Part shall not be applicable to on-lot sewage disposal system permit applications received by the Township and in process prior to the effective date of this Part.

(Ord. 120910, 12/9/2010)

### **§18-304. Permit Requirements.**

1. For all individual on-lot sewage disposal systems and all community sewage systems, regardless of the size of the lot, tract, or parcel on which such systems are proposed to be constructed, a permit must be obtained from the Sewage Enforcement Officer (SEO), which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of this Part, the Clean Streams Law, 35 P.S. §691.1 *et seq.*, and the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and the regulations adopted pursuant to those Acts. No person shall install, construct, or award a contract for construction, or alter, repair, or connect to an on-lot sewage disposal system, or construct, or request bid proposals for construction, or install or occupy any building or structure for which an on-lot sewage disposal system is to be installed without first obtaining said permit.

2. In the event that a sewage permit is issued by the Sewage Enforcement Officer,

it is specifically required that the on-lot sewage disposal system constructed upon the premises set forth on the permit shall not be covered nor operation of said sewage system permitted, until said system has been inspected and approved by the Sewage Enforcement Officer. The applicant may cover the installation upon receipt of written approval by the Sewage Enforcement Officer, or in the absence of written approval or disapproval, at the expiration of seventy-two hours, excepting Sundays and holidays, after the system has been inspected by the Sewage Enforcement Officer unless permission has been specifically refused by the Sewage Enforcement Officer.

3. No building or zoning permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Sewage Enforcement Officer.

4. No building or zoning permit shall be issued and no work shall begin on any addition, alteration, or conversion of any existing structure, if said addition, alteration, or conversion will result in the increase or potential increase of sewage flows from the structure, until the Township's Zoning Officer and the structure's owner receive from the Sewage Enforcement Officer either a permit for alteration, rehabilitation, or replacement of the existing sewage disposal system or written notification that such a permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed addition, alteration, or conversion of the structure will result in increased sewage flows.

5. No occupancy certificate/permit shall be issued by the Township, its Zoning Officer, or building official for the occupancy of any new building, addition, alteration, or the change of use of any building, addition, or alteration until the Sewage Enforcement Officer has informed the Township or said official that the existing or newly constructed system is complete, operating, and has had final inspection or that no such certification is necessary.

6. No contractor may proceed to install, construct, rehabilitate, or alter a system without verifying that the property owner has complied with this Section.

7. Applicants for sewage permits are required to notify the Sewage Enforcement Officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, may be scheduled and performed by a Sewage Enforcement Officer.

8. No on-lot system shall be altered, extended, augmented, modified, or repaired without the issuance of a repair permit by the SEO.

9. No on-lot system shall be used or loaded in a manner that is inconsistent with the permit that was issued to authorize that system's installation.

10. Permit applications for on-lot sewage disposal systems, which include electronically, mechanically, hydraulically, or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.

11. Only a Sewage Enforcement Officer employed by the Township may issue sewage permits. DEP shall be notified of the identity of each Sewage Enforcement Officer employed by Bethel Township.

12. With respect to community sewage systems not owned or operated by the

Fredericksburg Sewer and Water Authority the Township and its Sewage Enforcement Officer shall evaluate the options available to assure the long-term proper operation and maintenance of the proposed sewage facilities, and the Township shall require one or more of the following, where appropriate:

A. Financial security in the form of an irrevocable letter of credit, the issuer of which must be a Federal or Commonwealth chartered lending institution authorized to conduct business within the Commonwealth of Pennsylvania, or escrow account sufficient to cover the costs of future operation and maintenance of the system. The letter of credit or escrow account shall be forfeited to the Township upon notice by the Department of continuing noncompliance of the system with the operation and maintenance standards established through a condition in the permit issued by the Department or the Township. The Township shall use the forfeited security to cover the costs of repair or future operation and maintenance of the system over its design life or until the system is in compliance and being properly operated and maintained. The letter of credit or escrow account shall be in an amount up to a maximum of 50 percent of the cost of the system's equipment and installation for each of the first 2 years of operation. After 2 years of operation a portion of the original financial security shall be refunded so only 10 percent of the cost of the equipment and installation is retained by the Township. This remaining financial security totaling 10 percent of the cost of the system's equipment and installation shall be maintained for the life of the system.

B. A maintenance agreement between the property owner and an individual, firm, or corporation experienced in the operation and maintenance of sewage treatment systems.

C. A maintenance agreement between the property owner and the Township that establishes the property owner's responsibility for operating and maintaining the system and the responsibility of the Township for oversight of the system.

D. Establishment of a properly chartered association, trust, or other private legal entity to assure long-term administration of an operation and maintenance program.

E. One or a combination of the requirements in paragraphs .A through .D above or other actions permitted by and consistent with the Act and the Clean Streams Law, 35 P.S. §691.1 *et seq.*, found necessary by the municipality to ensure proper installation, maintenance, and operation of the proposed community sewage system.

(Ord. 120910, 12/9/2010)

#### **§18-305. Primary and Replacement Areas.**

1. A replacement absorption area shall be required for all proposed lots that are to be serviced by a soil absorption system.

2. Upon the effective date of this Part a replacement absorption area shall be required for all new land developments that are intended to be served by soil absorption systems, but for which no permits to install on-lot sewage disposal systems have been issued.

3. If the property with respect to which an on-site sewage disposal permit was issued does not have a designated replacement absorption area on the effective date of

this Part, and the lot owner applies only for an addition or alteration to an existing building on the lot that does not involve any expansion of nor alterations to the existing on-site sewage disposal system, a replacement absorption area will not be required.

4. Allowance of open land for the replacement absorption area, without performance of appropriate soil probes and percolation testing to verify suitability of the land for a replacement absorption area, shall not constitute compliance with the requirements of this Section.

5. The location of the primary and replacement absorption areas shall be delineated and identified as an absorption area easement on the plot plans, and maps or diagrams submitted as part of the permit application, and subdivision or land development plan. Both the primary and replacement absorption areas must pass percolation and probe tests witnessed by the Township Sewage Enforcement Officer.

6. The following shall apply with respect to designated absorption areas:

A. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area.

B. No permanent or temporary alterations, grading, excavation, or stockpiling of any soil or any other material shall take place on or in the absorption area.

C. During any construction or other activities, the absorption area shall be adequately marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating upon the surface of the absorption area.

D. The final cover or improvement to every absorption area shall be limited to shallow-rooted plant matter (grass), and every absorption area shall be contoured to direct surface water from the top of the absorption area and other system components.

7. A lot owner who desires to alter or terminate an absorption area easement must first establish, through a site evaluation by the SEO and with percolation test and soil probe results, that a substitute area suitable for the installation of an on-lot sewage disposal system exists. If the SEO concurs that the proposed substitute area is suitable for the installation of an on-lot sewage disposal system, the lot owner shall:

A. Prepare and submit to the SEO and Township Solicitor for approval a proposed declaration of easement, which shall satisfy all of the identification, non-use and preservation requirements of subsection .6.

B. Prepare and submit to the SEO and Township Solicitor for approval a proposed termination of easement to terminate the existing absorption area easement that the lot owner desires to alter or terminate, which shall include a metes and bounds boundary description of the easement area to be terminated.

C. In the event there is a recorded plan which depicts the replacement absorption area and/or absorption area easement that is being terminated, the lot owner shall submit to the Township a revised plan of the lot that depicts both the replacement absorption area being terminated and the substitute replacement absorption area, which plan shall meet the requirements of and be reviewed and approved in accordance with the requirements of the Township Subdivision and Land Development Ordinance [Chapter 22].

Should the lot owner so desire, the declaration of easement and termination of

easement may be included in the same document.

8. Within 90 days of the approval of the declaration of easement and termination of easement by the Township Sewage Enforcement Officer and the Township Solicitor, and the approval of the plan required by subsection .7.C, if applicable, the lot owner shall execute the declaration of easement and the termination of easement and record the same, together with the approved plan (if applicable) in the Lebanon County Recorder of Deeds Office. Failure to do so shall result in said approvals automatically becoming null and void.

9. The lot owner shall provide a copy of all of the recorded documents to the Township, and until the Township receives the same, no sewage or building permits shall be issued which would permit land development in accordance with the change to the absorption area easement.

(Ord. 120910, 12/9/2010)

### **§18-306. Individual Residential Spray Irrigation Systems.**

1. All applications for on-lot sewage disposal systems that propose to use an individual residential spray irrigation system as the treatment method shall be accompanied by one of the following:

A. An operation and maintenance agreement in form and substance satisfactory to the Township between the lot owner and an individual, firm, corporation, or other legal entity experienced in the operation and maintenance of individual residential spray irrigation systems.

B. An operation and maintenance agreement in form and substance satisfactory to the Township between the landowner and an association, trust, or other legal entity, that is structured to provide, and which accepts the responsibility for, the proper operation and maintenance of the individual residential spray irrigation system.

2. Applications for individual residential spray irrigation systems shall be accompanied by a financial guarantee in the form of an irrevocable letter of credit from a Federally or Commonwealth chartered lending institution authorized to do business in the Commonwealth of Pennsylvania; a lending or escrow account in such a lending institution; or, other financial security acceptable to the Board as follows:

A. From the date the permit application is submitted to the SEO or Township and continuing for a period ending 2 years after the completed system installation is approved by the SEO, the amount of the financial guarantee shall be equal to the contract price for the installation of the individual residential irrigation system and all piping, tankage, and other related system components.

B. Beginning 2 years after the date the completed system's installation is approved by the SEO and continuing for the system's design life, the financial guarantee shall be reduced to an amount not less than 10 percent of the actual construction cost for the installation of the individual residential irrigation system and all piping, tankage, and other related system components.

3. The financial guarantee shall assure that the Township has access to sufficient funds to operate, maintain, repair, or replace any component of the individual residential spray irrigation system in the event that the owner:



- A. Fails to maintain the system or any of the system's components according to the manufacturer's specifications.
  - B. Fails to service, clean, inspect, and/or pump the treatment tank(s) according to the other applicable standards of this Part.
  - C. Fails to conduct testing and monitoring at least annually or more frequently if required by DEP regulation and report the results of any laboratory analysis to the Township.
  - D. Voids, cancels, or terminates and fails to replace in a manner approved by the Township the agreement required by subsection .1 of this Section.
4. The Township shall have the right to draw upon said financial guarantee and apply the funds to the repair, operation, or maintenance of the system when:
- A. The system is not maintained according to the standards of this Part, applicable DEP regulations, or the manufacturer's specifications.
  - B. The treatment tank(s) are not serviced, cleaned, inspected and/or pumped according to the applicable standards of this Part.
  - C. The testing and monitoring are not conducted according to the standards of this Part.
  - D. The agreement required by subsection .1 of this Section is voided, canceled, or terminated and is not replaced in a manner approved by the Township.
5. If at any time the Township draws on the financial guarantee, the owner shall, upon 10 days written notice, provide the Township with such additional financial guarantees as are necessary to restore the amount of the financial guarantee to the amount then required pursuant to subsection .2 above.
- (Ord. 120910, 12/9/2010)*

**§18-307. Inspections.**

1. An authorized agent may inspect any on-lot sewage disposal system at any reasonable time after the effective date of this Part, with the permission of the owner or occupant of the property.
2. On-lot sewage disposal inspections may include, but are not necessarily limited to, a physical tour of the property, the taking of samples from surface waters, wells, other groundwater sources, the sampling of the contents of the on-lot sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served by said system to ascertain the path and ultimate destination of wastewater generated in the structure.
3. Each owner, at the owner's cost and expense, shall arrange for and have an authorized agent of Bethel Township conduct an initial inspection conforming to the schedule in §18-311 of this Part for the purpose of determining the type and functional status of each onsite sewage disposal system in each respective sewage management district. The authorized agent shall prepare a written report of the results of the inspection, a copy of which shall be furnished to the owner of the property inspected and a copy of which shall be provided to Bethel Township to be maintained in the Township's records. The ultimate responsibility for ensuring that Bethel Township has received a copy of such written report shall be upon owner.

4. After the initial inspection referred to in subsection .3 above, each owner, at the owner's cost and expense, shall arrange for, and have performed, routine inspections by an authorized agent in conjunction with the minimum pumping schedule for that owner's property as provided in §18-311 of this Part, to assure the on-lot sewage disposal system continues to function properly. The authorized agent shall prepare a written report of the results of the inspection, a copy of which shall be furnished to the owner of the property inspected and a copy of which shall be provided to Bethel Township to be maintained in the Township's records. The ultimate responsibility for insuring that Bethel Township has received a copy of such written report shall be upon the owner.

5. In the event an inspection reveals that an on-lot sewage disposal system is malfunctioning, Bethel Township and the owner shall proceed in accordance with the provisions of §18-316 of this Part.

6. If at any time there is a geographic area where numerous on-lot sewage disposal systems are malfunctioning, a resolution of these area-wide problems may necessitate detailed planning and a revision to the portion of the sewage facilities plan pertaining to areas affected by such malfunctions. If a DEP authorized official sewage facilities plan revision has been undertaken, repair or replacement of individual malfunctioning on-site sewage disposal systems within the area affected by the revision may be delayed pending the outcome of the plan revision process. However, immediate corrective action will be required whenever a malfunction, as determined by Bethel Township Officials and/or the Department, represents a serious public health or environmental threat.

(Ord. 120910, 12/9/2010)

#### **§18-308. Operation.**

1. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:

- A. Industrial waste.
- B. Automobile oil and other non-domestic oil.
- C. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline, and other solvents.
- D. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and French drains.

(Ord. 120910, 12/9/2010)

#### **§18-309. Maintenance of Systems.**

1. The owner of the property upon which an on-lot sewage disposal system is constructed shall at all times operate and maintain the on-lot sewage disposal system and the area around the system in such condition as will permit it to function in the manner it was designed and to prevent a malfunction.

2. In an event a lot owner detects conditions that indicate or could reasonably indicate a malfunction, the lot owner shall contact the SEO and, if repair or replacement is necessary, apply for a permit to repair or replace the malfunctioning system

within 14 days after the determination by the SEO that repair or replacement is necessary.

A. Owners who disclose to the SEO the presence of a malfunction upon their lands shall not be penalized for the disclosure, provided that voluntary repairs are scheduled and commenced within 60 days after the determination by the SEO that repair or replacement is necessary, and completed within 90 days after the determination by the SEO that repair or replacement is necessary, unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended commencement and/or completion date.

B. Notwithstanding the foregoing, the Township may compel or take immediate corrective action whenever a malfunction represents a public health hazard or environmental threat.

C. If a lot owner who has disclosed the presence of a malfunction fails to make voluntary repairs, the Township may, in addition to any other rights or remedies available to it, seek injunctive or other relief to compel the repair of the malfunction or cause the repairs to be effectuated. In the event the Township causes the repairs to be effectuated, all costs and expenses incurred by the Township in relation to the same shall be borne and paid by the lot owner upon demand, and shall constitute a lien against the property until paid.

3. Every aerobic or septic treatment tank that discharges effluent to a soil absorption area or to an individual residential spray irrigation system shall be pumped out according to the schedule in §18-311 of this Part. If a component's manufacturer recommends or requires a more frequent pumping interval than that contained in this Part, the Township shall be notified of that fact and that interval shall be deemed to be the minimum interval for pumping.

4. When an on-lot sewage disposal system's treatment tank(s) is/are pumped out, all dosing tanks, lift tanks, and other tanks associated with the system shall also be pumped out.

5. Retaining tanks shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction, or a public health hazard or nuisance, but no less frequently than as recommended by the manufacturer.

6. Upon completion of each required pumping, the pumper/hauler shall:

A. Complete a pumper report.

B. Deliver the original pumper report to the lot owner.

C. Deliver a copy of the pumper report to the Township by the tenth business day of the month following inspection and/or pumping.

D. Prepare the report on Township provided forms.

7. The first time an on-lot sewage disposal system's tank(s) are pumped, the pumper reports shall include the following minimum information, which shall be developed, discovered, or otherwise obtained as the result of a system inspection conducted according to the then current inspection protocol of the Township ("Bethel Township On-Lot Sewage Disposal System Sludge Manifest"):

A. Date of pumping, tank capacity, and material.

B. Name and address of system and lot owner.

- C. Property address where tank is located, if different from owner's.
  - D. Description and diagram of the location of the (subparagraphs (2) and (3), if available):
    - (1) Treatment tank.
    - (2) Risers.
    - (3) Access hatches, pump tanks, filters, D-Box, absorption areas, etc., with distances relative to two fixed landmarks.
  - E. Presence and condition of baffles in all tanks and all compartments.
  - F. Permit number and date existing system was installed (if known, month/year).
  - G. List of maintenance performed (if available).
  - H. Indications of system malfunction observed.
  - I. Amount (gallons) of septage, sludge, or other material removed.
  - J. DEP permit number and site name for destination of the septage.
  - K. Pumper/Hauler truck operator's and pumper/hauler business owner's signature(s).
8. Initial and periodic tank pumping shall be performed in accordance with these minimum standards unless an equipment manufacturer specifies other standards:
- A. The main tank access (largest opening) shall be used to pump all tanks.
  - B. Inspection ports shall not be used for pumping.
  - C. Septage shall be removed to a depth no greater than 1 inch to the bottom of tank; if necessary, back flushing shall be employed to achieve this standard.
9. Periodic tank pumping shall include an inspection and a report to the Township on forms provided by the Township regarding the presence of any or all of the following:
- A. Defective tank components (lids, baffles, dividers, etc.).
  - B. Water level above outlet pipe elevation.
  - C. Back-flow from the absorption area following pump out.
  - D. Inflow from the building(s) served to verify connection to the building(s).
  - E. Presence of surface discharge, ponding or other signs of malfunction in the vicinity of the absorption area.
10. Any person owning a building served by an aerobic treatment tank or an on-lot sewage disposal system that includes any electrically, mechanically, hydraulically, or pneumatically operated or controlled device, shall follow the maintenance recommendations of the equipment's manufacturer.
- A. If not on file with Township, a copy of the manufacturer's recommendations and owner's manual shall accompany the pumper's report the first time the system is pumped after the effective date of this Part.
  - B. Owners of systems with components requiring periodic maintenance shall submit receipts as proof that maintenance/service was performed at the intervals called for and in a manner consistent with the various components' manufacturers.

C. In no event shall the service or pumping intervals extend beyond those established in §18-311 of this Part unless relief is granted by the SEO pursuant to the provisions of §18-321 of this Part.

D. At the time of the first inspection / pumping the system owner must have all risers installed and raised to grade of the land if not already pre-existing.

11. The SEO may require additional maintenance activities including, but not limited to, cleaning or unclogging of piping, servicing or repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, and diversion of surface water away from soil absorption areas.

12. In addition to the foregoing, grease traps shall be inspected a minimum of every 6 months and pumped out a minimum of once a year. Grease shall be pumped out, hauled and disposed of in accordance with the same requirements as septage. The grease trap baffles and structural integrity shall be checked each time the trap is pumped out. A written statement from the pumper/hauler stating that the grease trap is in good working order shall be provided to the Township; otherwise the Township shall be promptly notified in writing of any deficiencies found.

(Ord. 120910, 12/9/2010)

#### **§18-310. Pumper / Hauler Business Registration.**

All pumper/hauler businesses operating within the Township shall annually, by the last business day of December:

A. Be licensed by DEP to pump and haul.

B. Register with the Township and comply with all reporting requirements established herein.

C. Operate in a manner consistent with the provisions set forth by the Township in this Part.

D. Provide a current fee schedule for all services required under this Part.

E. Provide documentation that all septage pumped from properties within the Township boundaries will be delivered to a DEP approved site or facility.

(Ord. 120910, 12/9/2010)

#### **§18-311. Management Districts Created.**

1. The Township is hereby divided into two districts. One, shall be designated as Sewage Management District A, which is best described as the Village of Hamlin and the Mt. Zion Road corridor, and the boundaries for which are delineated on the map that is attached to this Part as Appendix "A"<sup>1</sup> and incorporated herein by reference. The remainder of the Township shall be designated as Sewage Management District B.

2. Every on-lot sewage disposal system in the Township shall be inspected and every tank associated with every such system shall be pumped, in accordance with the provisions of this Part, at least one time by December 31, 2009. Notwithstanding anything in this Part to the contrary, if an owner had his system pumped within 1 year immediately prior to the date of enactment of this Part, and acceptable written proof

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<sup>1</sup>Editor's Note: The map designated as "Exhibit 'A'" is on file in the Township office.

of such pumping is submitted to the Township on or before the date initial system inspection and pumping of that system is otherwise required pursuant to the provisions of this Part, the owner shall have until December 31, 2009, to have his system initially inspected, irrespective of the management district in which the owner's property is located.

3. The requirements of this Section shall become effective in a sequential manner as follows:

<b>District</b>	<b>First pumping and inspection completed by:</b>
A	December 31, 2008
B	December 31, 2009

4. The initial inspection shall comply with the requirements of §18-309 in this Part.

5. After the initial inspection and pumping, all tanks in all on-lot sewage disposal systems shall be pumped out at a minimum regular interval of once every 3 years from the year of either the initial pumping or a subsequent pumping. All inspections and pumping shall be performed by an authorized agent, arranged for by the property owner, at the owner's cost and expense. The authorized agent shall prepare a written report of the results of the inspection and a certification that the tank has been pumped, a copy of which shall be furnished to the owner of the property inspected/pumped and a copy of which shall be provided to Bethel Township to be maintained in the Township's records. The ultimate responsibility for insuring that Bethel Township has received a copy of such written report shall be upon owner.

6. Owners may choose to have their system inspected and tanks pumped out more frequently than required by this Section of this Part. In the event of a more frequent inspection and pumping performed by an authorized agent, and the receipt by Bethel Township of the report and certification by such authorized agent as specified in subsection .5 above, the date of the subsequent required regular inspection and pump out shall be deemed to be the last day of the month 3 years after such voluntary inspection and pump out. The ultimate responsibility for insuring that Bethel Township has received a copy of such written report shall be upon owner.

7. With the permission of the owner or occupant of the property, inspections may also include, but are not limited to:

A. Taking of samples from surface water, wells, and other groundwater sources.

B. Sampling of the contents of the on-lot sewage disposal systems.

C. Introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and/or ultimate destination of wastewater generated in the structure.

In the event an owner or occupant shall refuse permission for any additional inspections the authorized agent believes to be necessary to make an adequate determination about whether the on-lot sewage disposal system is functioning properly and/or the extent of any malfunction, the authorized agent shall note that fact in the written report issued by the authorized agent.

8. In the event Bethel Township shall not have received a copy of the required written inspection/pumping report for any property by the expiration of the inspection/pumping period applicable to that property, Bethel Township shall provide written notification of that fact by United States registered or certified mail to the owner at the address of the owner as set forth in the Lebanon County real estate tax assessment records, and request the owner to provide a copy of the required written report to Bethel Township within 30 days of the date of such notice. Failure of the owner to provide a copy of the required written report to Bethel Township within 30 days of the date of such notice shall constitute a violation of this Part.

9. With respect to inspections authorized by this Part, prior to entry for inspection, the Township shall provide an advance notice to the occupant of a property to enable the owner and the occupant of that property to be personally present or be represented by an agent at the time of such entry.

10. Advance notice shall be given at least 24 hours prior to entry, unless waived, and shall be by any of the following:

- A. Telephone.
- B. First class United States mail, postage prepaid.
- C. A written notice posted at the entrance to the structure or other place where it is likely to be seen by the owner or occupant.
- D. If the property appears to be vacant, notice shall be given by ordinary U.S. mail to the owner of record at the last known address that appears in the records of the Tax Assessor's Office of Lebanon County.

(1) The notice shall be mailed at least 7 days prior to the intended entry date.

(2) Where the owner's name and/or address are not known, the notice shall be given by posting as described in paragraph .C above.

11. In the event that access to inspect the property is denied, the Township shall proceed according to law to obtain a search warrant and conduct the inspection established in this Part. All costs of obtaining a search warrant, including but not limited to all legal fees and expenses, shall be borne by the landowner, be payable on demand and shall be lienable as claims made against the property to the extent allowed by law.

12. No provision of this Part shall require notice to be given before entry where it can be observed from a public street that an on-lot sewage disposal system is malfunctioning or being operated improperly.

(Ord. 120910, 12/9/2010)

#### **§18-312. Special Regulations Governing Sewage Management District A.**

In Sewage Management District A, as described in §18-311 hereinabove, the following requirements shall apply, in addition to all other requirements set forth in this Part:

- A. Planning module exemptions shall not be allowed.
- B. Mini-modules shall not be allowed.
- C. Hydrogeologic evaluations shall be performed for all proposed new on-lot

sewage disposal systems.

(Ord. 120910, 12/9/2010)

**§18-313. Hydrogeologic Evaluations.**

1. Hydrogeologic evaluations shall be required for all proposed on-lot sewage disposal systems when any of the following conditions exist:

A. An on-lot sewage system is proposed to handle a volume in excess of 10,000 gallons per day.

B. The subdivision of more than 50 equivalent dwelling units (EDU) with a density of more than 1 lot or EDU acre is proposed.

C. A well within a quarter mile of the development is known to have nitrate-nitrogen results exceeding 5 milligrams per liter (mg/l).

D. The underlying geology may contribute to the potential for ground water pollution from on-lot sewage systems.

E. A proposed on-lot sewage disposal system will be located in Sewage Management District A.

2. For on-lot sewage disposal systems proposed for a location that is not within a quarter mile of a well known to have a nitrate-nitrogen result exceeding 5 milligrams per liter (mg/l), at least 1 nitrate-nitrogen test result from the site (or adjacent to the site if no well exists on the site) shall be collected and tested by a DEP certified laboratory. If the nitrate-nitrogen test result is greater than 5 mg/l, a hydrogeologic evaluation shall be made. The laboratory and applicant shall certify to the Township all well results collected for this purpose have been presented to the Township.

3. The design and construction of all proposed on-lot sewage disposal systems shall be in accordance with the hydrogeologic evaluations required by this Part and in accordance with the regulations of the Department.

4. Whenever hydrogeologic evaluations and the regulations of the Department require a dispersion plume for the protection of the ground water, and the setting aside of the land necessary for that dispersion plume would require a lot size in excess of 2 acres in an Agricultural Zoning District, the lot size shall not exceed 2 acres. Any land needed for the dispersion plume in addition to 2 acres shall be provided by a dispersion plume easement in favor of the lot, which easement shall comply with the following:

A. A qualified professional hydrogeologist shall delineate the dispersion plume, and the proposed easement shall be located and sized to correspond to the limits of the dispersion plume.

B. The placement of wells shall be prohibited within the easement area.

C. Impervious surfaces shall not be included as land available for ground water recharge within the dispersion plume easement area.

D. No impervious materials shall be added to the easement after the limits of the easement have been defined.

E. The easement area shall not be used to dilute sewage flows from effluent proposed by any additional subdivision or land development.

F. A legal description of the surveyed boundary of the easement shall be required by the Township prior to the issuance of a building permit.



G. The easement shall remain as a deed restriction until public sewer service is provided to the lots that created the need for the easement.

H. The easement shall be recorded in the Recorder of Deeds office of Lebanon County, Pennsylvania, as a separate instrument prior to planning module approval by the Township.

I. The easement shall be shown on any applicable subdivision or land development plan.

J. The easement shall be recorded prior to the issuance of the on-lot sewage disposal permit for the lot that created the need for the easement.

K. The Township Zoning Officer shall be given a copy of the deed showing the easement prior to the issuance of a building permit for the lot that created the need for the easement.

4. The use of dispersion plume easements shall be limited to developments proposing four or fewer lots, unless a capped sewer system is installed to the standards of the Fredericksburg Sewer and Water Authority, and public sewer services are planned by that Authority for the area in which the lots are located within 10 years.

5. Dispersion plume easements shall not be permitted in areas that have documented well test results indicating nitrate-nitrogen levels in excess of 10 mg/l, nor will any easement be approved that has not been certified by a professional hydrogeologist to be large enough to maintain background nitrate-nitrogen levels below 10 mg/l.

6. Nothing set forth in subsection .4 of this Section shall be interpreted to prohibit any developer from using a dispersion plume easement in conjunction with a lot that is less than 2 acres in an Agricultural Zoning District. Such easements may also be used in other zoning districts so long as there is compliance with all regulations of the Bethel Township Zoning Ordinance [Chapter 27].

(Ord. 120910, 12/9/2010)

#### **§18-314. Capped Sewers.**

When the existing public sewer system is not capable of accepting flows from a development proposed for an area of the Township that is subject to preliminary planning design by the Fredericksburg Sewer and Water Authority for public sewers, due either to the location of the proposed development or the lack of sufficient conveyance or treatment capacity, the developer shall install sewer lines, including lateral connections for the provision of sewer service to each lot. Such sewer mains and laterals shall be constructed in accordance with the regulations of the Fredericksburg Sewer and Water Authority. Such sewer mains shall be suitably capped at the limits of the development, and such laterals shall be capped at the street right-of-way line. In appropriate cases the Township may exempt the development from the requirements for replacement absorption areas.

(Ord. 120910, 12/9/2010)

#### **§18-315. Non-building Waivers.**

1. Any subdivision creating a building lot that would require an on-lot sewage

disposal system shall not be considered for a non-building waiver (Form B<sup>2</sup>).

2. Non-building waiver requests for properties using existing on-lot sewage disposal systems, in areas with elevated levels of nitrate-nitrogen shall include evidence that supports the proposed lot sizes. If the Board determines this evidence does not adequately address the nitrate-nitrogen issue, the applicant shall submit a Component 2 planning module.

3. In addition to the requirements of Section D of Form B that require an inspection of any existing on-lot systems by the Township SEO, the applicant shall also demonstrate there is an adequate location for a replacement absorption field for the proposed lot or lots. This replacement area shall be approved by the SEO and reserved for future use. The replacement area shall remain free of any structures or vegetation that may adversely impact the suitability of the soil. Only shallow-rooted plant matter shall be permitted in the replacement area.

(Ord. 120910, 12/9/2010)

#### **§18-316. Abating Health Hazards.**

1. In the event of a suspected or reported malfunction, the SEO or other authorized agent shall attempt to contact the owner and/or occupant of the property to obtain permission to enter upon that property during reasonable hours for the purposes of further inspection to attempt to determine whether a malfunction does in fact exist and the extent of the same. In the event that access to inspect the property is denied, the Township shall proceed according to law to obtain a search warrant and conduct the inspection. If a search warrant is obtained, and a malfunction is discovered or confirmed as a result of that inspection, all costs incurred by Bethel Township in obtaining the search warrant including, but not limited to, all legal fees and expenses, shall be borne by the owner, be payable on demand, and shall be lienable as a municipal claim against the property to the extent allowed by law.

2. If the property appears to be vacant, written notice shall be given by the SEO or other authorized agent, by registered or certified and ordinary United States Mail to the address of the owner as set forth in the Lebanon County real estate tax assessment records, and by posting a copy of the same at the entrance to the structure or other place where it is likely to be seen by the owner or occupant, informing such owner that Bethel Township desires access to the property to inspect the same for a possible on-lot sewage disposal system malfunction, and advising the owner that if no objection to such desired access to the property is received by the SEO or other authorized officer who sent the notice within 10 days of the date of the notice, it will be presumed that the SEO or other authorized officer has permission to enter in and upon such property for making such inspection. If the owner or occupant does notify the SEO or other authorized officer who sent the notice within 10 days of the date of the notice, or at the time of the desired inspection, that they will not permit access to the property, the Township shall proceed according to law to obtain a search warrant and conduct the inspection. If a search warrant is obtained and a malfunction is discovered or confirmed as a result of that inspection, all costs incurred by Bethel Township in obtaining the search warrant including, but not limited to, all legal fees and expenses, shall be borne

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<sup>2</sup>Editor's Note: "Form B" is on file in the Township office.

by the owner, be payable on demand, and shall be lienable as a municipal claim against the property to the extent allowed by law.

3. If an inspection reveals that an on-lot sewage disposal system is malfunctioning, or if a malfunction can be observed from an off-property location without an on-property inspection being conducted, the Township shall follow the procedures set forth in §18-317 of this Part.

4. In the event that an owner fails to fully perform owner's responsibilities as set forth in §18-317 of this Part after being provided with notice from the Township as provided therein, upon written report from the SEO that an imminent health hazard exists due to the failure of a property owner to properly operate, maintain, repair or replace an on-lot sewage disposal system as required by the provisions of this Part, the Board shall have the authority to perform or contract to have performed, any repairs or replacements as may be directed by the SEO or the DEP to abate the health hazard.

5. All costs, fees, and expenses of any such repairs or replacements including, but not limited to, the costs for actual repairs, repair permits, and site investigations in support of the permit, as well as all other costs, fees, and expenses, including but not limited to legal fees, related to any enforcement, including pursuit of injunctive relief, or collection efforts on the part of the Township, shall be borne and paid by the owner upon demand, and the Township may take whatever action necessary to recover these costs, fees, and expenses in accordance with law, including entering a lien against the property.

6. In addition to the foregoing, but not in limitation thereof, the Township may also seek injunctive relief to prevent continued use the property serviced by a malfunctioning on-lot sewage disposal system, as well as pursue any and all other rights and remedies as provided by this Part or which may be otherwise available to the Township at law or in equity.

(Ord. 120910, 12/9/2010)

#### **§18-317. System Rehabilitation.**

1. The Township shall require corrective action whenever a malfunction is identified.

A. The Township shall issue a written notice of violation to any person who is the owner of a property in the Township on which is found a malfunctioning on-lot sewage disposal system, or on which raw or partially treated sewage is being discharged without a permit.

B. Within 14 days of notification by the Township that a malfunction has been identified, the owner shall make application to the Township for a repair permit to abate the malfunction.

C. Within 60 days of the original notification by the Township, construction of the permitted repair or replacement shall commence unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended commencement date.

D. Within 90 days of the original notification by the Township, the repair or replacement shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

2. The Township shall require, or may take, immediate corrective action whenever a malfunction represents a public health hazard or environmental threat.

3. The SEO shall require the repair of malfunctions by any of the following methods, either individually or in combination, which are consistent with the DEP's policies regarding best technical guidance (BTG):

- A. Cleaning.
- B. Repair and/or replacement of components of the existing system.
- C. Adding capacity or otherwise altering or replacing the system's treatment tank.
- D. Expanding or replacing the existing absorption area.
- E. Replacing a gravity distribution system with a pressurized system.
- F. Replacing the system with a holding tank.
- G. Installation or replacement of existing water consuming devices, fixtures or equipment with water conserving devices, fixtures or equipment and/or the institution of water conservation practices noted by the Sewage Enforcement Officer and submitted to the Township.
- H. Limiting or eliminating the use of laundry facilities noted by the Sewage Enforcement Officer and submitted to the Township.
- I. Other alternatives as appropriate for the specific site to lessen or mitigate the malfunction to the greatest extent possible.

4. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot system, the owner may be required to apply for a permit to install a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within 30 days.

(Ord. 120910, 12/9/2010)

#### **§18-318. Liens.**

The Township, upon written notice from an SEO pursuant to §18-317.4 of this Part that an imminent health hazard exists due to failure of a property owner to maintain, repair, or replace an on-lot sewage disposal system as provided under the terms of this Part, shall have the authority to perform, or contract to have performed, the work to correct or abate the malfunction, and the owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor against the property in accordance with law.

(Ord. 120910, 12/9/2010)

#### **§18-319. Disposal of Septage.**

1. All septage shall be disposed of in accordance with the requirements of the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, and other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: sewage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

2. Pumper/haulers of septage operating within the Township shall operate in a

manner consistent with the provisions set forth by the Township and all other applicable laws.

(Ord. 120910, 12/9/2010)

**§18-320. Administration.**

1. The Township shall fully utilize those powers it possesses through enabling statutes, regulations, and ordinances to effectuate the purposes of this Part.

2. The Township shall employ qualified individuals to carry out the provisions of this Part. Those employees shall include a Sewage Enforcement Officer and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Part.

3. All permits, records, reports, files, and other written materials relating to the installation, operation, maintenance, and malfunction of on-lot sewage disposal systems in the Township shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the municipal office of the Township. All records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of the DEP.

4. The Board shall establish all administrative procedures necessary to properly carry out the provisions of this Part.

5. The Board may by resolution establish and revise forms, a fee schedule, and authorize the collection of fees to cover the costs of the Township, in administering this Part.

(Ord. 120910, 12/9/2010)

**§18-321. Appeals, Hearings and Requests for Relief.**

1. Appeals from the determination of the Sewage Enforcement Officer or other authorized agent under this Part, shall be filed with the Board of Supervisors. Such appeals shall be in writing, signed by the appellant, addressed to Board of Supervisors at the Township's business office and be filed within 30 days of the date of the determination appealed from. The appeal shall set forth the determination appealed from, the reason or basis for the appeal and the relief sought.

2. The Board of Supervisors shall conduct hearings and make decisions pursuant to the Act of December 2, 1968, P.L. 1133, No.353, known as the "Local Agency Law," 2 Pa.C.S.A. §751 *et seq.*, and in accordance with the following requirements:

A. Written notice shall be given to the appellant, the Sewage Enforcement Officer, or other authorized agent whose determination is being appealed and such other persons as the Township shall designate by ordinance, to any person who has made timely request for the same and to such other persons as the Board of Supervisors shall determine written notice shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors, but shall be given not less than 15 days prior to said hearing.

B. The Township may prescribe reasonable fees with respect to hearings,

which may include notice and advertising costs and necessary administrative overhead connected with the hearing.

C. The hearing shall be held within 60 days after the date the appeal is properly filed with the Board of Supervisors, unless the appellant has agreed, in writing, to an extension of time.

D. The hearing shall be conducted by the Board of Supervisors, two of the members of which shall constitute a quorum.

E. The decision of the Board of Supervisors shall be made in writing within 45 days after the conclusion of the hearing; unless the appellant has agreed, in writing, to an extension of time, and shall be communicated to the appellant and any other parties who have entered their written appearance and requested a copy of the decision, at the addresses provided by them either by personal delivery or by United States first class mail, postage prepaid.

F. The Chairman or acting Chairman of the Board of Supervisors or presiding officer 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.

G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence. Reasonable examination and cross-examination shall be permitted.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

I. The Board of Supervisors may, but is not required to, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board of Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.

J. The Board of Supervisors shall not communicate directly or indirectly with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memorandum, or other materials, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all parties are given an opportunity to be present.

3. No lot shall be completely exempted from the requirements of §18-311 of this Part regarding initial system inspection and/or periodic tank pumping.

A. The required pump-out frequency for treatment tanks may be altered by the Township. The SEO may reduce (shorten) the interval between pump outs to assure proper operation of the system based on:

- (1) Loading rates which are greater than described in the permit for the system.
- (2) For other good cause.

B. The SEO may lengthen the required pump out interval upon application where the owner can demonstrate that the system can operate properly without the need for pump-out for a period longer than 3 years, provided that supporting documents conclusively verify:

- (1) Reduced system loading.
- (2) Accumulation of sludge, scum, or other residual materials to a level of less than one third the liquid capacity of the tank.
- (3) For aerobic tanks, the manufacturer's recommendations that indicate a greater interval is appropriate.
- (4) A report from the SEO resulting from a site evaluation indicating that no apparent malfunction exists on the property.
- (5) The system is consistent with the permit that was issued for the property.
- (6) The maximum occupancy of a residence has not exceeded a total of two persons for the previous year. This exception is specifically limited from the date of granting.

C. Any altered pumping frequency shall automatically end when the factors upon which the altered requirements are predicated are removed or are no longer applicable.

(Ord. 120910, 12/9/2010)

#### **§18-322. Violations / Penalties / Suspensions.**

1. 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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. Further, the appropriate officers or agents of Bethel Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Part. All fines, penalties, costs, and reasonable attorney's fees collected for the violation of this Part shall be paid to Bethel Township for its general use.

2. Any pumper/hauler which has been convicted on two occasions for violations of this Part, or with respect to which a final determination has been made by the DEP or a Court of competent jurisdiction that there has been a violation of the conditions of the pumper/hauler's DEP permit relating to the handling, treatment, or disposition of septage materials, or of any State law or other Township ordinance governing the operations of the pumper/hauler, shall be barred from operating within the Township for a period of not less than 6 months nor more than 2 years, as determined by the Board.

3. The foregoing rights and remedies are in addition to any other rights and/or remedies available to the Township in equity or at law, including but not limited to, assessment of civil penalties as described in the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*

(*Ord. 120910*, 12/9/2010)



## **Chapter 19**

**[Reserved]**



## **Chapter 20**

### **Solid Waste**

#### **Part 1**

#### **Storage, Collection, and Disposal of Garbage and Refuse**

- §20-101. Definitions
- §20-102. Storage Practices
- §20-103. Collection Practices
- §20-104. Place and Method of Disposal
- §20-105. Penalties



**Part 1****Storage, Collection, and Disposal of Garbage and Refuse****§20-101. Definitions.**

*Garbage*—the animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of foods.

*Refuse*—all waste materials not included in the definition of garbage, except for such materials as shall be designated, from time to time, by the Township or the County for separate collection for recycling.

*Person*—any natural person, association, partnership, firm or corporation.

In this Part the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 051090, 5/10/1990, §1.01)

**§20-102. Storage Practices.****1. Preparation of Refuse.**

A. All garbage, before being placed in garbage cans for collection, shall be drained free from all liquids and may, if desired, be wrapped in paper.

B. All refuse shall be drained of any liquid before being deposited for collection.

C. All cans and bottles which have contained food shall be thoroughly rinsed and drained before being deposited for collection.

D. Tree trimmings, hedge clippings, old newspapers and similar materials shall be tied into bundles before being deposited for collection.

**2. Garbage and Refuse Containers.**

A. Garbage and refuse receptacles shall be kept as sanitary as possible and shall be thoroughly cleansed by the owner, at least periodically, after collection.

B. It shall not be necessary to separate garbage and refuse by placing or storing the same in separate containers, but a container in which garbage is placed or stored shall be made of metal or plastic, be watertight and be provided with a watertight cover.

C. No person shall use a garbage or refuse receptacle having a capacity of more than 30 gallons.

D. All garbage and refuse receptacles shall be provided by the owner, tenant or occupant of the premises.

E. All garbage and refuse receptacles shall be maintained in good condition. Any receptacle that does not conform to the provisions of this Part or that may have ragged or sharp edges shall be promptly replaced upon notice to do so. Where the condition of the receptacle is the result of carelessness on the part of the collector, it shall be the collector's responsibility to replace such a receptacle. Failure to comply with such a request will constitute a violation of this Part.

3. *Storing of Garbage and Refuse.*

A. No person shall place any garbage or refuse in any street, alley, or other public place, or upon any private property either owned by such person or not, within the Township limits except if same is placed in a proper receptacle for collection or under an expressed approval granted by the Township. Likewise, no person shall throw or deposit any garbage or refuse in any stream or any body of water.

B. Any unauthorized accumulation of garbage and refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage and refuse within 30 days after the effective date of this Part shall be deemed a violation of same.

(Ord. 051090, 5/10/1990, §1.02)

**§20-103. Collection Practices.**

1. *Place of Collection.* Garbage and refuse receptacles, for collection purposes, shall be placed at ground level on the property, not within the right-of-way of a street or alley and easily accessible from the side of the street or alley from which collection is made, except where an agreement exists with the collector to collect from a basement or porch.

2. *Frequency of Collection.*

A. Garbage shall be collected at least once a week.

B. More frequent collections may be required by the Township for hotels, restaurants and other such businesses or institutions where determined to be necessary to protect the public health.

3. *Collection Vehicles.* All collection vehicles shall be watertight, of substantial construction, and provided with covers which shall be attached to a permanent part of said vehicles and shall be tightly and securely closed at all times except at such times as garbage and refuse is being placed therein. Such vehicles shall not be filled so as to permit an overspill on streets or highways, and shall be thoroughly cleaned at such times as the need arises to prevent any nuisance from odors. Also, such vehicles shall be properly maintained and painted when such need is apparent.

(Ord. 051090, 5/10/1990, §1.03; as amended by Ord. 120910, 12/9/2010)

**§20-104. Place and Method of Disposal.**

1. No person shall hereafter dispose of any garbage or refuse from any premises in the Township except by conveyance of the same to a sanitary landfill operated by the Greater Lebanon Refuse Authority.

2. After the effective date of this Part, any open dumping within the Township than otherwise provided for herein shall constitute a violation of this Part and shall be punishable as herein prescribed.

(Ord. 051090, 5/10/1990, §1.04)

**§20-105. Penalties.**

Any person who shall violate or fail to comply with any of the provisions 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 051090*, 5/10/1990, §1.05; as amended by *Ord. 120910*, 12/9/2010)





## **Chapter 21**

### **Streets and Sidewalks**

#### **Part 1**

##### **Street Cuts and Excavations**

- §21-101. Permit Required
- §21-102. Application for Permit
- §21-103. Issuance of Permit
- §21-104. Written Notice of Completion of Work
- §21-105. Inspection by the Township
- §21-106. Fine

#### **Part 2**

##### **Township Road Occupancy Permit**

- §21-201. Permit Required
- §21-202. Application for Permit
- §21-203. Issuance of Permit
- §21-204. Written Notice of Completion of Work
- §21-205. Inspection by the Township
- §21-206. Fine

#### **Part 3**

##### **Sidewalk Snow and Ice Removal**

- §21-301. Definitions
- §21-302. Responsibility for Removal of Snow and Ice from Sidewalks
- §21-303. Responsibility for Removal from Roofs
- §21-304. Depositing of Snow and Ice Restricted
- §21-305. Penalties

#### **Part 4**

##### **Driving on Curbs or Sidewalks**

- §21-401. Procedure for Driving on Curbs or Sidewalks
- §21-402. Report Required of Damage to Curbs or Sidewalks
- §21-403. Penalties



**Part 1****Street Cuts and Excavations****§21-101. Permit Required.**

In accordance with the provisions of §2322 of the Second Class Township Code, 53 P.S. §67322, no railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or any coal tipples, or any other obstructions be erected upon or in any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.

(*Ord. 5/9/1974, 5/9/1974, §101; as amended by Ord. 120910, 12/9/2010*)

**§21-102. Application for Permit.**

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the schedule of fees set forth by the Department of Transportation for highway occupancy permits and restoration charges. In addition, the applicant shall submit three copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting road.

(*Ord. 5/9/1974, 5/9/1974, §101*)

**§21-103. Issuance of Permit.**

A permit shall be issued to the applicant after all of the aforementioned requirements have been filed.

(*Ord. 5/9/1974, 5/9/1974, §101*)

**§21-104. Written Notice of Completion of Work.**

Upon completion of the work, the applicant shall give written notice thereof to the Township.

(*Ord. 5/9/1974, 5/9/1974, §101*)

**§21-105. Inspection by the Township.**

Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect within 60 days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional 20 percent of such cost.

(*Ord. 5/9/1974, 5/9/1974, §101*)

**§21-106. Fine.**

Any person, firm, corporation, or utility which shall violate any of the provisions 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 5/9/1974*, 5/9/1974, §101; as amended by *Ord. 71389*, 7/13/1989; and by *Ord. 120910*, 12/9/2010)

**Part 2****Township Road Occupancy Permit****§21-201. Permit Required.**

In accordance with the provisions of the Second Class Township Code, no person, firm or corporation shall grade, construct, install or erect a drain, culvert, footwalk, drive or driveway, or other means of ingress or egress, or affecting discharge or passage of drain water, onto or along a Township road unless and until the Township has granted a permit for such grading, construction, installation, or erection.

(Ord. 7/11/1974, 7/11/1974, §201)

**§21-202. Application for Permit.**

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the schedule of fees set forth by the Department of Transportation, for highway occupancy permits and restoration charges. In addition, the applicant shall submit three copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and any other information the Township deems necessary. Particular attention to relationship to the effect on the drainage of said road shall be shown.

(Ord. 7/11/1974, 7/11/1974, §201)

**§21-203. Issuance of Permit.**

A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

(Ord. 7/11/1974, 7/11/1974, §201)

**§21-204. Written Notice of Completion of Work.**

Upon completion of work, the applicant shall give written notice thereof to the Township.

(Ord. 7/11/1974, 7/11/1974, §201)

**§21-205. Inspection by the Township.**

All grading, construction, installation and erection shall be in strict compliance with the sketch and specifications on the basis of which the permit is granted. Upon completion of the work authorized by the permit, the Township shall inspect the work, and when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. If found in noncompliance with the aforementioned, the Township shall give written notice to the applicant, informing him of noncompliance. Sixty days after written notice from the Township to the applicant, the Township may do the work necessary to meet compliance, and shall impose upon the applicant the cost thereof, together with an additional 20 percent of such cost.

(Ord. 7/11/1974, 7/11/1974, §201)

**§21-206. Fine.**

Any person, firm, or corporation or utility which shall violate any of the provisions 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 7/11/1974*, 7/11/1974, §201; as amended by *Ord. 71389*, 7/13/1989; and by *Ord. 120910*, 12/9/2010)

**Part 3****Sidewalk Snow and Ice Removal****§21-301. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

*Business day*—any day not a Sunday or a national holiday.

*Business hours*—hours between 9 a.m. and 5 p.m. on any business day.

*Cartway*—portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

*Corporation*—natural person, partnership, corporation, association, or any other legal entity.

*Sidewalk*—portion of a street between the curb lines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

*Street or highway*—the entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Ord. 71389, 7/13/1989)

**§21-302. Responsibility for Removal of Snow and Ice from Sidewalks.**

Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away or cause to be removed or cleared away, snow and/or ice from a path of at least 30 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

A. Except as provided in paragraph .B hereof, snow and ice shall be removed from sidewalks within 12 hours after the cessation of any fall of snow, sleet, or freezing rain.

B. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in paragraph .A hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least 30 inches in width.

(Ord. 71389, 7/13/1989)

**§21-303. Responsibility for Removal from Roofs.**

Every person in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building or other structure which is liable to fall on any sidewalk, roadway, or other public way. Such work shall be completed within a reasonable time, but not later than 12 hours

after the cessation of any fall of snow, sleet, or freezing rain.

(*Ord. 71389, 7/13/1989*)

**§21-304. Depositing of Snow and Ice Restricted.**

No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway, or loading and unloading areas of a public transportation system, except that snow and ice may be mounded by the Township on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts.

(*Ord. 71389, 7/13/1989*)

**§21-305. Penalties.**

Any person 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 71389, 7/13/1989; as amended by Ord. 120910, 12/9/2010*)



**Part 4****Driving on Curbs or Sidewalks****§21-401. Procedure for Driving on Curbs or Sidewalks.**

It shall be unlawful for any person, persons, firm, or corporation, to drive or cause to be driven any vehicle on, over and across any curb or sidewalk before first obtaining permission of the abutting property owner, and the placing of a proper platform, covering or other device for the protection of the sidewalk and curb.

(*Ord. 71389, 7/13/1989*)

**§21-402. Report Required of Damage to Curbs or Sidewalks.**

Any depression, break, or damage caused to any curb or sidewalk by any vehicle, or by any other agency shall be reported to the Township within 24 hours after the damage has occurred, and emergency repairs must be made by the property owner, tenant or agent within 48 hours after such report.

(*Ord. 71389, 7/13/1989*)

**§21-403. 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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.

(*Ord. 71389, 7/13/1989; as amended by Ord. 120910, 12/9/2010*)



## **Chapter 22**

### **Subdivision and Land Development**

#### **Part 1 Purpose and Authority**

- §22-101. General
- §22-102. Title
- §22-103. Purpose
- §22-104. Objectives
- §22-105. Application of Regulations

#### **Part 2 Definitions**

- §22-201. General Terms
- §22-202. Specific Terms

#### **Part 3 Procedures**

- §22-301. Intent
- §22-302. Pre-application
- §22-303. Minor Subdivision
- §22-304. Major Subdivision or Land Development Preliminary Plan
- §22-305. Major Subdivision or Land Development Final Plan

#### **Part 4 Plans and Plats; Required Information**

- §22-401. Intent
- §22-402. Minor Subdivisions
- §22-403. Major Subdivisions; Preliminary Plan
- §22-404. Major Subdivisions; Final Plan

#### **Part 5 Required Improvements and Design Standards**

- §22-501. Intent
- §22-502. General Standards
- §22-503. Topography
- §22-504. Grading
- §22-505. Lot Sizes and Standards
- §22-506. Stormwater Management and Design Criteria
- §22-507. Soil Erosion and Sedimentation Controls and Plan Requirements
- §22-508. Sewage Disposal
- §22-509. Water Supply

- §22-510. Streets
- §22-511. Monuments
- §22-512. Utilities, Curbs and Sidewalks
- §22-513. Required Improvements
- §22-514. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval
- §22-515. Insurance
- §22-516. Building Construction and Occupancy
- §22-517. As-Constructed (As-Built) Plans
- §22-518. Traffic Impact Studies
- §22-519. Vehicular Parking Facilities
- §22-520. Prime Open Space and Recreation
- §22-521. Environmental Impact Assessment Reports

## **Part 6 Floodplain Management**

- §22-601. Intent
- §22-602. Definitions of Terms Utilized in this Chapter
- §22-603. Applications, Procedures, and Plat Requirements
- §22-604. Design Standards and Improvements
- §22-605. Performance Guarantee
- §22-606. Municipal Liability

## **Part 7 Administration, Fees, and Penalties**

- §22-701. Administration, Enforcement, and Penalties
- §22-702. Waivers
- §22-703. Appeals
- §22-704. Fees
- §22-705. Amendments

**Part 1****Purpose and Authority****§22-101. General.**

An ordinance providing for the control of the subdivision and development of land and the approval of plats and replats of land within the jurisdiction of the Bethel Township Board of Supervisors, Bethel Township, Lebanon County, Pennsylvania. Now, therefore, be it ordained by the Bethel Township Board of Supervisors, Lebanon County, Pennsylvania, under authority of the “Pennsylvania Municipalities Planning Code,” Act of 1968, P.L.805, No. 247, 53 P.S. §10101 *et seq.*, as reenacted and amended. (Ord. 010708A, 1/7/2008)

**§22-102. Title.**

These regulations, rules, and standards for planning, subdividing, and developing land within Bethel Township, Lebanon County, Pennsylvania, including procedures for the application and administration, and penalties for the violation thereof, shall be known, cited and referred to as the “Subdivision and Land Development Ordinance” for Bethel Township, Lebanon County, Ordinance No.010708A, Chapter 22, of the Code of Ordinances of Bethel Township, Lebanon County, Pennsylvania.

(Ord. 010708A, 1/7/2008, §1.01)

**§22-103. Purpose.**

The general purpose of this Chapter shall be to guide and regulate the planning, subdividing, and development of land in order to promote and protect the public health, safety, convenience, comfort, prosperity, and general welfare of the residents of Bethel Township.

(Ord. 010708A, 1/7/2008, §1.02)

**§22-104. Objectives.**

It is intended that the provisions of these regulations shall be applied to achieve the following objectives:

- A. Orderly development of the land to obtain harmonious and stable neighborhoods.
- B. Safe and convenient vehicular and pedestrian circulation.
- C. Adequate and economical provision for utilities and public services to conserve the public funds.
- D. Ample public open spaces for schools, recreational and other public purposes.
- E. Accurate surveying of land, preparing and recording of plats.
- F. Discouraging of premature, uneconomical, or scattered subdivision.
- G. Maximize conservation of all forms of energy.
- H. Stormwater management, by reducing stream erosion and maintaining

natural storm water runoff characteristics.

I. Coordination of land development in accordance with the Zoning Ordinance [Chapter 27], and other plans of the Township.

(*Ord. 010708A*, 1/7/2008, §1.03)

**§22-105. Application of Regulations.**

1. No subdivision or land development of any lot, tract or parcel of land located within Bethel Township shall be effected; no street, sanitary sewer, storm sewer, water main, stormwater control facilities, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for travel or public use, until a subdivision or land development plan has been approved in the manner prescribed herein, and recorded. Furthermore, no property shall be developed, no building shall be erected and no site improvements shall be completed except in strict accordance with the provisions of this Part.

2. No lot in a subdivision may be sold or transferred; no permit to erect, alter or repair any building upon land in a subdivision or land development may be issued; and no building may be erected in a subdivision or land development, unless and until a final subdivision or land development plat has been approved or recorded, and until construction of any required site improvements in connection therewith has been completed or guaranteed in the manner prescribed herein.

(*Ord. 010708A*, 1/7/2008, §1.04)

**Part 2****Definitions****§22-201. General Terms.**

1. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated.

2. Words in the singular include the plural and those in the plural include the singular. Words in the present tense include the future tense.

3. The words “person” or “subdivider” or “developer” or “owner” include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

4. The word “shall” is always mandatory; the word “may” is permissive; and the word “should” means a suggested or preferred action.

(Ord. 010708A, 1/7/2008, §2.01)

**§22-202. Specific Terms.**

Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated. Undefined terms or words used herein shall have as their meaning that which is defined in the Pennsylvania Municipalities Planning Code (PA MPC), 53 P.S. §10101 *et seq.* Terms or words used herein which are not defined herein nor defined in the PA MPC shall have as their meaning that which is defined in any other applicable State, County or local acts, rules, regulations, manuals, ordinances, or similar publications. In lieu of all of the above, undefined terms or words used herein shall have their ordinarily accepted meanings or such meanings as the context of this Chapter may imply.

*Accelerated erosion*—the removal of the surface of the land through the combined action of man's activities and the natural processes at a rate greater than would occur because of the natural process alone.

*Applicant*—a land owner or developer, as hereinafter defined, who has filed an application development or subdivision including his heirs, successors and assigns.

*Act 247*—see “Pennsylvania Municipalities Planning Code.”

*Cartway*—the portion of the street right-of-way, paved or unpaved, intended for vehicular use. The shoulder is not considered part of the cartway.

*Common open space*—a parcel or parcels of land or an area of water, or a combination of land and the water within the development site, designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public facilities.

*Conservation District*—the Lebanon County Conservation District.

*County*—Lebanon County, Pennsylvania.

*County Planning Department*—the Lebanon County Planning Department.

*Detention structure*—a vegetated pond, swale, or other structure designed to drain completely after storing runoff only for a given storm event and release it at

a predetermined rate. Also, known as a dry pond and detention basin.

*Design storm*—the magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e.g., 24-hour), and used in computing stormwater management control systems.

*Developer*—any landowner, agent of such landowner or tenant with the permission of such landowner, including a firm, association, organization, partnership, trust, company, or corporation as well as an individual, who makes or causes to be made a subdivision of land or a land development.

*Easement*—a right-of-way granted for limited use of private land for public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner which violates the right of the grantee.

*Energy dissipator*—a device used to slow the velocity of stormwater particularly at points of concentrated discharge such as pipe outlets.

*Engineer*—an individual licensed and registered as a professional engineer by the Commonwealth of Pennsylvania.

*Engineer, Township*—an engineer designated by the Board of Supervisors to perform duties as required by this Chapter on behalf of the Township.

*Freeboard*—the difference between the design flow elevation in the emergency spillway and the top of the settled embankment.

*Governing body*—the Bethel Township Board of Supervisors.

*Grassed waterway*—a natural or man-made drainageway shaped to required dimensions and vegetated for safe disposal of runoff. (Also known as a “swale.”)

*Holding pond*—a retention or detention pond.

*Improvements*—physical additions and changes to the land, necessary to produce usable and desirable lots, including, but not limited to, grading, paving, installation of stormwater facilities, curbs, sidewalks, street lights, water and sanitary facilities, and nonresidential structures.

*Land development*—

(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 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.

(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.

(3) Development in accordance with §503(1.1) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10503(1.1), as amended.

The definition shall exclude:

(1) The conversion of an existing single-family detached dwelling or



single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.

(2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park, which for this purpose is defined as a tract or area used principally as a location for permanent amusement structures or rides, but this exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

*Landowner*—the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, 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.

*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. A parcel designated as “residue” shall be considered a lot.

*Major subdivision or land development*—

(1) Any subdivision or land development involving more than two lots or dwelling units.

(2) Any subdivision or land development on a property after two or more lots or dwelling units have been subdivided from that property since the effective date of this Part.

(3) Any subdivision or land development proposing the opening, widening, extension or improvement of a street.

Multi-family, mobilehome park, commercial and industrial development shall be considered major subdivision or land development, regardless of the number of lots or units created.

*Minor subdivision*—a division of land to facilitate a lot addition or land exchange or a division of land which adjoins an existing public street and does not involve the opening, widening, extension or improvement of any street or the installation of any public utility outside the frontage road and does not involve more than two lots or dwelling units (except that subdivision of lots from a property after two or more lots have been subdivided is a major subdivision).

Dedication or establishment of an unimproved right-of-way or easement shall be a minor subdivision. Replatting, resubdivision or revision of two lots or less shall also be considered a minor subdivision. Multi-family, commercial, industrial, nonresidential and mobile home park development, shall be considered a major subdivision or land development regardless of the number of lots or units created.

*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 erections thereon of a single mobile home.

*Mobile home park*—a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

*Municipality*—Bethel Township, Lebanon County.

*On-site stormwater management*—the control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site does not exceed the rate prior to development.

*Peak discharge*—the maximum rate of flow of water at a given point and time resulting from a specified storm event.

*PennDOT*—the Pennsylvania Department of Transportation.

*Pennsylvania Municipalities Planning Code*—adopted as Act 247 of 1968, 53 P.S. §10101 *et seq.*, this Act enables municipalities to plan for, and regulate, community development with subdivision and land development ordinances. The code also contains guidelines for subdivision and land development ordinance content. For the purpose of this Chapter, the Code is referred to as “Act 247” and is intended to include the current code and any further amendments thereto.

*Plan, final*—a complete and exact subdivision or land development plan prepared for recording as required by statute, to define property rights, proposed streets and other improvements; a final plat.

*Plan preliminary*—a tentative subdivision or land development plan showing proposed street and lot layout as a basis for consideration prior to preparation of a final plat.

*Plan, sketch*—an informal plan, indicating existing features of a tract and the surrounding area and outlining the general layout of a proposed subdivision or land development.

*Plat*—the map or plan of a subdivision or land development, whether preliminary or final.

*Public hearing*—a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter and/or the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

*Public meeting*—a forum held pursuant to notice under the Sunshine Act, 65 Pa.C.S.A. §701 *et seq.* [Ord. 120910]

*Public notice*—a notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. 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 30 days and the second publication shall not be less than 7 days from the date of the hearing.

*Right-of-way*—the total width of any land reserved or dedicated for use as street, alley, or for any public purpose.

*Sediment basin*—a temporary dam or barrier constructed across a waterway or at other suitable locations to intercept the runoff and to trap and retain the sediment.

*Sewage*—All references to sewage treatment, collection and disposal systems shall be as defined in applicable Pennsylvania Department of Environment Protection rules and regulations.

*Stormwater management*—the control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site does not exceed the rate prior to development.

*Street*—a strip of land including the entire right-of-way used or intended for use as a means of vehicular and pedestrian circulation, whether public or private. The word “street” includes street, thoroughfare, avenue, boulevard, court, expressway, highway, road, lane, and alley.

*Street, private*—a strip of private land providing access to abutting properties and not offered for dedication or accepted for municipal ownership and maintenance.

*Structure*—any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. The word “building” includes “structure” and shall be construed as if followed by the words “or a part of.”

*Subdivider*—any landowner, agent of such landowner or tenant with the permission of such landowner, including a firm, association, organization, partnership, trust, company, or corporation as well as an individual, who makes or causes to be made a subdivision of land or land development.

*Subdivision*—the division or redivision 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 10 acres, not involving any new street or easement of access of any residential dwelling, shall be exempted.

*Substantially completed*—where, in the judgment of the Township Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

*Surveyor*—an individual licensed and registered as a professional land surveyor by the Commonwealth of Pennsylvania.

*Swale*—see “grassed waterway.”

*Township Planning Commission*—the Bethel Township Planning Commission.

*Trip (vehicular)*—a single or one direction vehicle movement with either the origin or the destination (exiting or entering) inside the study site.

*Waiver*—a process for disregarding specific requirements imposed by this Part.

*Water survey*—an inventory of the source, quantity, yield and use of groundwa-

ter and surface-water resources within a municipality.

(*Ord. 010708A*, 1/7/2008, §2.02; as amended by *Ord. 120910*, 12/9/2010)

**Part 3****Procedures****§22-301. Intent.**

1. The procedures established in this Chapter are intended to define the steps by which a developer shall design, make application, record plats, and construct improvements, and by which the Planning Commission and Board of Supervisors may review, make recommendations, approve plans and otherwise administer these regulations and this Chapter.

2. For those subdivisions hereinafter classified as minor subdivision, a sketch plan and abbreviated final plan procedure is established. For all others, which are classified as major subdivisions or land developments, a preliminary plan and final plat procedure is established.

(Ord. 010708A, 1/7/2008, §3.01)

**§22-302. Pre-application.**

1. The Township shall make available, for a fee, to developers copies of this Chapter, the Zoning Ordinance [Chapter 27], street maps, and other information which may affect the development of the property under consideration. Applications for approval of a subdivision or land development shall be in accord with these regulations, other codes and plans as adopted and information furnished.

2. Prior to the formal submission of a subdivision or land development plan for review and approval, the subdivider is urged to submit a sketch plan to the Planning Commission for advice on the requirements necessary to achieve conformity to the standards of these regulations as well as to alert the subdivider as early as possible to factors which must be considered in the design of a subdivision, such as pertinent elements of any municipal land use or other community plans. Review of a sketch plan is an informal, advisory process to guide the subdivider in eventual preparation of a formal preliminary or final plan.

3. Sketch plans and subsequent official minor and major subdivision and land development plans should be accompanied by any letters of transmittal or development details necessary to explain existing or proposed site conditions which are not self-explanatory on the actual sketch, minor or major subdivision or land development plan.

(Ord. 010708A, 1/7/2008, §3.02)

**§22-303. Minor Subdivision.**

1. *Classification.*

A. A division of land to facilitate a lot addition or land exchange or a division of land which adjoins an existing public street and does not involve the opening, widening, extension or improvement of any street or the installation of any public utility outside the frontage road and does not involve more than two lots or dwelling units (except that subdivision of lots from a property after two or more lots have been previously subdivided is a major subdivision).

B. Dedication or establishment of an unimproved right-of-way or easement shall be a minor subdivision. Replatting, resubdivision or revision of two lots or less shall also be considered a minor subdivision. Multi-family, commercial, industrial and mobile home park development, shall be considered a major subdivision or land development regardless of the number of lots or units created.

2. *Application.*

A. A final plat complying with the requirements set forth in this Chapter shall be prepared for each minor subdivision and approval of said plat shall be requested from the Planning Commission and Board of Supervisors.

B. When filing an application for approval of a minor subdivision, the subdivider shall submit to the Planning Commission, one mylar (at final action stage only), and eight blue or black line paper prints of the proposal on 18-inch by 24-inch through 36-inch by 48-inch sheets. Additional plans shall also be submitted in accordance with any and all Lebanon County submission requirements in effect at the time of submission.

C. A minor subdivision, as defined herein, requires preparation of a final subdivision plan showing only that portion of the tract being subdivided. Any further subdivisions from the parent tract requires the preparation of a final subdivision and land development plan showing the disposition of the remaining parcel.

3. *Review.* Upon receipt of the minor subdivision or land development plan application and fees, and upon acceptance for review by the Township Planning Commission at a public meeting, the Planning Commission shall begin to review the final plan for compliance with this Chapter. Where applicable, the plan may be forwarded to the Township Engineer, or other agencies for review and comment. The plan will also be forwarded to the Lebanon County Planning Department for review. The Planning Department shall convey any comments within 30 days of the date that the plan was forwarded. Review comments, conditions, and findings of the Lebanon County Planning Department may be used as substantiation for plan approval or disapproval. After receipt of initial and subsequent plan reviews, revised plans shall be resubmitted for review, and shall be accompanied by a letter identifying how each review comment has been addressed, clearly identifying the location on the plans where changes have been made. After completion of the review process, the Township Planning Commission shall recommend that the Board of Supervisors grant or deny approval.

4. *Approval or Disapproval.*

A. After an application for approval of a minor subdivision or land development has been filed with the Planning Commission, together with all maps, necessary data, and fees, the plan shall be reviewed and processed. The applicant shall pay required review fees at the time of official submission of the plat and official submission shall not be deemed to have been made until receipt of all the required review fees. The Planning Commission shall complete the review and recommend to the Board of Supervisors approval or disapproval. The Board of Supervisors shall approve or disapprove the application not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed. Should the said next regularly scheduled

meeting occur more than 30 days after the application is filed, the said 90-day period shall be measured from the thirtieth day following the day the application has been filed. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.

B. The Planning Commission shall have the authority to recommend specific conditions for approval upon a subdivision or land development plan. If such specific conditions are accepted by the applicant, the plan shall be recommended for approval. If the applicant fails to accept, or rejects, such conditions, the Planning Commission shall recommend the plan be disapproved by the Board of Supervisors.

C. All such conditions for approval shall be communicated by the Planning Commission Secretary, or such other person as designated by the Planning Commission or Board of Supervisors, within 10 calendar days of the imposition of such conditions by the Planning Commission. The applicant shall respond in writing to the Planning Commission Secretary, or such other person as designated by the Planning Commission or Board of Supervisors, within 14 calendar days of the mailing of the written notice of the conditions indicating an acceptance or rejection of the conditions imposed. Failure of the applicant to respond to the notice of conditions shall be deemed a rejection of the proposed conditions.

D. When the application is approved, it shall be appropriately signed and dated and copies shall be distributed according to subsection .5. When the application is disapproved, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the ordinance relied upon. A disapproved copy of the subdivision or land development plan shall be sent to the Lebanon County Planning Department and the remaining copies shall be returned to the subdivider, developer and/or his agent.

E. Failure of the Board of Supervisors to render a final decision and communicate it to the applicant within the time and in the manner required herein shall be deemed approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. However, removal or withdrawal of the subdivision or land development plan by the applicant and/or his agent shall be considered withdrawal of plan application, shall not obligate the Board of Supervisors to approve or disapprove the plan within the herein described timetable and shall not result in a deemed approval when 90 days have elapsed. Upon knowledge of plan withdrawal, the Planning Commission shall notify, in writing, the subdivider or land developer that plan withdrawal has disrupted the approval process and no approval or disapproval will be rendered unless the subdivision or land development plan is resubmitted as a new application.

5. *Recording.* After approval of a minor subdivision plat by the Board of Supervisors, the mylar copy shall be placed on record in the Township office and the print shall be filed and recorded in the office of the County Recorder of Deeds, said recording to occur within 90 days of the final or deemed approval date of the plan or the

approval shall be null and void. The Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the recommended approval of the Planning Commission and the approval of the Board of Supervisors. Likewise, whenever plan review and comment by the Lebanon County Planning Department is required (subsection .3), the Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the review of the Planning Department. The applicant shall be responsible to adhere to any and all policies and procedures adopted by the Recorder of Deeds. Copies of an approved plat shall be sent to the applicant and the Lebanon County Planning Department. Additional copies may be distributed to utility or related agencies making timely request for copies.

(Ord. 010708A, 1/7/2008, §3.03)

#### **§22-304. Major Subdivision or Land Development Preliminary Plan.**

1. *Classification.* Any subdivision or land development involving more than lots or dwelling units; or any subdivision or land development on a property after two or more lots or dwelling units have previously been subdivided from that property; or any subdivision or land development proposing the opening, widening, extension or improvement of a street shall be deemed to be a major subdivision or land development. Multi-family, mobile home park, commercial and industrial development shall be considered major subdivision or land development, regardless of the number of lots or units created.

2. *Application.*

A. A preliminary plat complying with the requirements set forth in this Chapter shall be prepared for each major subdivision or land development and an approval requested from the Planning Commission and Board of Supervisors.

B. When filing an application for preliminary approval of a major subdivision or land development, the subdivider shall submit to the Planning Commission eight blue or black line prints of the proposal. As part of the submission, the subdivider shall also submit four paper prints of the improvement plan (if not contained on initial sheet) containing details of the physical site improvements (roadways, utilities, etc.) proposed for the subdivision or land development. All sheets shall be 18-inch by 24-inch through 36-inch by 48-inch.

3. *Review.*

A. Upon receipt of the preliminary plan (and improvement plan, if separate) application and fees, and upon acceptance for review by the Township Planning Commission at a public meeting, the Planning Commission shall begin to review the plan for compliance with this Chapter. The preliminary plan shall be examined for suitable relationship to adjoining subdivisions or undeveloped land, feasibility of the program for improvements, and provide an opportunity for advice, suggestions, and adjustments to meet ordinance requirements before the plan becomes rigid. The submission of alternate plans is recommended.

B. Where applicable, the plan may be forwarded to the Township Engineer, Conservation District, or other appropriate agency for review and comment. The preliminary plan, plus any applicable improvement plan, will be forwarded to the Lebanon County Planning Department to provide comment. Review comments, conditions and findings of the Lebanon County Planning Department shall be



received by the Township within 30 days of the date the plan was forwarded. These comments may be used as substantiation for plan approval or disapproval. After receipt of initial and subsequent plan reviews, revised plans shall be resubmitted for review, and shall be accompanied by a letter identifying how each review comment has been addressed, clearly identifying the location on the plans where changes have been made. After completion of the review process, the Township Planning Commission shall recommend that the Board of Supervisors grant or deny approval.

4. *Approval or Disapproval.* After an application for preliminary approval of a plat of a major subdivision or land development has been filed with the Planning Commission, together with all improvement plans, maps, necessary data and fees, the Planning Commission shall complete the review, and approval or disapproval of the plan shall be in accordance with the procedure outlined in §22-303.4.

5. *Recording.* After approval of a preliminary plan for a major subdivision or land development plat, recording of the preliminary plan is not authorized. Approval of the preliminary plan shall assure the subdivider for a period of 5 years from the date of approval that:

A. The general layout of streets, lots, and other features are approved and shall be the basis for the preparation of the final plan.

B. The general terms and any special conditions under which the approval of the plan was granted will not be changed.

C. The subdivider may install improvements as required in Part 5 of this Chapter in accordance with the approved preliminary plan and other requirements contained in this Chapter and the ordinances of Bethel Township. Approval of a preliminary plan does not constitute approval of the final plan, and therefore, does not authorize the recording of the subdivision or land development plan or the sale or transfer of lots. After a period of 5 years, approval of the preliminary plan shall expire, unless extended by the Board of Supervisors.

(Ord. 010708A, 1/7/2008, §3.04)

#### **§22-305. Major Subdivision or Land Development Final Plan.**

1. *Classification.* Any subdivision or land development involving more than two lots or dwelling units; or any subdivision or land development on a property after two or more lots or dwelling units have previously been subdivided from that property; or any subdivision or land development proposing the opening, widening, extension or improvement of a street shall be deemed to be a major subdivision or land development. Multi-family, mobile home park, commercial and industrial development shall be considered major subdivision or land development, regardless of the number of lots or units created.

2. *Application.*

A. Within 5 years after the approval of the preliminary plat, a final plat with all necessary supplemental data shall be officially submitted to the Planning Commission with a request for approval. Failure to submit a final plan within 5 years of the date of an approval of the preliminary plat shall void the preliminary approval, unless extended in writing by the Planning Commission. Said expired or voided preliminary plan shall not be used as a basis for any development or

construction. Any subsequent development shall be preceded by a new preliminary plan.

B. When filing an application for a final approval of the major subdivision or land development, the subdivider or developer shall submit to the Planning Commission one mylar copy or original (at final action stage only), and eight blue or black line paper prints of the proposal on 18-inch by 24-inch through 36-inch by 48-inch sheets. Additional plans shall also be submitted in accordance with any and all Lebanon County submission requirements in effect at the time of submission.

C. The subdivider or developer may apply for final approval of: (1) only a portion, section or phase of the entire subdivision or land development as preliminarily approved; or (2) the entire subdivision or land development.

### 3. *Review.*

A. Upon receipts of the final plan application, and fees, and acceptance by the Township Planning Commission for review, the Planning Commission shall begin to review the plan for compliance with this Chapter. The final plan shall be examined for conformity to the preliminary plan, for design and detail for required site improvements and for adherence to other standards of this Chapter. The plan shall also be examined to determine if the required site improvements have been installed or, in lieu thereof, a bond or financial security forwarded to the Township Engineer, or other agencies for review and comment. The final plan will be forwarded to the Lebanon County Planning Department to provide opportunity for review and comment. These comments shall be conveyed to the Township within 30 days of the date that the plan was forwarded.

B. Review comments, conditions and findings of the Lebanon County Planning Department may be used as substantiation for plan approval or disapproval. After receipt of initial and subsequent plan reviews, revised plans shall be resubmitted for review, and shall be accompanied by a letter identifying how each review comment has been addressed, clearly identifying the location on the plans where changes have been made. After completion of the review process, the Planning Commission shall recommend approval, with or without conditions, or disapproval by the Board of Supervisors.

### 4. *Approval or Disapproval.*

A. After an application for final approval of a plat of a major subdivision or land development has been filed with the Planning Commission, approval or disapproval with or without conditions shall be granted in accordance with §22-303.4 of this Chapter.

B. However, no plat shall be finally approved unless the streets on such plat have been improved as required in §22-510 of this Chapter, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, landscaping, water mains, sanitary sewers, storm sewers, stormwater management facilities, and other site improvements as may be required by this Chapter and any applicable municipal requirements have been installed in accordance with such requirements. In lieu of the completion of any site improvements required as a condition for the final approval of a plat, financial security shall be deposited by the subdivider/developer with the Township in an amount to cover the costs of any site improvements which may be required by ordinance. Such financial security shall provide for and secure

to the public, the completion of any site improvements which may be required for the subdivision or land development. Financial improvement guarantees shall further be subject to the requirements of §22-514 of this Chapter and §§509–511 of Act 247, 53 P.S. §§10509–10511.

5. *Recording.*

A. After approval of a final plat for a major subdivision or land development by the Planning Commission and Board of Supervisors, the plat shall be recorded and copies distributed in the manner prescribed in §22-303.5 of this Chapter.

B. Recording shall entitle the subdivider to sell, transfer or develop the land shown on the plat in accordance with the approved plat, subject to any conditions attached thereto. Where final plans are approved for only a portion, section or phase of the entire subdivision or land development, sale, transfer or development may proceed only on that approved portion, section or phase.

C. When a final plat has been approved, no subsequent change or amendment in zoning, subdivision or other governing ordinance shall be applied to affect adversely the right of the subdivider or land developer to commence and complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval. Where final approval is preceded by preliminary approval, the aforesaid 5-year period shall be counted from the date of the preliminary approval.

D. When the subdivider or land developer has failed to substantially complete development of the approved plan within 5 years of the aforesaid approval date and when changes in a zoning, subdivision, or other governing ordinance have occurred which affect the design of the approved plat, the subdivision or land development shall be subject to the changes in the zoning, subdivision, or other governing ordinance. The Planning Commission shall notify, in writing, the subdivider or land developer that approval has expired and submission and approval of a revised preliminary and/or final plan (as necessary to detail changes), illustrating compliance with the revised ordinance, is required prior to further development or lot transfer.

(*Ord. 010708A, 1/7/2008, §3.05*)



## Part 4

### Plans and Plats; Required Information

#### §22-401. Intent.

Plans, maps, data and plats shall be prepared and furnished by the developer as required herein to assure accurate surveying, to provide adequate information for designing and preparing plans, and to facilitate review, approval and recording of plats. Plans and maps shall be neat, legible, uncluttered and easily readable to provide clear documentation of all data.

(Ord. 010708A, 1/7/2008, §4.01)

#### §22-402. Minor Subdivisions.

The subdivider or land developer shall furnish, as part of an application for approval of a minor subdivision or land development plan, the following information on the required 18-inch by 24-inch through 36-inch by 48-inch final plan sheets:

##### A. *Title Block.*

- (1) Identification of the plan as a final plan.
- (2) Name of the development.
- (3) Name, address and phone number of the record owner(s), subdivider(s), developer(s), and authorized agent(s).
- (4) Name of the municipality in which the subdivision or land development is located.
- (5) Written and graphic scale of plan.
- (6) Name, address and phone number of plan preparer.
- (7) Date of plan preparation and date of subsequent revisions. All plan sheets shall bear the same revision date.
- (8) Deed reference or source of title.

##### B. *Signature Blocks.* Space for date, signature and type of formal action by each of the following:

##### (1) *Planning Commission.*

##### BETHEL TOWNSHIP PLANNING COMMISSION

At a meeting held on \_\_\_\_\_, \_\_\_\_, the Planning Commission of Bethel Township, Lebanon County, Pennsylvania, recommended for approval the subdivision/land development plan of the property as shown hereon.

\_\_\_\_\_  
\_\_\_\_\_

##### (2) *Municipal Governing Body.*

##### BETHEL TOWNSHIP BOARD OF SUPERVISORS

At a meeting held on \_\_\_\_\_, \_\_\_\_, the Board of Supervisors of Bethel Township, Lebanon County, Pennsylvania, approved the subdivision/land development plan of the property as shown hereon.

\_\_\_\_\_  
\_\_\_\_\_  
Municipal Seal:

- (3) Lebanon County Planning Department.
- (4) Other officials, where required elsewhere by this Chapter.

C. *Maps and Data.*

(1) Location drawing or map section, at a scale of 1 inch:800 feet, showing the location of the proposed subdivision in relation to named streets, boundaries, previous subdivisions, etc. The proposed subdivision or land development area shall be identified by a tone or pattern differentiation and residual land of the subdivider shall be outlined. The location drawing shall also contain a reference to north and, where possible, be depicted in northerly alignment with the property drawing.

(2) Property drawing of the parcel which is to be subdivided. The lot, tract or parcel drawing shall include:

(a) Bearings and dimensions for all property lines; corporation lines; center and right-of-way lines of streets; easements and other rights-of-way; natural and artificial water courses and streams; floodplain boundaries per FEMA maps (the Planning Commission may require, at its discretion, that 100-year floodplains be calculated and plotted for streams not included in FEMA mapping); wetlands; and other boundary lines with distances, radii arcs, chords and tangents of all deflection angles, nearest second and error of closure of not more than 1 foot in 10,000 feet.

(b) Proposed lot, tract, or parcel lines in prominent, solid lines. Lot, tract, or parcel lines proposed for removal shall be shown in dashed or broken lines and clearly identified as such.

(c) Location and identification of all control points (iron pins, monuments, etc.) to which all dimensions, angles and bearings are to be referred.

(d) Lot numbers or letters in progressive order to identify each lot or tract. Numbers shall be utilized only for lots, tracts or parcels which are eligible for independent or individual use, whereas letters shall be utilized for lot additions, land exchanges and transfer of lots or parcels which are not eligible for individual use or development. Lot numbers or letters from previous plans shall be encircled by a dashed or broken line circle while currently proposed lot numbers or letters shall be encircled by a solid line circle.

(e) Acreage of all lots or parcels involved in the subdivision or land development, exclusive of land dedicated for right-of-way.

(f) The location, size and use of all existing buildings. Proposed buildings shall be shown to the extent necessary to demonstrate compli-

ance with other ordinance criteria.

(g) The setback lines, for all property lines, prescribed in the applicable zoning ordinance.

(3) Streets, utilities, topography and natural features on the proposed subdivision and within 100 feet of the boundaries, in accordance with the following:

(a) Layout, right-of-way, pavement width and name and number of all roads and streets.

(b) Size and location of all existing and proposed utilities including easements.

(c) Existing and proposed on-lot well and sewage disposal system locations, as well as soil probe and percolation test locations for sewage disposal systems.

(d) The topography and drainage of all proposed development sites shall be depicted. Contour intervals shall be a maximum of 5 feet, except that development areas with a grade of less than 5 percent shall be depicted utilizing 2-foot contour intervals. Lot additions and currently developed sites shall be required to stipulate only lot corner elevations or general topographic information.

(e) Streams, ponds, waterways, wetlands, flood plains, quarries, and other significant topographical, physical or natural features.

(4) Stormwater management facilities, where required by §22-506 of this Chapter.

(5) North arrow and graphic and written scale. The scale shall not exceed 50 feet to the inch. Deed reference and source of title to the land being subdivided shall be included, as shown by the County Recorder of Deeds.

(6) Owner names and deed book reference of all surrounding properties.

(7) Evidence that the proposed subdivision or land development will meet the requirements of any and all other Township ordinances.

D. *Plan Notes and Conditions.* All necessary or recommended supplementary subdivision or land development plan notes or conditions shall be prominently lettered on the plan. This shall include, but not be limited to:

(1) Total number of lots or dwelling units proposed by the plan.

(2) Applicable zoning standards for front, rear and side yard setbacks, minimum lot area, minimum lot width and zoning district.

(3) Statement of intended use for all lots.

(4) Statement of deed restrictions or covenants which may be a condition of sale of the property.

(5) Statement indicating the presence or absence of wetlands along with the name, address, and signature of the individual responsible for the determination. A note referencing wetland regulations shall be placed conspicuously on the plan to be recorded.

(6) Zoning Hearing Board decisions, where applicable, including any

conditions and date(s) of action, shall be placed on the plans.

(7) Waiver approvals, where applicable, including any conditions and date(s) of approval, shall be placed on the plans.

*E. Certifications and Dedications.*

(1) A certification of ownership shall be signed by the property owner(s) verifying ownership and acceptance of the plan.

(2) A statement shall be signed by the owner(s) offering land for dedication to public use for all appropriate streets, rights-of-way, easements, parks etc.

(3) A certification statement by the plan preparer (registered surveyor, engineer, or landscape architect) verifying the plan accuracy.

(4) Seal of the registered surveyor, engineer or landscape architect responsible for plan preparation. Any plan establishing property boundaries shall be prepared and sealed by a registered surveyor.

(5) PA DEP planning approval letter, or verification of any applicable PA DEP planning exemptions, must be on file with the Township. Erosion and sedimentation pollution control plan approval letter for plan, along with full copy of the plan which was approved, must be on file with the Township when applicable.

(6) All required PennDOT highway occupancy permit numbers, along with full copy of plans which were approved.

(7) If water is to be provided other than by private wells owned and maintained by the individual lot owners, evidence that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility, in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(Ord. 010708A, 1/7/2008, §4.02)

**§22-403. Major Subdivisions; Preliminary Plan.**

The subdivider or land developer shall furnish, as part of an application for preliminary approval of a major subdivision or land development plan, the following information on the required preliminary plan sheets:

*A. Title Block.*

(1) Identification of the plan as a preliminary plan.

(2) Name of the development.

(3) Name, address and phone number of the record owner(s), subdivider(s), developer(s), and authorized agent(s).

(4) Name of the municipality in which the subdivision or land development is located.

(5) Written and graphic scale of plan.

(6) Name, address and phone number of plan preparer.

(7) Date of plan preparation and date of subsequent revisions. All plan



sheets shall bear the same revision date.

(8) Deed reference or source of title.

B. *Signature Blocks.* Space for date, signature and type of formal action by each of the following:

(1) *Planning Commission.*

**BETHEL TOWNSHIP PLANNING COMMISSION**

At a meeting held on \_\_\_\_\_, \_\_\_\_, the Planning Commission of Bethel Township, Lebanon County, Pennsylvania, recommended for approval the subdivision/land development plan of the property as shown hereon.

\_\_\_\_\_  
\_\_\_\_\_

(2) *Municipal Governing Body.*

**BETHEL TOWNSHIP BOARD OF SUPERVISORS**

At a meeting held on \_\_\_\_\_, \_\_\_\_, the Board of Supervisors of Bethel Township, Lebanon County, Pennsylvania approved the subdivision/land development plan of the property as shown hereon.

\_\_\_\_\_  
\_\_\_\_\_ Municipal Seal:

(3) Lebanon County Planning Department.

(4) Other officials, where required elsewhere by this Chapter.

C. *Maps and Data.*

(1) Location drawing or map section, at a scale of 1 inch:800 feet, showing the location of the proposed subdivision in relation to named streets, boundaries, previous subdivisions, etc. The proposed subdivision or land development area shall be identified by a tone or pattern differentiation and residual land of the subdivider shall be outlined. The location drawing shall also contain a reference to north and, where possible, be depicted in northerly alignment with the property drawing.

(2) Property drawing of the parcel which is to be subdivided. The lot, tract or parcel drawing shall include:

(a) Bearings and dimensions for all property lines; corporation lines; center and right-of-way lines of streets; easements and other rights-of-way; natural and artificial water courses and streams; floodplain boundaries per FEMA maps (the Planning Commission may require, at its discretion, that 100-year floodplains be calculated and plotted for streams not included in FEMA mapping); wetlands; and other boundary lines with distances, radii arcs, chords and tangents of all deflection angles, nearest second and error of closure of not more than 1 foot in 10,000 feet.

(b) Proposed lot, tract, or parcel lines in prominent, solid lines. Lot, tract, or parcel lines proposed for removal shall be shown in dashed or broken lines and clearly identified as such.

(c) Location and identification of all control points (iron pins, monuments, etc.) to which all dimensions, angles and bearings are to be referred.

(d) Lot numbers or letters in progressive order to identify each lot or tract. Numbers shall be utilized only for lots, tracts or parcels which are eligible for independent or individual use, whereas letters shall be utilized for lot additions, land exchanges and transfer of lots or parcels which are not eligible for individual use or development. Lot numbers or letters from previous plans shall be encircled by a dashed or broken line circle while currently proposed lot numbers or letters shall be encircled by a solid line circle.

(e) Square footage or acreage of all lots or parcels involved in the subdivision or land development, exclusive of land dedicated for right-of-way.

(f) The location, size and use of all existing buildings and parking areas. Proposed buildings and parking areas shall be shown to the extent necessary to demonstrate compliance with other ordinance criteria.

(g) The setback lines, for all property lines, prescribed in the applicable zoning ordinance.

(3) Streets, utilities, topography and natural features on the proposed subdivision and within 100 feet of the boundaries, in accordance with the following:

(a) Layout, right-of-way, pavement width and name and number of all roads and streets, including profiles for all proposed roads.

(b) Size and location of all existing and proposed utilities and easements, including plan and profile for all proposed stormwater, water supply, and sanitary facilities, and bearings and distance descriptions of all easements.

(c) Existing and proposed on-lot well and sewage disposal system locations, as well as soil probe and percolation test locations for sewage disposal systems.

(d) The topography and drainage of all proposed development sites shall be depicted. Contour intervals shall be a maximum of 2-foot contour intervals.

(e) Streams, ponds, waterways, wetlands, flood plains, quarries, and other significant topographical, physical or natural features.

(4) Stormwater management facilities, where required by §22-506 of this Chapter.

(5) North arrow and graphic and written scale. Deed reference and source of title to the land being subdivided shall be included, as shown by the County Recorder of Deeds.

(a) The scale shall not exceed 50 feet to the inch on subdivision plans with minimum proposed lot areas of 1 acre, and shall not exceed 20 feet to the inch for all other subdivision plans and for all land development plans. Waivers from the requirements of this Section may be granted by the Planning Commission in accordance with the waiver procedures herein.

(6) Owner names and deed book references of all surrounding properties.

(7) Evidence that the proposed subdivision or land development will meet the requirements of any and all other Township ordinances.

(8) A traffic impact study (TIS) shall be prepared in accordance with the provisions of §22-518 of this Chapter when, at a minimum, the proposed subdivision or land development is expected to generate 1,000 or more vehicle trips per day, or is expected to generate 50 or more peak direction trips; or, in the opinion of the Township Planning Commission or Board of Supervisors, is expected to have a significant impact on the safety and/or traffic flow of the affected roadways.

(9) A hydrogeological and/or related study shall be prepared when individual wells are proposed to be utilized for water supply for a subdivision or land development in which: individual wells are proposed to supply greater than two equivalent dwelling units (EDU's) per well; or, individual wells are proposed to supply two EDU's or less on lots with a size of less than 1 acre for those subdivisions containing three lots or more. Such study shall be prepared by a hydrogeologist or geologist with training, education and experience in performing such studies, and shall demonstrate that adequate quantity and quality of water will be available for such subdivision or land development without adversely affecting neighboring water supplies. Such study shall be based on a drought condition (i.e., 1 in 10 year probability) rainfall recharge rate of at least 400 gpd per acre, unless otherwise justified by a professional experienced in this field. Withdrawal rates shall be based on PA DEP rules and regulations for sewage flows. For plan approval the study shall demonstrate that the recharge under the 1 in 10 year drought condition rate will exceed the withdrawal rate by at least 20 percent.

D. *Plan Notes and Conditions.* All necessary or recommended supplementary subdivision or land development plan notes or conditions shall be prominently lettered on the plan. This shall include, but not be limited to:

(1) Total number of lots or dwelling units proposed by the plan.

(2) Applicable zoning standards for front, rear and side yard setbacks, minimum lot area, minimum lot width and zoning district.

(3) Statement of intended use for all lots.

(4) Statement of deed restrictions or covenants which may be a condition of sale of the property.

(5) Statement indicating the presence or absence of wetlands along with the name, address, and signature of the individual responsible for the determination. A note referencing wetland regulations shall be placed conspicuously on the plan to be recorded.

(6) Zoning Hearing Board decisions, where applicable, including any

conditions and date(s) of action, shall be placed on the plans.

(7) Waiver approvals, where applicable, including any conditions and date(s) of approval, shall be placed on the plans.

*E. Certifications and Dedications.*

(1) A certification of ownership shall be signed by the property owner(s) verifying ownership and acceptance of the plan.

(2) A statement shall be signed by the owner(s) offering land for dedication to public use for all appropriate streets, rights-of-way, easements, parks etc.

(3) A certification statement by the plan preparer (registered surveyor, engineer, or landscape architect) verifying the plan accuracy.

(4) Seal of the registered surveyor, engineer or landscape architect responsible for plan preparation. Any plan establishing property boundaries shall be prepared and sealed by a registered surveyor.

(5) Any preliminary plan approval must be conditioned on receiving, prior to final plan approval, a PA DEP planning approval letter, or verification of any applicable PA DEP planning exemptions. Erosion and sedimentation pollution control plan approval letter for plan, along with full copy of the plan which was approved, must be on file with the Township when applicable, if any earthmoving activity is proposed prior to receipt of final plan approval.

(6) Any preliminary plan approval must be conditioned on receiving, prior to final plan approval, all required PennDOT highway occupancy permits.

(7) If water is to be provided other than by private wells owned and maintained by the individual lot owners, evidence that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility, in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(Ord. 010708A, 1/7/2008, §4.03)

**§22-404. Major Subdivisions; Final Plan.**

The subdivider or land developer shall furnish, as part of an application for final approval of a major subdivision or land development plan, the following information on the required 18-inch by 24-inch through 36-inch by 48-inch final plan sheet(s):

*A. Title Block.*

(1) Identification of the plan as a final plan.

(2) Name of the development.

(3) Name, address and phone number of the record owner(s), subdivider(s), developer(s), and authorized agent(s).

(4) Name of the municipality in which the subdivision or land development is located.

(5) Written and graphic scale of plan.

(6) Name, address and phone number of plan preparer.

(7) Date of plan preparation and date of subsequent revisions. All plan sheets shall bear the same revision date.

(8) Deed reference or source of title.

B. *Signature Blocks.* Space for date, signature and type of formal action by each of the following:

(1) *Planning Commission.*

**BETHEL TOWNSHIP PLANNING COMMISSION**

At a meeting held on \_\_\_\_\_, \_\_\_\_, the Planning Commission of Bethel Township, Lebanon County, Pennsylvania, recommended for approval the subdivision/land development plan of the property as shown hereon.

\_\_\_\_\_  
\_\_\_\_\_

(2) *Municipal Governing Body.*

**BETHEL TOWNSHIP BOARD OF SUPERVISORS**

At a meeting held on \_\_\_\_\_, \_\_\_\_, the Board of Supervisors of Bethel Township, Lebanon County, Pennsylvania approved the subdivision/land development plan of the property as shown hereon.

\_\_\_\_\_  
\_\_\_\_\_ Municipal Seal:

(3) Lebanon County Planning Department.

(4) Other officials, where required elsewhere by this Chapter.

C. *Maps and Data.* All information required under preliminary plan requirements, complete with all necessary detail and accuracy. The plan shall include only the phase or section of the subdivision or land development proposed for immediate recording and development.

D. *Plan Notes and Conditions.* All necessary or recommended supplementary subdivision or land development plan notes or conditions shall be prominently lettered on the plan. This shall include, but not be limited to:

(1) Statement of deed restrictions or covenants which may be a condition of sale of the property.

(2) Statement indicating the presence or absence of wetlands along with the name, address, and signature of the individual responsible for the determination. A note referencing wetland regulations shall be placed conspicuously on the plan to be recorded.

(3) Erosion and sedimentation pollution control plan approval letter for plan, along with full copy of the plan which was approved, must be on file with the Township when applicable.

(4) Sewage planning module approval letter (or verification of PA DEP

planning exemption) from the Department of Environmental Protection.

(5) Zoning Hearing Board decisions, where applicable, including any conditions and date(s) of action, shall be placed on the plans.

(6) Waiver approvals, where applicable, including any conditions and date(s) of approval, shall be placed on the plans.

*E. Certifications and Dedications.*

(1) A certification of ownership shall be signed by the property owner(s) verifying ownership and acceptance of the plan.

(2) A statement shall be signed by the owner(s) offering land for dedication to public use for all appropriate streets, rights-of-way, easements, parks, etc.

(3) A certification statement by the plan preparer (registered surveyor, engineer, or landscape architect) verifying the plan accuracy.

(4) Seal of the registered surveyor, engineer or landscape architect responsible for plan preparation. Any plan establishing property boundaries shall be prepared and sealed by a registered surveyor.

(5) All required PennDOT highway occupancy permit numbers shall be shown on the plan at the corresponding permitted locations, and full copies of all plans which were approved shall be provided to the Township.

(6) If water is to be provided other than by private wells owned and maintained by the individual lot owners, evidence that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility, in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(Ord. 010708A, 1/7/2008, §4.04)

**Part 5****Required Improvements and Design Standards****§22-501. Intent.**

1. The design standards established in this Chapter are intended to be fundamental requirements to be applied with professional skill in the subdividing and planning of land so as to produce attractive and harmonious neighborhoods, convenient and safe streets, and economical layouts of residential and other land development. The design standards are further intended to encourage and promote flexibility and ingenuity in the layout and design of subdivisions and land developments, in accordance with modern and evolving principles of site planning and development.

2. It is also the intent of this Chapter to require subdividers and developers to follow all applicable codes, regulations, and standards adopted by the municipality relative to improvements to the subdivision or development site. In all cases, the codes, regulations and standards of the municipality shall be followed and the improvements shall be approved by the Board of Supervisors before the final plan is approved. All improvements as specified in this Chapter or in applicable municipal ordinances shall be installed before the final plat is approved or, in lieu thereof, a guarantee of installation shall be provided by the subdivider or developer prior to final plat approval. The guarantee shall assure the responsible body (Township) that the required improvements will be installed in accordance with the subdivision or land development plan.

3. During the design and approval of subdivision and land development plans the Planning Commission, the Board of Supervisors, and the developer shall give primary consideration to all thoroughfare plans, water plans, sewer plans, community facility plans, and official maps as may be in effect in the Township.

(Ord. 010708A, 1/7/2008, §5.01)

**§22-502. General Standards.**

In addition to the standards contained elsewhere in these regulations, the following general standards shall be observed:

A. Existing utilities and improvements shall be utilized wherever possible. New roads and extended utility services shall be discouraged if existing services and facilities may be utilized. Scattered urban development shall be avoided.

B. Development designs shall minimize street lengths necessary to serve developed properties.

C. Side lot lines shall be substantially at right angles or radial to street lines. Request for a waiver from these requirements shall be made to the Board of Supervisors who may grant such waiver at its discretion.

D. Depth of residential lots shall be not less than one nor more than three times the lot width. Request for a waiver from these requirements shall be made to the Board of Supervisors who may grant such waiver at its discretion.

E. Every lot shall abut a street. Lot frontage or access shall be physically

accessible by standard vehicle in existing condition or the Planning Commission shall require illustration of the site improvements planned and necessary to alter steep banks, floodplains, visibility limitations, etc., to a condition that will facilitate safe and adequate access. The Planning Commission may also require that lots be arranged to reserve a right-of-way for street access to future lots.

F. Double or reverse frontage lots may be preferred or required when lot access to an adjoining street is not permitted or separation from the street is desired because of topographic, orientation, aesthetic, congestion, safety or high noise level considerations.

G. Adequate easements or rights-of-way shall be required for drainage and utilities. Easements shall be a minimum of 20 feet in width and, whenever possible, shall be centered with 10 feet on each side of side or rear lot lines. No structure or buildings shall be erected within such easements, and said restriction shall be prominently noted on the plan.

H. Lots shall be suitably shaped to encourage and facilitate use and maintenance of all portions of the lot. Accordingly, lots shall be square or generally rectangular in shape. Lot configurations which result in flag lots and L-shaped, T-shaped, triangular or otherwise inappropriately shaped lots shall be avoided.

I. Site design and development shall include reasonable efforts to save existing trees and vegetation which shall, at a minimum, conform to the requirements for landscaping provided in this Chapter, including §§22-519 and 22-503.C.1.

J. The standards of this Chapter shall apply to all lots being subdivided or developed and residual land which is created by the subdivision or land development activity.

K. Lot additions, land exchanges, agricultural use only lands, and any other specific or special purpose subdivision or land development shall include prominent plan notes to avoid misinterpretation of the intent of the subdivision or land development plan. Applicable deed restrictions may be required.

L. Deeds filed subsequent to subdivision or land development approval shall accurately and correctly describe the property therein. Deeds shall be in complete compliance with all plan notes and conditions. Recording a deed which omits or contradicts the information on an approved subdivision or land development plan shall be a violation of this Chapter.

(Ord. 010708A, 1/7/2008, §5.02)

### **§22-503. Topography.**

1. Subdivisions shall be planned to take advantage of the topography of land in order to: utilize the natural contours, economize in the construction of drainage facilities, reduce the amount of grading, and minimize destruction of trees and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the neighborhoods.

2. Additionally, environmental safeguards may be mandated on slopes in excess of 15 percent. On steep slopes (in excess of 15 percent), site and lot design shall be adjusted, where necessary, to mitigate the detrimental effects of development on steeper slopes. The following topographic considerations shall be utilized in design of



subdivisions and land developments:

A. *Streets.* Land which is relatively flat or of very gentle slopes should be planned so that the streets follow the natural drainage courses and as many lots as possible shall be above the street grade. On more irregular topography, streets shall be designed to avoid extensive cuts and fills and follow the ridges or be planned approximately parallel to contour lines, and adjusted, however, so that lots on one side of the street will not be excessively below the street grade.

B. *Natural Drainage.* Subdivisions shall be designed, particularly on land of very gentle slopes, to take every advantage of natural grades so that all the land can be drained without excessive grading. Unless water courses or drainage ways are enclosed, the plan shall be adjusted so that rear lot lines shall be approximately parallel to an open drainage course. Easements for drainage ways and low-lying land which are subject to flooding may be included as part of a lot but shall not be used as building sites or included in calculating the required lot area or width.

C. *Natural Features.* Natural features, irregularities, changes in level, brooks, lakes, hilltops, and other focal points within the site, and distant views outside the subdivision shall be integrated in the design to obtain variations and interest in each neighborhood and more attractive building sites. Trees, topsoil, and other natural resources shall be preserved and utilized in the development of the subdivision. Natural features shall be further enhanced and protected in nonresidential land developments and subdivisions as follows:

(1) For any such nonresidential land development or subdivision which is adjacent to an existing residential property or is adjacent to a property for which residential use is a use permitted under the Zoning Ordinance [Chapter 27], a buffer planting shall be provided along the entire portion of such adjacent property. The buffer planting shall consist of a completely planted visual barrier composed of evergreen vegetation arranged to form both a low-level and a high-level screen between grade and to a height of at least 8 feet. The vegetation shall be planted at a location so that, at full maturity, the vegetation will not encroach onto adjacent properties. Plans shall include complete details of the specific vegetation that is proposed in order to document that the requirements of this Section will be met.

The buffer zone shall consist of a complete visual barrier composed of a solid fence at least 8 feet high through which light or any objects cannot be seen, and at least one row of evergreen vegetation arranged to form both a low-level and a high-level screen between grade and to a height of at least 4 feet at the time of planting. The fence and evergreen vegetation shall be located such that the vegetation is located between the fence and the adjacent residential or residentially zoned property. The vegetation shall be planted at a location so that, at full maturity the vegetation will not encroach onto adjacent properties. Plans shall include complete details of the fence, as well as the specific vegetation that is proposed in order to document that the requirements of this Section will be met.

D. *Driveways.* All driveways shall be in conformity to the Township's Driveway Ordinance, as amended. For lots accessing Township roads a note shall be placed on the plan indicating that a driveway permit will be required from the

Township. The applicant shall demonstrate that all proposed lots will have a driveway which conforms to the Driveway Ordinance [Chapter 21, Part 2]. All driveways accessing State roads will require a PennDOT highway occupancy permit. The permit numbers shall be referenced on the final plan.

(Ord. 010708A, 1/7/2008, §5.04)

#### **§22-504. Grading.**

1. The developer shall grade each subdivision or land development to establish street grades, floor elevations of buildings, and lot grades in proper relation to each other and to existing topography. However, grading shall be kept to a minimum to avoid loss of topsoil and erosion potential. Lots shall be graded to secure drainage away from buildings. The grading shall facilitate collection of stormwater in designated areas to avoid concentration of water in the sewage system location.

2. The grading of the roadway shall extend the full width of the cartway, shoulder and swale area, if applicable. Where possible, grass strips or channels between the curb or shoulder and right-of-way line should be graded at 3:1 slope; however, when unusual topographic conditions exist, good engineering practice shall prevail.

(Ord. 010708A, 1/7/2008, §5.05)

#### **§22-505. Lot Sizes and Standards.**

The minimum lot size and lot width requirements established by municipal zoning ordinance shall be utilized as minimum subdivision standards. All lots shall satisfy the Bethel Township zoning standards for lot width and lot size at the time of subdivision. The building setback lines established by the Zoning Ordinance [Chapter 27] shall be applicable and shall be noted on each subdivision or land development plan.

(Ord. 010708A, 1/7/2008, §5.06)

#### **§22-506. Stormwater Management and Design Criteria.**

*Scope, Warning and Disclaimer of Liability.* A stormwater management plan shall be required for each subdivision or land development plan, unless an exemption to these requirements has been granted in accordance with paragraphs .A or .B, at both the preliminary and final submittal stage, and shall be prepared in accordance with the Bethel Township Stormwater Management Ordinance [Chapter 23]. Erosion and sedimentation controls and plan requirements are listed in §22-507 of this Chapter. A stormwater management plan must be approved as per paragraph .C of this Section prior to plan approvals. These provisions are intended as minimum standards for the protection of the public health, safety and welfare. If the literal compliance with any mandatory provisions of these regulations is shown to be unreasonable as applied to a specific property, the Township Supervisors may grant a waiver, as defined herein. The degree of stormwater protection sought by the provisions of these requirements within this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. THIS CHAPTER DOES NOT IMPLY THAT AREAS SUBJECT TO THE STORMWATER MANAGEMENT REQUIREMENTS OF THIS CHAPTER WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. The making of an administrative decision shall not constitute a representation, guarantee or warranty of any kind by the Township, or by any official or employee thereof, of the

practicability or safety of any proposed structure or use with respect to damage from erosion, sedimentation, stormwater runoff or floods, and shall not create liability upon, or cause of action against, the Township, its officials or employees.

A. *Residential Exception.*

(1) *Exception.* Single-family residential lots may be exempted from the mandatory design and installation of certain stormwater management facilities when the lot improvements (house, buildings, driveway, regrading, etc.) on the proposed plan document to the satisfaction of the Planning Commission and the Township Engineer that the lot improvements will not result in detrimental stormwater discharges within the lot(s) or upon adjoining lands, roads, waterways or other areas. Exemption may be recommended to the Board of Supervisors by the Planning Commission provided all of the following criteria are satisfied:

(a) The minimum lot area shall be 1 acre, and the maximum total impervious area, existing and proposed, shall not exceed 5 percent of the net lot area or 5,000 square feet, whichever is smaller.

(b) The proposed slope of the lot shall not exceed 10 percent in the lot improvement area and slopes in excess of 15 percent shall not exist within 50 of the lot improvement area.

(c) Streams, waterways and ecologically sensitive areas shall not exist within 100 feet of the lot improvement area.

(d) All proposed lot improvements shall be a minimum of 50 feet from all lot lines, unless site conditions or other requirements necessitate greater setback.

(e) Plan notes shall document that the soils within the lot improvement area are in the hydrologic soil group A, B, or C, as published in the current edition of TR-55, *Urban Hydrology for Small Watersheds*.

(f) Stormwater discharges shall not endanger or potentially damage the lot improvements, adjoining lands, roads or otherwise pose a threat to the health, safety or welfare of the public.

(g) No unique or adverse lot conditions shall exist which warrant refusal of the exemption request.

(h) The exemption request shall be submitted in writing with the subdivision application and shall address all the criteria cited herein.

(i) Subdivision plans containing any lots which have received stormwater management design and installation exemptions in accordance with these provisions shall contain a prominent plan note explaining the exemption and the lot development restrictions applicable thereto, and shall be incorporated into the deeds as a restriction.

(j) Any lot receiving a stormwater management installation exemption and subsequently found to be developed, or under development, contrary to the approved subdivision plan, contrary to these exemption provisions or otherwise evidencing a stormwater runoff problem shall forthwith be subject to the following:

1) Corrective action shall be taken in the lot development to

eliminate the noncompliance.

2) Submission of a revised subdivision plan shall be required, depicting necessary stormwater management facilities, in accordance with standard plan processing procedures.

*B. Agricultural Land Development Exception.*

(1) *Exception.* Agricultural land development may be exempted from the mandatory design and installation of certain stormwater management facilities when the lot improvements (buildings, driveway, regrading, etc.) on the proposed plan document to the satisfaction of the Planning Commission and the Township Engineer that the lot improvements will not result in detrimental stormwater discharges within the lot(s) or upon adjoining lands, roads, waterways or other areas. Exemption may be granted by the Planning Commission provided all of the following criteria are satisfied:

(a) The minimum lot area shall be 50 acres, and the maximum total impervious area, existing and proposed, shall not exceed 1 percent of the net lot area.

(b) The proposed slope of the lot shall not exceed 10 percent in the lot improvement area and slopes in excess of 15 percent shall not exist within 50 feet of the lot improvement area.

(c) Streams, waterways and ecologically sensitive areas shall not exist within 200 feet of the lot improvement area.

(d) All proposed lot improvements, including all concentrated stormwater discharge points, shall be a minimum of 300 feet from all lot lines, unless site conditions or other requirements necessitate greater setback.

(e) Plan notes shall document that the soils within the lot improvement area are in the hydrologic soil group A, B, or C, as published in the current edition of TR-55, *Urban Hydrology for Small Watersheds*.

(f) Stormwater discharges shall not endanger or potentially damage the lot improvements, adjoining lands, roads or otherwise pose a threat to the health, safety or welfare of the public.

(g) No unique or adverse lot conditions shall exist which warrant refusal of the exemption request.

(h) The exemption request shall be submitted in writing with the subdivision application and shall address all the criteria cited herein.

(i) Development plans containing any lots which have received stormwater management design and installation exemptions in accordance with these provisions shall contain a prominent plan note explaining the exemption and the lot development restrictions applicable thereto, and shall be incorporated into the deeds as a restriction.

(l) Any lot receiving a stormwater management installation exemption and subsequently found to be developed, or under development, contrary to the approved subdivision plan, contrary to these exemption provisions or otherwise evidencing a stormwater runoff problem shall

forthwith be subject to the following:

1) Corrective action shall be taken in the lot development to eliminate the noncompliance.

2) Submission of a revised development plan shall be required, depicting necessary stormwater management facilities, in accordance with standard plan processing procedures.

C. *Review and Approval.* All stormwater management plans shall be reviewed by the Township Engineer prior to Township approval. A set of design plans shall be maintained on file at the site during construction, as record drawings.

(Ord. 010708A, 1/7/2008, §5.07)

**§22-507. Soil Erosion and Sedimentation Controls and Plan Requirements.**

An erosion and sedimentation pollution control (E&SPC) plan is required for all earth moving activities. The E&SPC Plan must be approved by the Lebanon County Conservation District for all subdivisions with site improvements and for all land developments.

(Ord. 010708A, 1/7/2008, §5.08)

**§22-508. Sewage Disposal.**

Sewage disposal facilities shall be designed and constructed to meet the needs of the proposed subdivision or land development. Sewage disposal facilities shall also meet all requirements of the Pennsylvania Department of Environmental Protection. Sewage disposal facilities shall also meet the following requirements which specify the design and installation standards for on-lot sewage disposal and public and private sewerage systems.

A. *On-lot Sewage Disposal.* All subdivision and land developments proposing on-lot sewage disposal shall be designed and submitted in compliance with the prevailing requirements of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.* Further, for each and every lot created by a proposed subdivision, there shall be a minimum of two areas tested (probe and perc) which yield suitable results for on-lot sewage disposal. The plan shall clearly indicate these areas, and state that disturbance of these areas is not permitted unless written approval is received by the Township Sewage Enforcement Officer. It is the intent of this Section to coordinate a simultaneous review of subdivision and land development plans with sewage planning modules at the municipal level, thereby avoiding the approval of lots that are not suitable for sewage disposal.

B. *Existing Public Sewers.* When a subdivision or land development has public sewers available on-site or within 150 feet of the site, sewer lines shall be included on the subdivision and land development plan and installation must be approved by the municipal authority responsible for the sewer system.

C. *Planned Sewer Area.* When a proposed subdivision or land development is located in an area not presently served by public sewers, but which has received design data preparatory to sewer system installation within 18 months, then the municipality shall determine the necessity of installing house connections and/or capped mains, even though on-site facilities will be required in the interim.

Installation of house connections and capped mains shall be in accordance with municipal design data and approved by the Township Engineer prior to approval of a preliminary or final plan.

D. *Private Sewerage System.* When a subdivision or land development is to be provided with a private sewerage system, a statement shall be submitted to the Planning Commission from the Pennsylvania Department of Environmental Protection verifying planning approval for the proposed facilities. Additionally, the Township must be satisfied that adequate provisions have been made to guarantee the construction and maintenance of the proposed private sewerage system.

E. *Plan Notice.*

(1) *On-Lot Sewage Disposal.* All subdivision and land development plans shall contain a plan note specifying that approval of the plan does not guarantee permit issuance for sewage disposal.

(2) *Public Sewers.* All subdivision and land development plans shall contain a plan note specifying that connection to public sewer lines is required.

(Ord. 010708A, 1/7/2008, §5.09)

#### **§22-509. Water Supply.**

1. A water supply system shall be designed and constructed by the subdivider or developer as required by PA DEP standards. The water supply system shall be capable of meeting the domestic and fire protection needs of the site, and documentation shall be provided to demonstrate that these needs will be met. When possible, the subdivision or land development should be served by a public water supply system approved by municipal water officials or a community water system approved by the Pennsylvania Department of Environmental Protection. If the subdivision or land development is to be supplied by a public or community water system, the subdivider or developer shall submit a written certification, commitment or evidence that the municipal water company or authority or the association of lot owners or private company, as applicable, has adequate water capacity and has agreed to provide water service.

2. For subdivisions proposing lot sizes of less than 1 acre, and for all nonresidential developments, where public water supply is not being proposed, the developer shall demonstrate that an adequate water source is available within or adjacent to the development for fire protection. In making a determination as to the adequacy of the source being proposed by the developer, the Township shall submit the proposal to the fire chief(s) of the fire company(ies) primarily responsible for serving the development, and shall take into consideration their comments.

3. In those cases where a public or community water system is not available or practical, a well shall be provided for each lot. Wells shall not be within 100 feet of any part of the absorption field of any existing or proposed on-site sewage disposal system and they shall not be placed within 50 feet of lakes, streams, ponds, quarries, etc.

4. Subdivision and land development plans shall contain a plan note specifying the source of water supply. Plans proposing the use of public or community water shall contain a note specifying that connection to the public or community water line, as applicable, is required. Plans proposing the use of individual wells shall contain a note specifying that the lot(s) has not been tested for the availability of water of adequate

quality or quantity and no guarantee of water availability is provided.

(Ord. 010708A, 1/7/2008, §5.10)

#### **§22-510. Streets.**

In addition to relating to topography, natural features and solar orientation, streets shall be designed according to the function served, the use of abutting land, and standards of width, intersections, maximum grades and curvatures. The Planning Commission shall require that all developments have adequate access. Where major subdivision is proposed or may occur because of the patterns started by minor subdivision activity, the Planning Commission shall require reservation for, or installation of, two or more streets to insure safe and convenient access. Elimination or vacation of previously approved streets shall be approved only when the Planning Commission determines that: 1) alternate access has been provided in another, more suitable location, 2) further development is not possible utilizing the street, and 3) any land owners who purchased property with reliance upon the street agree in writing to its elimination. The developer shall design and construct streets, including pavements, shoulders, gutters, curbs, etc., in accordance with the following regulations and any other Township ordinance or regulations that may apply:

##### *A. Classification and General Design Goals.*

(1) *Interstate / Other Expressways.* Function primarily for the movement of the greatest number of vehicles over the longest distance in the fastest allowable time. Access to these is restricted to grade-separated interchanges and the flow of traffic is uninterrupted. These generally serve either interstate or inter-regional traffic or cross-town traffic in densely developed areas.

(2) *Major (Arterial) Streets.* Function primarily for the movement of a large volume of traffic between points of heavy traffic generation and over long distances, but at slower speeds with traffic control devices. They are often known as arterial streets or highways. They shall be planned for continuation of existing streets in the system at the same or greater width in accordance with adopted municipal standards. Major streets shall contain as few intersections as possible.

(3) *Collector Streets.* Function to collect traffic from local streets and distribute it into major streets, and, as such, they will normally contain a relatively large number of intersections with local streets and few with main streets. A collector street system may be required wherever a residential neighborhood near a major street is over 150 acres in area or where the local street pattern is so designed as to converge and serve over 500 one-family dwellings, or 100 multi-family units, or for nonresidential development. Collector streets shall be planned for continuity and to lead more or less directly to one or more focal points or centers of traffic generation, and may become bus routes.

(4) *Local Streets.* Provide direct access to each lot and function to allow traffic to circulate toward the principal directions of travel, bus routes, schools and playgrounds; however, the design shall discourage through and high speed traffic. The street pattern shall be indirect and yet continuous to prevent through traffic, formed or straight, moderately winding, curved, looped or

angular streets. Tee-intersections shall predominate and cross-intersections shall be minimized. There shall be an underlying systematic neighborhood pattern; however, gridiron and other rigid geometrical patterns should be avoided where possible. The street pattern shall include extensions to the boundaries of the development to provide circulation between adjoining neighborhoods.

(5) *Cul-de-Sac Streets*. Provide direct access to properties from other streets. Ordinarily, a cul-de-sac is a short street with only one outlet and having an appropriate terminal for safe and convenient reversal traffic movement. Drainage should be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer. Unless completely impractical, cul-de-sac streets shall be extended to adjacent property lines, or shall provide adequate right-of-way to adjacent property lines to allow for future extension of the road.

(6) *Roadway Classifications*. For the purposes of this Section, the Township's existing roads shall be classified as follows:

- (a) *Interstate / Other Expressways*—Interstate 78 (I-78).
- (b) *Major / Arterials*—US 22 and SR 343.
- (c) *Collectors*—Main Street, Pine Grove Street, Pine Grove Road, and Shirksville Road.
- (d) *Local*—all other roads.

B. *Minimum Street Standards*. Developer shall, upon review and approval by the Township, make a determination as to the appropriate speed limit for each road, and shall provide for appropriate signs. Also, see Chart 22-5.10.B.



**Chart 22-510B**

Street Classification Requirements	**Right-of-way Width	Streets W/O Curbs		Street Width with Curbs	Max Grade Vert Alignment	Radius Curvature Horiz Alignment	Reverse Curve Tangent
		Paved Crtwy Width	Imprvd Shoulder Width (ea)				
Major Streets (*1)	60'	34'	10'	40'	6%	500'	200'
Collector Streets	50'	24'	7'	38'	8%	300'	100'
Local Streets	50'	20'	4'	24'	10%	150'	50'
Cul-de-sac Streets (*2) (Turnaround)	50'	24'	4'	28'	10%	150'	50'
	(cartway + 10' radius)	(50' Radius) (*3)		(60' Radius) (*3)	(5%)		

\*\*Right-of-Way Width: When sidewalks will be provided, the right-of-way width shall be adjusted to accommodate the cartway, curb, sidewalk and a minimum 2 feet wide grass strip between the curb and sidewalk, all within the right-of-way limits. In all cases, however, the right-of-way width shall not be less than that shown in Chart 22-510.B.

All cartway and street widths shown in Chart 22-510.B account for no parking on either side of the street. When parking is proposed, and allowed, an additional 8 feet of width shall be required for each side that parking is permitted on collector streets and on local streets without curbs; an additional 6 feet of width shall be required for each side on local streets with curbs and on cul-de-sac streets.

On-street parking shall be required on both sides of the street when a proposed subdivision will contain any lots that are less than 1 acre in size, or when a subdivision or land development is proposing anything other than single-family detached dwellings.

All State roads shall be subject to PennDOT requirements and approvals in addition to the requirements contained herein.

ALL SAFE SIGHT DISTANCES SHALL MEET OR EXCEED CURRENT PENNDOT STANDARDS.

\*1—Width subject to PennDOT requirements.

\*2—Minimum length of 300 feet and maximum length of 1,500 feet, and maximum 30 lots or dwelling units served. Snow removal stockpile easements shall be provided at the terminus of all cul-de-sacs and shall be aligned with the cartway approaching the turnaround area. The easements shall be at least 20 feet by 20 feet measured from the edge of the cartway. Sidewalks, parking, driveways, landscaping, above ground utility structures or any other feature shall not be permitted within this easement that would interfere with the intended purpose of this easement, and appropriate notes shall be placed on the plan at the location of the easement.

\*3—The radius of the outside of the cartway at the transition to the turnaround portion of the cul-de-sac shall not be less than 50 feet.

C. *Supplementary Street Standards.* In addition to the specific standards cited in paragraph .B, the following street standards shall apply to design and construction of streets:

(1) *Private Streets.* Private streets are prohibited unless they meet the design standards of these regulations. Applications which propose a private street shall be accompanied by an agreement which shall be submitted with the preliminary plan application and ultimately recorded with the Lebanon County Recorder of Deeds as part of the final plan. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as conditions controlling an offer of dedication, and shall stipulate:

(a) That the street shall be constructed and maintained to conform to the specifications of this Chapter.

(b) That the owners of the abutting lots will include with any future offer for dedication sufficient monies, as estimated by the Township, to restore the street to conformance with the prevailing standards.

(c) That an offer for dedication of the street shall be made only for the street as a whole.

(d) The method of assessing maintenance and repair cost.

(e) That an agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.

(2) *Arterial Street Design.* The design standards for arterial streets shall be as specified by the PennDOT and based upon the projected average daily traffic and speed limit.

(3) *Arrangement.* The development shall be designed to insure coordination between the proposed street system and all existing streets and intersections studied in the traffic impact study, all planned streets and intersections included on other subdivision or land development plans and all streets included in a comprehensive plan or any official map adopted by the Township.

(a) All proposed streets within the tract shall be arranged to conform as closely as possible to original topography. Proposed streets within the development shall be laid out to provide convenient and safe access to each lot and/or structure and/or parking compound proposed as part of the development of the tract. Rigid rectangular street patterns are not required and curvilinear streets may be provided when their use will result in a more desirable layout.

(b) The proposed street system shall be connected to the existing street system at a location which will minimize adverse effects and not place any burdens upon the functioning of the existing street system or access to other properties along the existing street system. The applicant shall install all necessary traffic control devices and shall make all necessary improvements to provide for such access which may include, but shall not be limited to, the installation of traffic signals and roadway improvements at affected intersections to regulate traffic flowing past or to and from the proposed point or points of access to the development.

(c) Where a development abuts an existing or proposed arterial street, the developer shall use marginal access streets, reverse frontage lots or other means to provide protection for abutting properties, reduce the number of intersections with the arterial street, and separate the local and through traffic.

(4) *Street Provisions for Future Development.* Where appropriate, areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. Areas reserved for future street usage will not be required to be improved; however, these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract. Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project by the developer, provided this use is not adverse to the man-made or natural features of the site.

(a) *Future Rights-of-Way.* Future rights-of-way shall be designed in conformance with the street design requirements of this Part and the contiguous parcels must contain proper setbacks and sight distances.

1) The area within the future rights-of-way shall be included within the deeds to the abutting lots with an easement in favor of the Township and landowners of the land into which the future rights-of-way will extend to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed.

2) The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the final plan and in all deeds to such lots.

3) The landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.

(5) *Half Streets.* Half or partial streets (less than the required right-of-way or cartway width) will not be permitted. All plans shall be designed to provide for the entire required right-of-way and cartway.

(6) *Street Names.* Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets within the same postal area. All new street names are subject to the Lebanon County-Wide Communications granting its approval with all final plan applications. All street names shall conform, where applicable, to the local Township plan for street names.

(a) *Street Signs.* All traffic control signs and street name signs shall be indicated on the plans and installed where identified along all new streets and intersections. The design and placement of such signs shall be in accordance with current PennDOT standards and subject to approval by the Township.

(7) *Vertical Alignments.* Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be 0.75 percent and the maximum grade shall be 10 percent; except for collector streets which

shall be a maximum 8 percent grade.

(a) Vertical curves shall be used in changes in all changes of grade. The minimum length of a vertical curve shall be 75 feet. Vertical curve length shall be based on the formula  $L=KA$ , where “K” is the length of the vertical curve per percent change in “A,” and “A” is the algebraic difference in grade in percent. Values for “K” shall be based on the following criteria:

Design Speed (mph)	“K” Crest Vertical Curves	“K” Sag Vertical Curves
20	10	20
25	20	30
30	30	40
35	45	50
40	70	70
45	100	90
50	150	110
55	220	130

All the cut and fill banks shall be a maximum of 3 to 1 slope.

(b) Where the approaching grade exceeds 7 percent on any or all streets at a four-way street intersection, or the terminating street at a three-way intersection, a leveling area shall be provided on the street(s) with such excessive grade. Such leveling area(s) shall have a maximum grade of 5 percent for a minimum length of 75 feet measured from the intersection of the centerlines.

(c) The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall not exceed 5 percent.

(d) All new streets shall be graded to the right-of-way line. Cut and fill slopes within right-of-ways shall not exceed 3 to 1. If 3 to 1 slopes are proposed and the height of such slope is proposed to be in excess of 5 feet, a non-maintenance vegetative cover shall be proposed. The proposed vegetation shall be approved by the Township.

(8) *Street Improvements.*

(a) All street paving must conform to the following specifications, with the exception that the specifications for a street to be dedicated to the Township shall conform to the specifications contained in any other Township ordinance should such ordinance have more stringent specifications. Where another standard applies, the plan shall note that the street will be paved to such standard.

(b) The base for local streets and special purpose streets which serve only local, residential traffic shall consist of crushed aggregate of a type specified in the latest edition of the PennDOT Manual Form 408 rolled to

a minimum thickness of 6 inches. The base for all other streets, including but not limited to arterial streets and collector and special collector streets, shall consist of crushed aggregate of a type specified in the latest edition of the PennDOT Manual Form 408 rolled to a minimum thickness of 8 inches. No base shall be covered until it is inspected and given final written approval by the Board of Supervisors or its designated representative.

(c) The construction of all streets shall be based on current PennDOT approved Superpave calculations and specifications, but in no case shall the binder course be less than 4 inches or the wearing course be less than 1½ inches. All finished streets must maintain a ¼-inch per foot crown for each lane of travel except on superelevations and shall conform with the horizontal and vertical alignment of the plan as approved.

(d) All work procedures for the paving of streets shall conform to the requirements of the latest edition of all applicable PennDOT manuals and publications, including but not limited to, PennDOT Publication 408, 242, 70 and 72M.

(e) Wherever street improvements occur along or adjacent to a project site and result in a widened cartway width, a paved transition area shall be provided. The minimum length (in feet) of the transition area shall be calculated based on the offset distance from the edge of the existing cartway to the edge of the widened cartway times 15. For example, if the existing lane width is 10 feet and the proposed lane width is 14 feet, the paved transition would be 60 feet  $((14-10) \times 15 = 60)$ . The pavement section for all transition areas shall be the same as that required for any street widening.

(f) For any nonresidential subdivision or land development in which at least 50 one-way equivalent single axle loads (ESALs) will be generated in any given day of the week, the structural design of any roads shall be performed by an engineer in accordance with current engineering standards. The design standards referred to herein, however, shall be the minimum standards utilized. In all cases, intersections of new roads, streets, driveways and access drives shall be constructed of reinforced concrete cement, in accordance with PennDOT design standards, for a distance of at least 75 feet in each direction along and for the full cartway width of the existing or proposed Township road from the intersection.

(9) *Extension of Existing Streets.* The extension of existing streets which are presently constructed with a cartway different from the standards of this Chapter shall be provided with a transition area, the design of which is subject to Township approval.

(10) *Improvement of Existing Streets and Intersections.* Where a subdivision or land development abuts an existing Township and/or State street the developer shall make the following improvements:

(a) Where the subdivision or land development abuts an existing Township or State street, the developer shall dedicate additional right-of-way to the Township or State, as applicable, to the extent necessary to

increase the right-of-way width of the existing street to create a right-of-way width which is equivalent to the right-of-way width for new streets of the same classification established by this Chapter. The developer shall improve the existing street to the cartway width established for new streets of the same classification set forth in this Chapter. A developer shall install curbs, sidewalks, pavement widening, stormwater management facilities, and all other necessary or appropriate improvements in accordance with Township ordinances. Notwithstanding the foregoing, the developer shall also improve State streets in accordance with the requirements of the PennDOT and any conditions which the PennDOT may impose upon its granting of a highway occupancy permit.

(b) Where the subdivision or land development is situated only on one side of an existing street, the developer shall improve the side of the street abutting the subdivision or land development and, if the traffic impact study demonstrates that improvement of the entire cartway width is necessary for adequate, safe and convenient access to the proposed subdivision or land development, shall improve both sides of the street. If the Township requires the developer to improve only the side of the street abutting the subdivision or land development, the developer shall, in addition to all other required improvements, install a wearing course per Superpave specifications of not less than 1½ inches in depth pavement overlay from the centerline of the existing cartway to the limits of the improved cartway width. For single family residential subdivisions of 10 lots or less (fronting on one road) with lots sizes all 1 acre or larger, a waiver from specific requirements of subparagraph (10) may be requested. Such request must, at a minimum, include justification as to why the specific improvements are not necessary, and that not making such improvements will not result in any negative impact on the road system due to the proposed development.

(c) Where the traffic impact study indicates that additional improvements are necessary or advisable to existing Township and/or State streets and/or intersections immediately adjacent to the property being subdivided or developed, in order (1) to assure adequate, safe and convenient access to each lot and/or structure and/or parking compound proposed as part of the development of the tract; (2) to accommodate the traffic due to the proposed development; (3) to provide for a level of service and delay for the design year, or years for phased projects, with the development which is at least equivalent to the projected level of service and delay for the design year(s) without the proposed subdivision or development; and/or, (4) to preserve the existing convenience of access to or ability to exit from abutting properties which gain access from the existing street, the developer shall install all such indicated improvements. The developer shall install additional traffic lanes, traffic dividers, traffic control devices, traffic signals and other measures as appropriate to ensure that the development of the tract does not adversely impact the existing street system and/or access to or the ability to exit from properties gaining access from an affected street. If the traffic impact study indicates that improvements must be made to a State street, the developer shall also take all

action necessary to obtain any PennDOT permits and/or approvals to install the necessary street widening and/or traffic signals or traffic control devices. If the traffic impact study recommends installation of traffic signals or traffic signal modifications, the developer shall prepare all studies and submit all necessary applications to enable the installation of the traffic signal or modifications at the developer's cost and expense. If the traffic impact study indicates that traffic control devices or regulations including, but not limited to, stop intersections, speed limit reductions or parking prohibitions, are required, the developer shall prepare all studies necessary to justify imposition of such regulations in accordance with PennDOT regulations and shall pay all costs associated with the preparation and enactment of an ordinance to establish such regulations.

(d) The developer shall bear all costs and expenses in connection with the improvements required by this subsection. If the developer requires the Township to submit any permit applications or requests for approvals in the name of the Township, the developer shall reimburse the Township for all costs and expenses incurred by the Township in connection with its review of the application and submission of the application to PennDOT or other governmental agency.

(e) When the Township determines that the required improvements are not feasible at the present time, the developer shall deposit funds with the Township in the amount of 110 percent of the cost of the improvements computed in accordance with the provision of §509 of the Municipalities Planning Code, 53 P.S. §10509. Such funds shall be maintained by the Township in a general account to be used for traffic improvements adjacent to the development. The developer may request a modification to reduce the amount of funds to be deposited with the Township under this provision. In order to warrant the granting of such modification, the developer shall make application to the Township in accordance with the provisions of this Chapter. The developer shall establish the particular circumstances which are applicable to the development and shall demonstrate good cause for such modification. The Township Engineer shall make a recommendation to the Township Planning Commission and Board of Supervisors whether or not and to what extent such requested modification should be granted.

(11) *Specific Traffic Control and Access Requirements.* The following specific traffic control and access requirements shall be met for developments which produce 100 peak hour directional trips:

(a) If any traffic signals are to be installed, the distance between any new and/or existing signals shall be at least 1,000 feet unless it can be demonstrated that adjacent traffic signals can operate sufficiently at lesser distances.

(b) Design of proposed development access points shall take into consideration the horizontal and vertical grades of the existing road network in the traffic impact study area to permit safe and convenient access to the site as defined in the latest PennDOT standards and regulations. All modifications required to meet these regulations will be

the responsibility of the developer.

(c) The developer shall demonstrate by using the latest PennDOT standards and regulations that the proposed use will not create traffic patterns and movements which will jeopardize the traveling public.

1) Stacking of sufficient length shall be provided in all traffic lanes on the site and off the site on adjacent roadways to insure that there shall be no blockage of through traffic. The design and length of the stacking lanes shall be justified and supported by the queuing analysis required as part of the traffic impact study.

2) Street and/or access drives to and within the site shall be designed in a manner that blockage of through traffic by vehicles attempting to enter or exit on these streets or access drives will not occur.

3) Acceleration, deceleration and turning lanes shall be of sufficient lengths to accomplish their intended use.

(d) If reduction of the speed limit, installation of traffic control devices, limitation of parking or turning movements or similar measures are required to mitigate traffic impacts upon Township or State highways, the applicant shall present traffic studies performed in accordance with PennDOT regulations and Publication No. 201, Engineering and Traffic Study Regulations. The erection or the installation of such traffic control devices shall be in accordance with 67 Pa.Code, Chapter 211, "Official Traffic Control Devices," of PennDOT regulations. If the enactment of an ordinance is necessary to effectuate the traffic regulations or the installation of the traffic control device, the applicant shall reimburse the Township for all expenses in the preparation and enactment of the necessary ordinance.

(e) No street shall be located in a manner which would limit access to or exiting from abutting properties gaining access from the existing street with which a proposed street will intersect unless the developer provides such lots with alternate access from the proposed street system in a manner acceptable to each affected lot owner. It shall be the burden of the applicant to demonstrate that such access is acceptable to all owners of an affected lot. For the purpose of this provision, limitation of access shall include the limitation of turning movements into or exiting the abutting property or properties gaining access from the existing street, whether by traffic regulations, installation of barriers to prevent turning movements, installation of additional traffic lanes in front of a property, or difficulties or delays resulting from increased traffic flows.

(f) Where new intersections are being established to serve as access to the proposed development, these intersections must be designed to at least operate at level of service B or better.

(g) For access points to the proposed development and any major intersections where traffic signal control may be required or is being proposed, a traffic signal warrant analysis shall be performed in accordance with the requirements of PennDOT's Publication 201. A left turn



lane shall be provided and an analysis shall be completed to determine the type of signal phasing required.

(h) Emergency traffic signal preemption shall be addressed and provided as required.

(i) Additional left and right turning lanes shall be provided to address the existing roadway site conditions and access to the proposed development.

(j) An agreement between the Township and developer shall be provided with regard to operating expenses and maintenance of proposed traffic signals.

(k) Additional through lanes and lane transitions of sufficient length shall be provided to allow smooth traffic flow to existing traffic lanes thus minimizing congestion, delays and/or blockage of through traffic within the proposed improvement area. The design and length should be justified and supported by the queuing analysis required as part of the traffic impact study.

(l) Sidewalks shall be provided along the property frontage and within the development.

(12) *Street Construction Specifications.*

(a) Streets must be surfaced to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the developer and approved by the Township. Before paving the street surface, the developer must install required utilities and provide subsurface drainage for the streets in accordance with the stormwater management requirements herein.

(b) The construction of all streets shall comply with current Township standards as set forth in this Chapter and specifications based on the construction standards of PennDOT, Form 408.

(c) The Township shall determine if a collector or arterial street is required as direct result of the construction of the development, in which case the developer is responsible for paving the additional width required for such streets.

(13) *Street Intersections.*

(a) Multiple intersections involving the junction of more than two streets are prohibited.

(b) The distance between the centerline of streets opening onto the opposite sides of existing or proposed streets shall be no less than 150 feet between centerline of the street being intersected.

(c) The distance between the centerline of streets intersecting a collector or local street shall be no less than 300 feet measured along the centerline of the street being intersected.

(d) Intersections with arterial streets shall be located not closer than 1,000 feet, measured from centerline to centerline, along the centerline of the arterial street being intersected.

(e) Right angle intersections shall be used.

(f) The cartway edge at street intersections shall be rounded by tangential arc with a minimum radius of 20 feet for local streets and 30 feet for intersections involving major streets. The radius, however, shall be sufficient to accommodate all anticipated truck turning movements completely within the paved cartway of the applicable travel lane. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway.

(g) Where appropriate, the Board of Supervisors may require additional traffic lanes to facilitate turning movements at existing or proposed street intersections within or bordering the site. These additional lanes, including acceleration/deceleration lanes and lane transition areas, shall be provided in accordance with the latest PennDOT standards and regulations.

(h) Where curbs and sidewalks are required or provided, clearly marked crosswalks shall be provided at all intersections. Crosswalks may also be required by the Board of Supervisors at other locations to promote the convenience and safety of pedestrian traffic. The design of crosswalks and the materials used shall be consistent with the PennDOT Form 408 specifications.

(14) *Sight Distance at Street Intersections.*

(a) There shall be provided and maintained at all intersections a clear sight triangle easement or dedicated right-of-way which shall include the area on each street corner that is bounded by a line of sight triangle between points from the intersection of the street centerlines for a distance of 75 feet for local streets and 150 feet for all others. Clear sight triangles shall be indicated on all plans, and a note shall be provided on the plans which states that no structures, landscaping or grading may be constructed, installed or performed within the area of the clear sight triangle which would obscure the vision of motorists. Deeds to lots which contain clear sight triangles shall provide that no structure, landscaping or grading shall be erected, installed or performed within the area of the clear sight triangle which will obscure the vision of motorists.

(b) Proper sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections. The sight distance shall be measured from a line 10 feet back from the edge of the cartway of the intersected street perpendicular to the centerline of the intersecting street. The sight distance shall be determined by the design speed of the road and the grade of the intersected street in accordance with current PennDOT regulations and publications.

(c) All streets intersecting a State route shall be subject to the approval of the PennDOT. The minimum sight distance requirements for such intersections shall be provided based on current PennDOT standards and regulations.

(d) *Lot Access.*

1) The Board of Supervisors may disapprove any point of ingress

or egress to any lot, tract, parcel or development from any Township road when the proposed ingress or egress would create unsafe conditions, or result in substandard circulation and impaired vehicle movement.

2) The Board of Supervisors may require the applicant to provide ingress and egress to a particular lot or tract through the remainder of the property or other properties over which the applicant has control.

3) In recommending approval of ingress or egress from any State road or highway, the Board of Supervisors can only recommend those access points that are not in conflict with safety standards of the PennDOT. A highway occupancy permit is required for each access point onto a State road or highway.

(15) *Future Access Strips*. Future access strips are rights-of-way reserved for future street improvements. They shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distances.

(16) *Emergency Access Requirements*. All subdivisions or land developments containing 50 or more dwelling units or nonresidential buildings containing 20,000 or greater square feet of gross floor area shall be provided with at least two separate and distinct means of access for the subdivision or land development.

(a) Access may be provided through the location of two or more public or private streets, each of which intersects with an existing public street. Such public or private streets shall meet all the requirements of this Chapter concerning design and construction.

(b) Access for a land development may be provided through two or more driveways into the land development. Such driveways shall be separated by a distance of at least 150 feet and shall comply with all requirements of this Chapter.

(c) If the applicant is unable to provide access to the subdivision or land development through two or more public or private streets, each of which intersects with an existing public street, or two or more driveways which intersect with one or more existing public streets, an emergency access shall be provided.

1) The emergency access shall be improved so that emergency vehicles may safely transverse it and shall be indicated on the plans.

2) The emergency access shall be accessible to the providers of emergency services within the Township. Applicants proposing to provide emergency access shall submit evidence of such approval.

3) The emergency access may be located so that access to the subdivision or land development is gained from a public street at a location unsuitable for regular access with an existing public street.

4) The emergency access may be boated so that access is gained from an adjacent tract. For example, a subdivision or land develop-

ment adjoining a parking lot of another use may provide emergency access through a point with a break chain. Applicants with plans indicating emergency access through an adjoining private tract shall provide evidence that the adjoining property owner has consented to such emergency access location.

(Ord. 010708A, 1/7/2008, §5.11)

**§22-511. Monuments.**

1. Sufficient monuments shall be set to ensure that reliable survey points are available for all parts of the subdivision. At least one monument shall be placed for every two lots or every 200 feet of streets, whichever requirement is less. The monument shall consist of either a cast iron box inside of which shall be placed a ¾-inch steel pin 3 feet in length, with the top of the pin set to serve as the survey point, or 4-inch square x 30 inches in length concrete containing an iron bar for strength and drill hole for line, set level with finished grade. All lot corners and changes in direction shall be identified by steel pins.

2. The top of the monument box shall be set at the finished grade upon completion of the grading of the street.

(Ord. 010708A, 1/7/2008, §5.12)

**§22-512. Utilities, Curbs and Sidewalks.**

1. All subdivisions shall be designed and serviced with adequate utilities, including electricity, telephone and gas service. The developer shall be responsible to cooperate with the utility companies to insure installation of the necessary utilities. All utilities shall be underground, except where developments are exempted by the Pennsylvania Public Utility Commission. Where required, the developer shall obtain a letter from the utility company confirming that service may be extended to the development.

2. When required by the municipality, the developer shall provide a street lighting duct system, in accordance with the specifications of the appropriate public utility.

3. In areas where public water lines are available, fire hydrants shall be installed by the developer. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any dwelling or inhabited structure. The nearest fire protection unit may be contacted for input regarding the design and placement of a fire hydrant network.

A. *Curbs.* Curbs shall be installed by the developer when the mean lot width is 100 feet or less, or when any non-residential development is proposed, or when residential development which is not solely single-family detached residential is proposed, or when lot sizes are less than 1 acre in area.

Curbs shall be installed on each side of all new streets in subdivisions or land developments, along all existing streets abutting a subdivision or land development, and along all new parking compounds in land developments by the developer in accordance with the following specifications:

(1) Curbs shall be constructed according to the specifications set forth in

§641, Type A, C, and D, "Plain Cement Concrete Curb Gutter," in the Pennsylvania Department of Transportation Specifications, 1970 as amended, and must conform to all Americans with Disabilities requirements, slant-type or mountable curbs may be permitted by the Township when density of driveways would dictate. Such request must be submitted in writing, along with complete details of such curbs for review and approval by the Township Engineer, Planning Commission and Board of Supervisors.

(2) Vertical curbs shall be not less than 6 inches wide at the top and 7 inches wide at the bottom. The overall depth of the curb shall be not less than 22 inches. The curb shall rest on a 6-inch crushed stone base.

(3) The cross sections of gutters, if any, shall be constructed in accordance with the details shown on approved drawings.

(4) Curbs shall be set and finished to the lines and grades given on the approved drawings.

(5) The developer shall notify the Township a minimum of 24 hours in advance of the start of construction.

B. *Sidewalks.* Sidewalks shall be installed by the developer when the mean lot width is 100 feet or less, or when any non-residential development is proposed, or when residential development which is not solely single-family detached residential is proposed, or when lot sizes are less than 1 acre in area.

Sidewalks shall be installed on each side of all new streets in subdivisions or land developments, along all existing street abutting a subdivision or land development, and along all new parking compounds in land developments by the developer in accordance with the following specifications:

(1) Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line.

(2) Sidewalks shall be 4 feet wide in single-family residential developments.

(3) Sidewalks shall be 5 feet wide in multi-family developments.

(4) Sidewalks shall be 10 feet wide in commercial developments, unless justification is provided to warrant a lesser width.

(5) Sidewalks shall be constructed according to the specifications as set forth in §676, "Cement Concrete Sidewalks," in the Pennsylvania Department of Transportation Specification, 1970, as amended, and must conform to all Americans With Disabilities requirements. Where sidewalks cross driveways, the minimum thickness shall be 6 inches, and mesh reinforcement shall be provided.

(6) The developer shall notify the Township a minimum of 24 hours in advance of the start of construction.

C. *Street Lights.*

(1) Street lighting shall be provided along all new streets and along all streets abutting a subdivision or land development within all zoning districts with the exception of the Agricultural District. Street lights shall be in accordance with an illumination plan designed by the local electric utility

company, or in conformance with the Illuminating Engineering Society of North America, *IES Lighting Handbook* (New York, NY:IES, 1981, as amended).

(2) Spacing of standards shall be equal to approximately 4 times the height of the standard. The maximum height of the standards shall be 20 feet.

(3) In all instances, the lighting shall be such that all light is directed only onto the area to be illuminated. The lighting shall further be fully cut off from any upward lighting, shall not present any hazards to drivers, and shall not create a nuisance to residents. The lighting plan shall clearly demonstrate conformity to these requirements, and shall be subject to the approval of the Township.

(4) Lighting fixtures shall be approved both by the local utility company and the Township. Installation requirements procedures and associated costs shall follow the standards as adopted by resolution from time to time by the Board of Supervisors.

(Ord. 010708A, 1/7/2008, §5.13)

### **§22-513. Required Improvements.**

1. The land improvements required to be completed by the developer of a subdivision or land development, as set forth in this Chapter, shall be designed and installed in accordance with this Chapter and other codes of the Township. The improvements shall be of such size and capacities as are required for the development of the proposed subdivision and of extra sizes as may be necessary to serve nearby land which is an integral part of the neighborhood service or drainage areas.

2. The developer shall be required to extend the improvements to serve adjoining unsubdivided land. Procedures for providing any necessary extra-size and general standards for prorating costs shall be coordinated with the Township and shall be in accordance with the following:

#### **A. Extra-size Improvements.**

(1) The developer shall be required to pay for a part of the materials or construction of streets, sewers or water lines which are determined by the Planning Commission according to the standards set forth in this Chapter to be in excess of the size required for the development of the subdivision and the integral neighborhood, service, or drainage area.

(2) If a storm sewer in excess of 18 inches, or a sanitary sewer in excess of 8 inches or a water main in excess of 6 inches is required, but each less in size than the sewer trunk lines or water mains which are to be constructed and financed on a regional basis, the Township shall construct the extra size utility and require a deposit in advance from the developer for the cost of the utility he is required to install and his portion of other costs which the Township may assess against the benefitted property owners of the service or drainage area.

B. *Extensions to Boundaries.* The developer shall be required to extend the improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land; however, where the Township determines that a connecting

street is necessary for the future subdividing of adjoining land, but the present construction of pavement and/or utilities therein are not warranted, the Township may require the dedication of land, the pavement intersections constructed, utilities extended at least 3 feet beyond the pavement, and connections provided and made available for future extensions by other developers.

C. *Prorating Costs.* In making determinations for prorating costs for the construction of extra-size improvements, the Planning Commission shall consider in addition to the standards set forth in this Chapter and other regulations of the Township the following conditions:

- (1) The relative location and size of the proposed subdivision.
- (2) The traffic estimated to be generated by the development in relation to present streets.
- (3) The natural drainage area for sewers and the service area for water.
- (4) The development benefits that will accrue to the subdivision.
- (5) The sequence of land and utility developments in the vicinity.
- (6) Any other condition it may find pertinent.

(Ord. 010708A, 1/7/2008, §5.14)

**§22-514. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval.**

1. *Performance Guarantee in Lieu of Installation.* No plat shall be finally approved unless the streets shown on such plan have been 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, shade trees, water mains, sanitary sewers, storm sewers, stormwater management facilities 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 improvement required as a condition for the final approval of a plat, the subdivider or developer shall deposit with the Township a fiscal security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to roads, stormwater detention and/or retention basins and other related recreational facilities, open space improvements, or buffer or screen plantings which may be required. The developer shall be required to provide notification of expiration of security a minimum of 30 days prior to such expiration.

2. *Type Guarantee.* Without limitations as to other types of financial security which the Municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purpose of this Section. 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 within the Commonwealth. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the

improvements. The Township may require a developer, as a condition of approval, to enter into an agreement for the completion of improvements in all cases deemed appropriate by the Township and in a form acceptable to the Township.

3. *Amount of Guarantee.*

A. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of 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 day after either the original date scheduled for completion or rescheduled date of completion.

B. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said 110 percent. Any additional security shall be posted by the developer in accordance with this subsection.

C. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township Engineer shall review and approve the cost estimate or, for good cause, refuse to accept the estimate, in which case he shall calculate an accurate cost estimate of the required site improvements. If the applicant or developer and the Township Engineer are unable to agree upon an estimate, then the estimate shall be recalculated and rectified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate.

D. In the event that a third engineer is chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

E. If the party posting the financial security requires more than 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 10 percent for each 1-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1-year period by using the above bidding procedure.

F. Any financial guarantee other than a cash escrow shall state on its face, certified by the issuing financial institution, that the issuing financial institution agrees that the financial guarantee shall be irrevocable and shall not be allowed to expire, be withdrawn, or reduced in amount without at least 90 days written notice to the Township, until the financial guarantee is released by the Township. A developer who fails to complete the improvements within the allotted time specified in the financial guarantee shall, at least 30 days in advance of the guarantee expiration date, renew or resubmit a financial guarantee. Failure to keep a financial guarantee in effect until the completion and approval of all



improvements shall be a violation of this Chapter.

4. *Progressive Installation.* In the case where development is projected over a period of years, the Planning Commission may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees and to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

5. *Release from Guarantee.*

A. As the work of installing the required improvements proceeds, the party posting the financial security may request the release, from time to time, of such portions of the financial security which represents work which has been satisfactorily completed. As a prerequisite of such requests, the developer shall be required to follow the construction observation schedule applicable to the improvements being installed. Said schedule shall be provided by the Township to the developer or his agent at the time of preliminary and final plan approvals. In the event any developer fails to comply with this schedule by not giving the required prior notices to the Township Engineer, the Township may, in addition to all other enforcement remedies available to the Township, require the developer to immediately present to the Township Engineer any and all proof required by the Township Engineer to demonstrate that any and all improvements constructed without the necessary observation by the Township Engineer have been constructed in conformity with the applicable plan(s) and ordinance(s). The proof required shall be within the sole discretion of the Township Engineer. The developer shall bear all costs and expenses associated with the presentation of such proof and the Township Engineer's review thereof. Any such requests for release of financial security shall be made in writing to the Board of Supervisors and within 45 days of receipt of such request the Township Engineer shall review the request and make a determination and recommendation as to the amount of security which may be released or reduced in order to assure that sufficient security shall remain to finish all uncompleted improvements. The Township shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer in accordance with the above. In no instance shall the amount of the financial security remaining be less than 15 percent of original security amount. If the Township fails to act within said 45-day period, the release of funds shall be deemed to have been approved as requested. The Township may, prior to final release at the time of completion and certification by its Engineer, require retention of 10 percent of the estimated cost of the aforesaid improvement.

B. The applicant shall assume the necessary expense incurred for the inspection of improvements. Such inspection costs shall be based upon a schedule established by the Township Board of Supervisors by resolution and amended in the same fashion from time to time as deemed necessary.

6. *Maintenance Guarantee.*

A. Where the Township accepts dedication of all or some of the required improvements following completion, the Township 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 depicted on the final plat for a term not to exceed 18 months from the date of

acceptance of dedication.

B. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements. The amount of financial security shall not exceed 15 percent of the actual costs of installation of said improvements. The Township may require developers, as a condition of approval, to enter into a maintenance guarantee agreement in a form acceptable to the Township.

7. *Remedies to Effect Completion of Improvements.* In the event that any required improvements have not been installed as provided in this Chapter or in accordance with the approved final plat, the Township is 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 may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the 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 developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose. Failure to properly install the required improvements shall also constitute a violation of this Chapter, punishable as provided by Part 8 of this Chapter.

(Ord. 010708A, 1/7/2008, §5.15)

#### **§22-515. Insurance.**

The developer agrees to indemnify and save harmless the Township against and from any and all loss, cost, damage, liability, and expense, including counsel fees, account of damage to property of, or injury to or death of, the parties thereto or third person, caused by, growing out of, or in any way whatsoever attributable to the construction of said improvements and the use of the street or other improvements delineated on the subdivision plat during construction. The developer further agrees, but without limiting its liability to indemnify the Township, to carry liability insurance contracts with a reliable insurance company acceptable to the Township, covering the period of said construction in the sum of \$1,000,000 for injury to or death of person(s), and in the sum of \$300,000 for damage to or destruction of property, which insurance contracts shall include the Township as an additional insured.

(Ord. 010708A, 1/7/2008, §5.16)

#### **§22-516. Building Construction and Occupancy.**

A building or zoning permit may be issued and building construction started only after the approval of the final plat. Occupancy shall not be permitted prior to the completion of streets, stormwater management facilities and other improvements necessary for the reasonable use of the building, unless written authorization is granted by the Planning Commission where improvements have been guaranteed by valid bond or other security.

(Ord. 010708A, 1/7/2008, §5.17)

**§22-517. As-Constructed (As-Built) Plans.**

Prior to the final release of the financial security by the Supervisors, and prior to acceptance of dedication of any improvements, easements or rights-of-way, the developer shall provide the Township with one mylar and two prints of the as-constructed plan, prepared and certified by a professional engineer or land surveyor, at the same size and scale of the approved plans, showing the following:

- A. Actual location of all concrete monuments and/or markers which were found or set at all angle breaks, points of curvature and tangents around the perimeter of the total tract. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above referenced points.
- B. Actual location of all iron pins or drill holes in curbs for all individual lot lines.
- C. Actual cul-de-sac radius.
- D. Actual horizontal location of cartway centerline versus right-of-way centerline should be indicated by dimension.
- E. Actual horizontal location of floodplain by elevation and dimension from property line.
- F. Actual horizontal location and cross section of swales and accompanying easements.
- G. Actual horizontal and vertical location of stormwater management facilities including type and size drainage pipes.
- H. *Retention and Detention Basin.*
  - (1) Actual contours of the detention basin.
  - (2) Actual outlet structure details including type, size and inverts of outlet pipes.
  - (3) Actual elevation of the embankment and emergency spillway.
  - (4) A table showing the stage/storage/discharge curve for the constructed conditions.

(Ord. 010708A, 1/7/2008, §5.18)

**§22-518. Traffic Impact Studies.**

1. The number of vehicle trips shall be computed based upon all phases of the development, and the required traffic impact study shall be completed and submitted with the first phase. Failure to submit the required study with the first phase of development, when subsequent phases are planned, shall constitute a violation of this Chapter and the Township may avail itself of any and all remedies provided by the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, including the refusal to issue any permits or approvals necessary for further development of the tract.

2. The Township encourages the developer to present a draft traffic impact study to the Township prior to the preliminary plan.

3. *Traffic Study and Report Required to be Submitted with Preliminary Plans.*

A. If a traffic impact study is required for a proposed subdivision or

development in accordance with §22-403.C.8 herein, it shall be the responsibility of the applicant to ensure the study is conducted and a final report submitted in accordance with these guidelines. The traffic impact study and final report shall be prepared under the supervision of a qualified and experienced transportation engineer with specific training in traffic and transportation engineering.

B. The conduct of the traffic impact study must be in cooperation with and coordinated with the appropriate local and State officials. Of special importance is the need to work closely with the involved officials in determining the improvements which are to be implemented on the affected roadway(s).

C. When requested by the applicant, the Township will perform a “procedural review” of the draft traffic impact study report. This review will be limited to insuring the proper procedures have been used and adequate documentation has been provided in accordance with the requirements of these guidelines. This “procedural review” is intended to provide the study preparer with guidance on the adequacy of the study in meeting the requirements of these guidelines and will not address the adequacy or appropriateness of the recommended improvements.

D. The traffic impact study (TIS) shall be conducted using currently accepted traffic engineering practices and procedures. The use of computer programs to conduct the required analyses is acceptable; provided, the programs reflect the most current provisions of the analysis procedure upon which they are based. Recommended geometric or traffic operations improvements must meet or exceed all applicable PennDOT and local minimum design criteria.

E. The TIS engineer shall be responsible for the collection of all information and data required to support the TIS effort. At the developer's request, the Township will make available appropriate information and data which will assist in the TIS effort. When additional traffic counts are required for the TIS, the engineer shall collect such data to include average daily traffic (ADT) volumes and peak hour turning movement volumes on an average week day, as well as on Saturday or Sunday, if required, as defined in PennDOT's Publication 201. Traffic data may not be older than 3 years.

F. The procedures and requirements outlined in these guidelines are intended to provide a basic framework for the conduct of TIS. Additions or modifications to this framework may be made provided such changes are approved by the Township.

G. The limits for the study area should be based upon engineering judgment and a knowledge of the existing traffic conditions in the vicinity of the proposed subdivision or development. The area must be of sufficient size to include the key roadway corridors and critical intersections which may have an impact on the proposed development site traffic. Designation of the study area boundaries shall be a cooperative effort between the TIS engineer, Township and PennDOT. In those instances where agreement cannot be reached on the boundaries, the Township will establish the boundaries to be used for the TIS. Designation of the future design year(s) as the basis for the study will be made by the Township dependent on the timing and/or phasing of the proposed project. The design year is the anticipated opening of a development assuming full build out and occupancy.

H. Existing and proposed land uses in the study area must be considered in the TIS. This consideration must include not only the current/proposed zoning of

the various tracts within the study area, but also the specific use of the development site. Where the current/proposed land use of the site is being modified, an analysis of the proposed changes should be made to determine the extent to which traffic volumes for the site will be modified.

I. Characteristics of the study area roadway network, intersections and the proposed site access point(s), to include geometrics and traffic control need to be identified as part of the TIS. In addition, all committed roadway and traffic operational improvements to the study area network, which will occur during the designated time period on which the TIS is based, are to be identified. Committed improvements are those improvements within the study area which are proposed and for which funds have been allocated to be installed by other developers and/or governmental agencies.

J. The study area roadway network is to be analyzed for safety and capacity sufficiency for three separate conditions: existing network conditions, future network conditions without the proposed development and future network conditions with the proposed development. For each of the three conditions the following analyses shall be completed:

(1) Average daily traffic (ADT) volumes and turning movement volumes for all critical intersections within the study area shall be determined for the AM peak hour, PM peak hour and the proposed development peak hour, which may be Saturday or Sunday, if other than either the AM or PM peak hour of the network.

(2) The effectiveness of the traffic control (i.e., stop signs or traffic signals) at all critical intersections shall be evaluated by approach in terms of vehicle stops and delays.

(3) Gap studies shall be conducted at the proposed site access points to evaluate the need for signal control, turn prohibitions or additional site access points to reduce the left turn volume to and from the site driveway(s).

(4) Queue length analyses shall be completed to evaluate the potential for a backup of traffic from controlled intersections which could impact access points to the proposed development.

(5) Accident history within the past 5 years on the streets adjacent to the proposed development.

(6) Existing nonmotorized vehicle travel patterns shall be studied. Proposed improvements shall accommodate these patterns in such a manner to provide safe and convenient travel patterns for nonmotorized vehicles during and after construction of the proposed development.

(7) An analysis of the volume and capacity of the network and all critical intersections shall be conducted utilizing the most current *Highway Capacity Manual* procedures. Levels of service shall be determined and documented.

K. The analysis of the existing roadway and intersection conditions in the study area shall be based upon the current geometric conditions and traffic control operations. This analysis shall serve as a basis for determining the current adequacy of the roadway network and to document any deficiencies, but shall not serve as a basis for requiring any offsite improvements unless the Township has

enacted an impact fee ordinance in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

L. The analysis of the future conditions without the proposed subdivision or development shall document the adequacy of the study area network to accommodate traffic in the design year(s) without the proposed development. This analysis must include a full consideration of all committed roadway improvements to the study area network when determining the expected levels of service.

M. For the analysis of the future conditions with the proposed subdivision or development, one of the key factors shall be the total projected site generated traffic and its distribution on the study area network. The study preparer must fully document the methodology which is used to complete this effort and provide sufficient information such that the Township can verify the results. In addition, care must be taken to ensure that adequate consideration is given to that portion of the already projected future network traffic which shall utilize the proposed development access points.

#### 4. *Improvement Recommendations.*

A. The overall goal of this Section will be to detail necessary improvements to the study area roadway network which shall provide for a level of service and delay for the design year or years for phased projects with the development which is at least equivalent to the projected level of service and delay for the design year(s) without the proposed subdivision or development. Based upon a comparison of the traffic analysis for the future conditions with and without the proposed subdivision or development, roadway and traffic operational improvements which shall support this goal are to be identified and analyzed. These improvements may include both on-site and off-site roadway and traffic operational changes as determined by the preceding analyses. The off-site improvements identified as being needed as a result of the proposed subdivision or land development shall not be the responsibility of the developer or subdivider unless the Township has enacted an impact fee ordinance in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

B. In developing the proposed improvements, the study preparer is to consider the following:

(1) All highway capacity evaluations shall consider not only the overall intersection level of service and delay but also evaluate each approach and movement to identify any substandard values which need to be improved.

(2) The improvements shall provide an estimated delay which shall be no worse than the delay for the design year without the proposed subdivision or development.

(3) Where new intersections are being established to serve as access to the proposed development, these intersections must be designed to at least operate at Level of Service B or better.

(4) For access points to the proposed development, which are not proposed to be controlled by a traffic signal, an analysis shall be completed to determine the design details for a separate left turn lane on the adjoining highway.

(5) For access points to the proposed development and any major

intersection, where traffic signal control may be required or is being proposed, a traffic signal warrant analysis shall be performed in accordance with the requirements of PennDOT's Publication 201. A left turn lane shall be provided and an analysis shall be completed to determine the type of signal phasing required. The final recommended improvements needed due to the proposed land development shall also be subjected to all the traffic analyses which are required under the previous sections of these guidelines. These analyses shall serve to determine the adequacy of the recommended improvements. If the improvements are determined to be inadequate, additional improvements shall be recommended by the developer.

5. *Final Report.*

A. *General.*

(1) A final report must be prepared to document the results of the traffic impact study and the recommended improvements to accommodate the projected traffic due to the proposed subdivision or development. Since this report will be reviewed by Township officials with varying levels of technical expertise, the report must be presented in a format and context which can be understood by both technical and nontechnical parties.

(2) The presentation of data and analyses results should, preferably, be accomplished on either schematic diagrams of the study area, or through the use of charts and/or tables. All sources of data and methodologies which were used in the TIS (including computer programs) must be properly referenced and documented. Any modifications to the referenced procedures must be properly documented to enable a review of the appropriateness of the modification.

B. *Contents.* The final report shall include the following:

(1) Executive summary which provides a concise description of the study area, results of the traffic analyses and any recommended improvements.

(2) Description of the proposed subdivision or development site to include a map showing the site's location in regards to the region and the area roadway network.

(3) Schematic diagram/map of the designated study area showing all major highways and critical intersections.

(4) Results of the traffic analyses for the three traffic conditions. At a minimum, the following data must be shown for each of the three conditions:

(a) ADT and intersection turning movement counts.

(b) Levels of service and delay.

(c) Projected traffic distribution and network assignment for the proposed site.

(5) Recommended improvements to the study area network to include preliminary cost estimates for the on-site improvements only, unless the Township has enacted an impact fee ordinance in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as well as expected levels of service and delay for the recommended improvements.

C. *Review Procedures.* Three copies of the final TIS report shall be submitted for review and approval with the preliminary plan application. Reports which do not contain the required information or indicate that the study was not done in accordance with the requirements of these guidelines shall be returned to the applicant for correction and resubmission.

6. *Contribution in Lieu of Preparation of Studies.* If a developer believes that the preparation of a traffic study and report required herein is not warranted, (e.g., a study for a recently approved adjacent development has already accounted for traffic to be generated by the proposed development, the Township has already made plans for improvements adjacent to the proposed development, etc.) he/she may request the Board of Supervisors to waive the preparation of such study and report and shall make a contribution of the estimated sum necessary to defray the costs of on-site improvements which would be recommended by such studies. The minimum contribution shall be \$350 per dwelling unit or residential lot in a residential subdivision or land development or \$1.50 per square foot of usable building floor area in a commercial, industrial or institutional subdivision or land development.

A. The developer of any commercial, industrial or institutional subdivision or land development shall provide the Township with a certification of the usable building floor area to be constructed for the purpose of determining the contribution in lieu of preparation of studies.

B. This contribution in lieu of preparation of studies provided for herein shall be in addition to all charges imposed by the Township, a municipal authority, or other authorized agency for water and/or sewer tapping and connection fees and shall be in addition to all other review, inspection and other fees or charges, and all sums otherwise agreed to be paid by the developer.

C. The developer shall enter into an agreement with the Township setting forth the contribution in lieu of preparation of studies to be paid, and the studies to be paid and the studies to be waived by the Township. All such agreements shall be in a form satisfactory to the Township Solicitor.

D. All contributions in lieu of preparation of studies shall be paid prior to approval of the final plan by the Township.

(Ord. 010708A, 1/7/2008, §5.19)

#### **§22-519. Vehicular Parking Facilities.**

*Parking Areas.* Off-street vehicular parking facilities shall be provided in accordance with the regulations set forth in the Zoning Ordinance [Chapter 27], which regulations are incorporated herein by reference. Vehicular parking facilities for land uses other than detached single-family residences shall be designed in accordance with the following provisions:

A. Parking facilities shall not be permitted within 10 feet of a side or rear property line unless formal arrangements, satisfactory to the Township, have been made for the establishment of a common parking facility.

B. Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards or walkways.

C. Interior drives between rows of parking spaces shall have the minimum



widths indicated in the following table:

<b>Angle of Parking</b>	<b>Minimum Width (Feet) One-Way Traffic</b>	<b>Minimum Width (Feet) Two-Way Traffic</b>
90 degrees	25	25
60 degrees	20	22
45 degrees	18	22
30 degrees	11	22
Parallel	11	22

(1) Interior drives in areas where there is no parking permitted shall be at least 11 feet wide for each lane of traffic.

(2) The following lists required minimum space sizes in feet:

(a) Standard car spaces.

1) Parallel-23 feet by 8 feet

2) Nonparallel-20 feet by 10 feet

D. Not less than a 4-foot radius of curvature shall be permitted for horizontal curves in parking areas.

E. All dead-end parking lots shall be designed to provide sufficient back-up area for all end stalls.

F. All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and 4 inches in width. Painted lines, arrows and dividers shall be provided and maintained to control parking, when necessary to direct vehicular circulation. Parking areas for over 30 vehicles shall be divided by permanent raised curbing that clearly defines parking spaces from designated access lanes.

G. Parking areas, main entrances, exits, streets and pedestrian areas shall be provided with lights such that the areas are illuminated to the standards shown in the Illuminating Engineering Society of North America, *IES Lighting Handbook* (New York, NY:IES, 1981, as amended). Additionally, the lighting shall be designed and arranged such that the lux or footcandle values are zero at and beyond the property lines of the property being developed, and are also zero in an upward direction.

H. All parking areas shall provide for sufficient handicapped accessibility in the design of sidewalks, ramps, curbs and related facilities including the number of specific handicapped parking spaces in accordance with applicable Federal, State or local regulations.

I. All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another dust-free surface, approved by the Board of Supervisors.

J. Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least 12 feet wide for each travel lane.

K. Parking lots shall be provided with adequate facilities to collect and convey stormwater in accordance with the stormwater management requirements herein.

L. Buffer planting shall be provided where parking compounds are adjacent to residential properties. The buffer planting area shall be at least 15 feet wide for nonresidential compounds, and 5 feet wide (around outside boundary perimeter only) for residential compounds. The buffer planting shall consist of a completely planted visual barrier composed of evergreen vegetation arranged to form both a low-level and a high-level screen between grade and to a height of at least 8 feet.

M. *Speed Bumps.*

(1) Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.

(2) The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.

(3) There shall be a warning sign posted at each entrance to a parking area having speed bumps.

(4) In no case shall the overall height (or depth) of speed bumps exceed 3 inches.

O. In any parking lot containing 20 or more parking spaces cumulatively from the effective date of this Chapter, 5 percent of the total area of the lot shall be devoted to interior landscaping. For the purpose of computing the total area of a parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands and curbed areas. Interior landscaping shall consist of vegetated areas only, and shall be uniformly spaced and located throughout the parking lot. Artificial vegetation and areas covered by stone shall not be included in calculating the interior landscaping area, and only the vegetated areas inside the parking lot perimeter as described in this Section shall be counted. The interior landscaping shall consist of ground cover, shrubs, and trees. There shall be at least one shade tree provided for each 300 square feet or fraction thereof of required interior landscaping area. These trees shall be at least 2 inches in caliper, and shall have a clear trunk at least 5 feet above finished grade elevation. No vegetation shall be allowed which will obstruct safe sight distances or clear sight triangles. The interior landscaping requirements shall be in addition to any other landscape screening or buffering required in this or other Township ordinances.

(Ord. 010708A, 1/7/2008, §5.20)

#### **§22-520. Prime Open Space and Recreation.**

1. Pursuant to §503(11) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10503(11), the Board of Supervisors of Bethel Township has adopted a Recreation, Parks and Open Space Plan. To implement this plan, all residential subdivisions and land developments shall be provided with park and recreation land, which shall be dedicated to the Township. The subdivider or developer may request that the Township not require the dedication of land, and any such request shall be accompanied by an offer to pay a fee in lieu of dedication of land, computed in accordance with the regulations provided herein, an offer to construct recreational facilities and/or an offer

to privately reserve land for park or recreation purposes.

2. Residential subdivisions or land developments proposing two lots or dwelling units (a residue lot will be considered one of the two lots) are exempt from the provisions of subsection .1. However, if exempt lots are later subdivided, and the total number of lots derived from the original parcel of land as existed on the date of adoption of the amendment to this Chapter containing this Section, is three or more, the provisions of subsection .1 will apply as though the original tract of land was divided simultaneously, and the obligation shall be imposed upon the latter lot(s).

3. A minimum of 0.06 acre of land shall be reserved for park and/or recreation purposes for each residential lot created for a single family dwelling in a subdivision or land development. A minimum of 0.06 acre of land shall be reserved for park and/or recreation purposes for each dwelling unit created in a land development contemplating multi-family dwellings.

4. If a fee in lieu of dedication of land is proposed by the subdivider or developer, the fee shall be based on the fair market value of the land required to be dedicated under subsection .3 above or \$750 per lot or unit, whichever is greater. Payment of all such fees shall be a condition of final plan approval and no plan shall be signed by the Board of Supervisors until such fees are paid, unless the subdivider or developer and the Board of Supervisors agree otherwise in writing. The subdivider or developer shall provide the Board of Supervisors with all the information necessary to determine the fair market value of the whole tract being developed, including, but not limited to, a copy of the agreement of sale if the subdivider or developer has purchased the land within the past 2 years, or an appraisal of the whole tract being developed conducted by a MAI appraiser acceptable to the Township. The fair market value of 1 acre shall be computed by dividing the total price for the tract being developed by the number of acres within the tract. The amount to be paid shall be calculated according to the formula:  $N \times \text{FMV} = \text{Fee}$ , where the value of N shall be determined by multiplying the number of lots or dwelling units by 0.06 and FMV is the fair market value of 1 acre.

5. All proposals involving the dedication of land, payment of fees in lieu of dedication, offers to construct recreational facilities, and/or offers to privately reserve land for park and/or recreation purposes, shall be submitted to the Bethel Township Recreation Board for review and comment. As soon as is reasonably possible after receipt of such a proposal by the Township Planning Commission, that Commission shall forward the proposal and any comments or recommendations regarding the proposal to the Bethel Township Recreation Board for its review and comment. The Recreation Board shall have 60 days from the receipt of the proposal from the Planning Commission to provide written comments thereon, which shall be forwarded to both the Township Planning Commission and the Township Board of Supervisors.

6. The subdivider or developer shall enter into a written agreement with the Township setting forth the fees to be paid, the facilities to be constructed, or the land to be dedicated. All such agreements shall be provided prior to final approval of the plan and shall be satisfactory to the Board of Supervisors.

7. Where the contribution of fees in lieu of prime open space has been approved by the Board of Supervisors, said fees shall be used and invested in accordance with the Township Recreation, Parks and Open Space Plan and the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

8. Where the construction of recreational facilities in lieu of setting aside prime open space has been approved by the Board of Supervisors, said construction shall be in accordance with the Township Recreation, Parks and Open Space Plan and the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §1010 *et seq.* All facilities constructed pursuant to this Section shall be constructed in accordance with current standards established by the National Park Association and, where possible, the Americans with Disabilities Act of 1990. Playground equipment shall be in compliance with Consumer Product Safety guidelines. Such facilities shall be completed prior to final plan approval or an improvements security shall be deposited with the Township in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter. The value of construction to be contributed shall be not less than the amount of monetary contribution that would be required by subsection .4.

9. All prime open space shall be contiguous, and the prime open space shall be accessible to all lots or units within the development without having to walk in streets (excluding street crosswalks). In all cases, the location and configuration, within the guidelines set forth herein, shall be subject to review and approval by the Township Board of Supervisors. At least 90 percent of the prime open space shall not have any of the following, unless specifically approved by the Township Board of Supervisors, as an integral part of an open space or recreational facility: floodplains, wetlands, slopes in excess of 8 percent, stormwater management facilities, road or public utility rights-of-ways or easements, or surface waters.

10. When the prime open space land required to be dedicated is less than 10 acres in size, the prime open space land shall be located in a suitable place on the periphery of the subdivision or land development so a more usable tract will result when additional prime open space is obtained upon development of the adjacent land. The location shall be subject to review and approval by the Township Board of Supervisors.

11. When public prime open space land exists adjacent to the tract to be subdivided or developed, the prime open space land shall be located to adjoin and enlarge the presently existing prime open space land. The configuration of such land shall be subject to review and approval by the Township Board of Supervisors.

12. Prime open space land shall be accessible to utilities, such as sewer, water, and power that are provided within the subdivision or land development and, if requested by the Township, the subdivider or developer shall extend such utilities to prime open space land. However, nothing in this provision shall require the Township to accept a dedication of utilities.

13. Trails and linear parks may be developed and dedicated for public use and may be credited towards the park and open space land requirements provided that such trails and linear parks are approved by the Township Board of Supervisors and also meet the following minimum standards:

A. Dedications of land shall be a minimum width of 50 feet, and if to be dedicated to Bethel Township, must be approved by the Bethel Township Board of Supervisors.

B. The trail or linear park shall conform to the Bethel Township Recreation, Parks and Open Space Plan, any Lebanon County-wide trail and recreation master plan, and appropriate Bethel Township and County comprehensive plans.

C. The minimum right-of-way with an easement containing a trail which crosses private land shall be 10 feet. Easements may be dedicated to Bethel Township, Lebanon County, or other organizations which, in the judgment of the Bethel Township Board of Supervisors, is appropriate. However, nothing in this provision shall require the Township to accept a dedication of a right-of-way. In all cases, such easements must provide for public use at all reasonable times.

D. Trails shall have a vertical clearance of no less than 10 feet.

E. The width of the trail service may vary depending on the type of use to be accommodated, but in no case shall width be less than 5 feet.

14. Waiver requests from any portion or subsection of this Section shall be subject to review and approval or denial by the Township Board of Supervisors.

(Ord. 010708A, 1/7/2008, §5.21)

#### **§22-521. Environmental Impact Assessment Reports.**

1. For proposed residential subdivision involving 25 or more dwelling units or land development involving 25,000 square feet or more of gross floor area an Environmental Impact Assessment (EIA) report shall be submitted with the preliminary plan when deemed applicable by the Board of Supervisors. The gross floor area for the purposes of this Section shall exclude the gross floor area of buildings used for the housing and raising of animals for agricultural purposes as defined in the Bethel Township Zoning Ordinance [Chapter 27]. Said reports shall be prepared by a qualified consultant(s). These assessments shall be in addition to any and all other assessments required by this or any other Township ordinances, or any other agency having appropriate jurisdiction.

2. Reports shall include maps, narratives, pictures and any other information necessary to adequately evaluate and address the potential impact that the proposed development may have on the items described. Such reports shall be prepared for the following:

- A. Current and past uses of the property, including any encumbrances.
- B. Historic resources associated with the property.
- C. Visual resources associated with the property.
- D. Community facility needs, such as recreation, emergency services, schools, etc.
- E. Utility needs.
- F. Transportation needs.
- G. Population characteristics.
- H. Air and water quality, light and noise levels, vibration, glare and heat, fire and explosion, dust, vapors, gases and smoke, fumes, toxic materials, electrical interference, radioactive materials.

3. In making its evaluation, the Board of Supervisors and/or the Planning Commission may request additional information deemed necessary to adequately assess potential environmental impacts.

(Ord. 010708A, 1/7/2008, §5.22)



**Part 6****Floodplain Management****§22-601. Intent.**

The purpose of the regulations set forth in this Chapter is to monitor the subdivision and/or development of floodplain areas in order to promote and protect the general health, welfare, and safety of the community; to require that each subdivision lot in floodplain areas be provided with a safe building site with adequate access; to insure that public facilities which serve such lots or development be designed and installed to preclude flood damage; and to protect individuals from purchasing lands which are unsuitable for development because of floodplain lands. The subsequent Sections shall be considered requirements supplemental to those procedures and standards specified elsewhere in this Chapter, municipal zoning ordinances, and any other applicable ordinances and codes.

(Ord. 010708A, 1/7/2008, §7.01)

**§22-602. Definitions of Terms Utilized in this Chapter.**

*Building*—a structure which has a roof supported by columns, piers, or walls, which is intended for the shelter, housing, or enclosure of persons, animals, or chattel or which is to house a use of a commercial or manufacturing activity.

*Development*—any man-made change to improved or unimproved real estate, including, but not limited to buildings, mobile homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

*Floodplain*—(A) a relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation by water, (B) an area subject to the unusual and rapid accumulation of runoff of surface water from any source.

*Floodway*—that portion of the 100-year floodplain including the channel of a river or other watercourse and adjacent land areas which are required to carry and discharge the 100-year flood where the activities permitted elsewhere in the floodplain district will not cumulatively increase the water surface elevation more than 1 foot at any given point. Detailed studies of the regulatory flood by the Federal Insurance Administrator provide specific flood profiles and allow for the delineation of floodway and flood-fringe areas within the bounds of the floodplain. For those areas where no floodway has been identified by the Flood Insurance Study, the floodway may be identified by other available studies or sources of information provided by a registered professional engineer.

*Regulatory flood*—the flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for purpose of this Chapter, the 100-year flood, as defined by the Federal Insurance Administrator.

*Regulatory flood elevation*—the 100-year flood elevation based upon the information contained in the official Flood Insurance Study.

*Structure*—a man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not

permanently attached at that location.

(Ord. 010708A, 1/7/2008, §7.02)

### **§22-603. Applications, Procedures, and Plat Requirements.**

The following procedures shall be required in addition to those specified otherwise in these regulations:

#### *A. Pre-application Procedures.*

(1) It is suggested that prospective developers consult the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed.

(2) Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the probable effect of geologic conditions on the proposed development. Concurrently, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the proposed subdivision or development.

*B. Preliminary Plan Requirements.* The following information shall be required as part of the preliminary plan when a subdivision is in a floodplain area and shall be prepared by a registered surveyor or professional engineer:

(1) A map illustrating the location of the proposed subdivision or land development with respect to the Township's floodplain areas including information on, but not limited to, regulatory flood elevations, boundaries of floodplain areas, proposed lots and sites, fill, and flood or erosion protective facilities.

(2) Where the subdivision or land development lies partially or completely in the floodplain area or where the subdivision borders on the floodplain area, the preliminary plan map shall include detailed information giving the location and elevation or proposed roads, public utilities, and building lots. All such maps shall also show contours at intervals of 2 feet and identify accurately the boundaries of the floodplain area.

*C. Final Plan Requirements.* The following information shall be required as part of the final plan and shall be prepared by a registered engineer or surveyor:

(1) All information required for submission of the preliminary plan plus any changes required by the Planning Commission and/or the Board of Supervisors.

(2) A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed in floodplain areas. All such maps shall show contours at intervals of 2 feet and identify accurately the boundaries of the floodplain area.

(Ord. 010708A, 1/7/2008, §7.03)

### **§22-604. Design Standards and Improvements.**

The design standards and improvements specified herein shall be considered requirements in addition to those of Part 5 and otherwise listed in this Chapter.

#### *A. General.*



(1) Where not prohibited by this or any other laws or ordinances, land located in floodplain areas may be platted for development with the provisions that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.

(2) Building sites for residences or any other type of dwellings or accommodations and building sites for structures or buildings other than residential uses shall be permitted in the floodplain only when in compliance with appropriate municipal zoning ordinances, and any other applicable regulations.

(3) If the documentation provided to the Planning Commission indicates that only a part of a proposed plat can be safely developed, they shall limit development to that part and shall require that development proceed consistent with this documentation.

(4) When a developer does not intend to develop the plat himself and the Planning Commission receives documentation that additional controls are required to insure safe development, they shall require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

(5) Lots which are within the floodplain shall be subject to the following:

(a) Any lots created or revised shall have not more than 50 percent of their area within the floodplain, except that large lots may be exempted provided a minimum 1 acre are of said lot is outside the floodplain.

(b) Lot access to a public road shall not be restricted or prevented by floodplain areas.

B. *Excavation and Grading.* Where any excavation or grading is proposed or where any existing trees, shrubs, or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a grading and excavation permit if such is required by the Township.

C. *Drainage Facilities.*

(1) Storm drainage facilities shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site disposal sites.

(2) Plans shall be subject to the approval of the Planning Commission. The Planning Commission may also require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be designed to prevent the discharge of excess runoff onto adjacent properties.

D. *Streets.*

(1) The finished excavation of proposed streets shall be no more than 2

feet below the regulatory flood elevation. The Planning Commission may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

E. *Sewer Facilities.* All sanitary sewer systems located in floodplain areas, whether public or private, shall be floodproofed to a point 2 feet above the regulatory flood elevation.

(1) The Planning Commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The Planning Commission may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

(2) The Planning Commission may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or within 1,000 feet of the proposed subdivision and/or land development, the Planning Commission shall require the developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

F. *Water Facilities.* All water systems located in floodplain areas, whether public or private, shall be floodproofed to a point 2 feet above the regulatory flood elevation. If there is an existing public water supply system on or near the subdivision, the Planning Commission shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

G. *Other Public and/or Private Utilities and Facilities.* All other public and/or private utilities and facilities shall be elevated or floodproofed to a point 2 feet above the regulatory flood elevation.

(Ord. 010708A, 1/7/2008, §7.04)

#### **§22-605. Performance Guarantee.**

No final plat shall be approved by the Planning Commission until the improvements required by this Chapter are completed in a satisfactory manner and approved by the Planning Commission. In lieu of such construction, approval may be granted prior to completion providing:

A. The developer enters into an agreement with the Township guaranteeing that improvements will be installed in accordance with the plans, specifications, and schedules approved by the Township prior to plat approval. This agreement shall also guarantee that no lot will be sold or building constructed in any floodplain area prior to completion of all protective works or measures planned for such lot and necessary access to facilities.

B. The developer provides a fiscal surety to guarantee performance of this agreement and completion of the improvements as planned. The surety may include a certified check, escrow account, irrevocable letter of credit or other bond acceptable to the Township. The procedural requirements of §22-513 of this

Chapter shall supply to any such bonding proposal.

(*Ord. 010708A, 1/7/2008, §7.05*)

**§22-606. Municipal Liability.**

The grant of a permit or approval of a subdivision and/or land development plan in the identified floodplain area shall not constitute a representation guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.

(*Ord. 010708A, 1/7/2008, §7.06*)



**Part 7****Administration, Fees, and Penalties****§22-701. Administration, Enforcement, and Penalties.**

1. No lot in a subdivision or land development shall be leased or sold, no permit as required under any Township ordinance to erect any building or structure upon land in a subdivision or land development shall be issued, and no building or structure shall be erected in a subdivision or land development until a recorded plan of such subdivision or land development shall have been approved and properly recorded and until improvements have been either constructed or guaranteed.

2. *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/owners of record at the time of violation.

(2) The vendee or lessee of the owner of record at any 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 action.

(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. As an additional condition for issuance 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.

C. *Enforcement Remedies.*

(1) Any person, partnership, or corporation who or which has violated the provisions of this Chapter shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs including reasonable attorneys fees

incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or be 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 judgment pursuant to the rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the 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 been believed that there was non 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 magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. [Ord. 120910]

(2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

(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.

(Ord. 010708A, 1/7/2008, §8.01; as amended by Ord. 120910, 12/9/2010)

#### **§22-702. Waivers.**

1. The Planning Commission shall review all waiver requests, and shall grant or deny such request if this authority is specifically granted to the Planning Commission herein, or, make recommendations to the Board of Supervisors on such requests. Unless otherwise specified herein, the Board of Supervisors shall have the sole authority to grant or deny a waiver request.

2. The Board of Supervisors or Township Planning Commission, as outlined in subsection .1, may grant a waiver of the requirements of one 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 waiver will not be contrary to the public interest and that the purpose and intent of this Chapter is observed.

3. All requests for waivers shall be in writing and shall accompany and be 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 waiver necessary.

4. The Township Supervisors shall keep written record of all requests for waivers.  
(Ord. 010708A, 1/7/2008, §8.02)

#### **§22-703. Appeals.**

Appeals from a decision or the absence of a decision under this Chapter shall be based on the provisions of the relevant provisions of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and other relevant statutes and rules.

(Ord. 010708A, 1/7/2008, §8.03)

**§22-704. Fees.****1. Fee Procedures.**

A. Each subdivision or land development plan application shall be accompanied by the required review fee as established and adopted by resolution from time to time by the Board of Supervisors. Fees shall be payable at the time of plan submission (unless otherwise noted herein) and plan processing, approval and recording shall not be completed until all required fees are paid.

B. There shall be no refund or credit of fees or a portion of any fee should the subdivider of development withdraw the plan during the review process or fail to receive plan approval.

**2. Professional Consultant Review Fees.** The Township's professional consultants' review fees with respect to an applicant's plan shall be paid by the applicant to the Township. Review fees shall include all reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township. Such review fees shall be based upon a schedule established by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to the Township for services that are not reimbursed or otherwise imposed on applicants.

A. The Township shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this paragraph shall prohibit interim itemized billing or Township escrow or other security requirements. In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than 45 days after the date of transmittal of the bill to the applicant, notify the Township and the Township's professional consultant that such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a subdivision of land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within 45 days shall be a waiver of the applicant's right to arbitration of that bill under §510(G) of the Pennsylvania Municipalities Planning Code.

B. In the event that the Township's professional consultant and the applicant cannot agree on the amount of review fees that are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution set forth in §510(G) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10510(G), provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.

C. Subsequent to a decision on an application, the Township shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.

**3. Professional Consultant Inspection Fees.** An applicant shall reimburse the

Township for the reasonable and necessary expense incurred in connection with the inspection of improvements. The applicant shall not be required to reimburse the Township for any inspection that is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. 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's professional 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 professional consultant to the Township for comparable services when fees are not reimbursed or otherwise imposed on applicants.

A. The Township shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than 30 days after the date of transmittal of a bill for inspection services, notify the Township and the Township's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 30 days shall be a waiver of the applicant's right to arbitration of that bill under §510(G) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10510(G).

B. Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or any phase thereof, the professional consultant shall submit to the governing body a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

C. If the professional consultant and the applicant cannot agree on the amount of expenses that are reasonable and necessary, then the applicant shall have the right, within 45 days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged shall by mutual agreement appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.

D. The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the Township has paid the professional



consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.

E. In the event that the Township's professional consultant and applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of Lebanon County, Pennsylvania, (or if at the time there be no President Judge then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Township's professional consultant nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding 5 years.

F. The fee of the arbitrator shall be paid by the applicant if the review fee is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000, the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The Township and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.

4. *Engineering Fees.* Engineering fees required to be paid in accordance with this Chapter shall be paid to the Township by the applicant for the below listed services:

A. Reviewing all information submitted in conformance with provisions of this Chapter. This includes all originally submitted and revised plans, reports and specification.

B. Inspecting the layout of the site for conformance to the submitted survey, plan and specifications.

C. Reviewing planning modules for land development.

D. Reviewing costs estimates of required improvements as submitted by the developer.

E. Inspecting required improvements during construction.

F. Final inspections of completion of installation of the required improvements.

G. Such other technical services as deemed necessary or required by the Township.

5. *Legal Fees.* Legal fees incurred by the Township for the review of all information submitted for conformance with provisions of this Chapter, the preparation of improvements agreements pursuant to §22-514.2 of this Chapter, and other similar services, shall be paid to the Township by the applicant.

6. *County Fees.* All required Lebanon County Planning Department plan review fees shall be paid at the time of plan submission to the Township.

7. *Documentation.* Documentation showing that all the plans have been recorded, including as a minimum a copy of a complete set of plans with all signatures, stamps, seals and recording information must be provided before any permits will be issued by the Township.

(*Ord. 010708A*, 1/7/2008, §8.04)

**§22-705. Amendments.**

Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice as defined in the Municipalities Planning Code, 53 P.S. §10101 *et seq.* In the case of an amendment other than that prepared by the Planning Commission, the Township Supervisors shall submit each such amendment to the Township Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on the proposed amendment. At least 30 days prior to the hearing on the amendment, the Township shall submit the proposed amendment to the Lebanon County Planning Department for recommendations.

(*Ord. 010708A*, 1/7/2008, §8.05)

## **Chapter 23**

### **Stormwater Management**

#### **Part 1**

#### **Stormwater Management**

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§23-102.	Statement of Findings
§23-103.	Purposes
§23-104.	Statutory Authority
§23-105.	Applicability
§23-106.	Modifications
§23-107.	Warning and Disclaimer of Liability
§23-108.	Definitions and General Statement
§23-109.	Submissions
§23-110.	Applicable Regulations
§23-111.	Stormwater Calculations and Plan and Report Requirements
§23-112.	Ground Water Recharge (Infiltration/Recharge/Bioretenion)
§23-113.	Swales, Pipes, Culverts and Other Conveyance Facilities
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**Part 1****Stormwater Management****§23-101. Title.**

This Part shall be known as the “Bethel Township Stormwater Management Ordinance.”

(*Ord. 010708B*, 1/7/2008, §1)

**§23-102. Statement of Findings.**

The governing body of the Township of Bethel (the “Township”) finds that:

A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flood 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 and threatens public health and safety.

B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety and welfare and the protection of the people of the Township and all of the people of the Commonwealth of Pennsylvania, their resources and the environment.

(*Ord. 010708B*, 1/7/2008, §2)

**§23-103. Purposes.**

The purpose of this Part is to promote public health, safety and welfare by minimizing the damages described in §23-102 of this Part by provisions designed to:

A. Control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.

B. Utilize and preserve the desirable existing natural drainage systems.

C. Maintain the existing flow and quality of streams and water courses in the Township and in the Commonwealth of Pennsylvania.

D. Preserve and restore the flood carrying capacity of streams.

E. Provide for proper maintenance of all permanent stormwater management structures which are constructed in the Township.

F. Insure adequate drainage of all low points along the line of streets.

G. Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.

H. Establish criteria for computing stormwater runoff.

I. Provide positive drainage away from on-site sewage disposal facilities and buildings.

(Ord. 010708B, 1/7/2008, §3)

**§23-104. Statutory Authority.**

The Township is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864, No. 167, known as the “Storm Water Management Act,” 32 P.S. §6801.1 *et seq.*, and pursuant to the express and implied powers granted under the Second Class Township Code, 53 P.S. §65101 *et seq.*, and the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended.

(Ord. 010708B, 1/7/2008, §4)

**§23-105. Applicability.**

The following activities are included within the scope of this Part:

- A. Land development.
- B. Subdivision.
- C. Construction of new or additional impervious or semi-pervious areas which total 10,000 square feet or more from the effective date of this Part.
- D. Diversion or piping of any natural or man-made stream channel.
- E. Installation, alteration, modification or removal of stormwater systems or appurtenances thereto.
- F. Any other activity where the Township determines that said activity may adversely affect any existing watercourses, stormwater management facilities or stormwater runoff patterns.

(Ord. 010708B, 1/7/2008, §5)

**§23-106. Modifications.**

1. *Modification of These Provisions by the Township Supervisors.* The provisions of this Part are intended as minimum standards for the protection of the public health, safety and welfare. The Township Supervisors may modify or extend said provisions in individual cases as may be deemed necessary in the public interest as set forth hereinafter; provided, however, that such variation shall not have the effect of nullifying the intent and purpose of this Part. If the literal compliance with any mandatory provision of these regulations is shown to be unreasonable as applied to a specific property, the Township Supervisors may grant a waiver, which is defined herein.

2. *Modification to Approved Plans.* No changes, erasures, modifications or revisions shall be made in any documentation after approval has been made by the Township Supervisors, unless said documentation is first resubmitted to and approved by the Township Supervisors. In all cases “as built” plans must be provided prior to final release of security during the improvements phase.

(Ord. 010708B, 1/7/2008, §6)

**§23-107. Warning and Disclaimer of Liability.**

The degree of stormwater protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering

methods of study. THIS PART DOES NOT IMPLY THAT AREAS SUBJECT TO THE STORMWATER MANAGEMENT REQUIREMENTS OF THIS PART WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. The making of an administrative decision shall not constitute a representation, guarantee or warranty of any kind by the Township, or by any official, employee or agent thereof, of the practicability or safety of any proposed structure or use with respect to damage from erosion, sedimentation, stormwater runoff or floods, and shall not create liability upon, or cause of action against, the Township, its officials, employees or agents.

(Ord. 010708B, 1/7/2008, §7)

**§23-108. Definitions and General Statement.**

Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. The word “shall” and “will” are mandatory; the word “should” and “may” are permissive. Terms not defined in this Part shall have the meaning customarily assigned to them. Unless otherwise expressly stated, the following words shall, for the purpose of this Part, have the meaning herein indicated:

*Accelerated erosion*—the removal of the surface of the land thorough the combined action of man's activities and natural processes at a rate greater than would occur because of the natural process alone.

*Conservation District*—the Lebanon County Conservation District.

*County*—the County of Lebanon, Commonwealth of Pennsylvania.

*Culvert*—a pipe, conduit or similar structure including appurtenant works which carries surface water under or through an embankment or fill.

*Design storm*—the magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e.g., 24-hour), and used in computing stormwater management control systems.

*Detention basin*—a basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

*Developer and/or subdivider*—a person or persons, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes the activities covered by this Part. In this Part a “developer” and “subdivider” are used interchangeably.

*Drainage easement*—a right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

*Erosion*—the removal of soil particles by the action of water, wind, ice or other agents.

*Grade*—the inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

*Impervious surface*—a surface which prevents the percolation of water into the ground.

*Improvements*—those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

*Infiltration structures*—a structure designed to direct runoff into the ground, e.g., french drains, seepage pits and seepage trenches.

*Land disturbance*—any activity involving grading, tilling, digging or filling of ground, or stripping of vegetation, or any other activity which causes land to be exposed to the danger of erosion.

*Lot*—a designated parcel, tract or area of land established by a plan or otherwise as permitted by law and to be used, developed or built upon as a unit.

*Owner*—any person, firm, association, syndicate, co-partnership or corporation having proprietary interest in any land sought to be subdivided or developed pursuant to this Part.

*Parcel*—see “lot,” above.

*Peak discharge*—the maximum rate of flow of water at a given point and time resulting from a specified storm event.

*Planning Commission*—the Bethel Township Planning Commission.

*Retention basin*—a basin designed to retain stormwater runoff with its primary release of water being through the infiltration of said water into the ground. That part of precipitation which flows over the land.

*SCS*—Soil Conservation Service, U.S. Department of Agriculture.

*Sediment*—solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by water.

*Storm sewer*—a system of pipes or other conduits which carries intercepted surface runoff water, or drainage, but excludes domestic sewage and industrial wastes.

*Swale*—a wide, shallow ditch which carries surface water runoff.

*Township*—the Township of Bethel, Lebanon County, Pennsylvania.

*Waiver*—a dispensation, granted by the Township Supervisors, from the terms and conditions of this Part where literal enforcement would cause greater economic, planning or site management difficulties than the strict enforcement of this Part would accomplish and when granting of the dispensation would not be contrary to the public interest.

(Ord. 010708B, 1/7/2008, §8)

### **§23-109. Submissions.**

When subdivision or land development plans as defined by the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, are submitted, whether preliminary or final or for approval in sections, or any other plans are submitted as required by this or any other Part, a stormwater management plan in accordance with this Part for the entirely developed project shall be submitted. A note stating that a residue parcel is for “Future Development” or will remain as “agriculture” must be supported with data regarding these uses. If temporary facilities are required for construction of a section, such facilities shall be included in the plans submitted.

(Ord. 010708B, 1/7/2008, §9)



**§23-110. Applicable Regulations.**

1. Where applicable, stormwater management facilities shall comply with the requirements of 25 Pa.Code, Chapter 105, or any successor title or chapter of rules and regulations of the Pennsylvania Department of Environmental Protection, as set forth in the Pennsylvania Code and any and all other State and Federal regulations which may apply. Approval of a stormwater management plan by the Township shall not be construed as an indication that the plan complies with the standards of any agency of the Commonwealth of Pennsylvania.

2. Stormwater management plans which involve a State highway shall be subject to the approval of the Pennsylvania Department of Transportation.

(Ord. 010708B, 1/7/2008, §10)

**§23-111. Stormwater Calculations and Plan and Report Requirements.**

1. A plan indicating the pre-developed drainage areas and time of concentration flow paths used shall be submitted. This plan shall indicate the pre-developed contours of the site in such detail as to be field verified, and shall show all existing stormwater facilities within 200 feet of the property being developed.

2. A plan indicating the post-developed drainage areas, time of concentration flow paths, and all drainage facilities shall be submitted. This plan shall indicate the post-developed drainage areas, time of concentration flow paths, and all drainage facilities, including plan and profile views of the facilities. This plan shall indicate the post-developed contours of the site. All facilities shall be labeled in an easily understandable manner consistent with the stormwater management report.

3. A stormwater management report including all assumptions, methods, references, and calculations for all stormwater drainage facilities shall be submitted.

4. The methodology for calculating stormwater runoff shall be either the soil cover complex method or the rational method.

5. Runoff coefficients utilized in all calculations shall be those as shown in this Part.

6. For pre-development computations, all runoff coefficients shall be based on actual land use assuming summer or good land cover conditions.

7. For post-development computations, all runoff coefficients for cultivated land and fallow fields shall be based on a winter or poor land cover condition.

8. Pre-developed runoff shall be calculated for the 2, 10, 25, and 100-year storm events.

9. Post-developed runoff rates shall be restricted as follows for each pre-developed drainage area:

A. The post-developed 1-year storm event shall be completely retained and infiltrated.

B. The post-developed peak discharge for the 2, 10, and 25-year storm events shall not exceed 50 percent of the peak discharge for the corresponding pre-developed storm events. The post-developed peak discharge for the 100-year storm event shall not exceed 75 percent of the peak discharge for the corresponding pre-developed storm event. In order to achieve this, it is recommended that methods

be considered that will direct runoff from impervious areas to pervious areas or infiltration trenches, that will retain/detain the runoff, or, by some other means suitable to the Township Engineer, reduce the post-developed runoff rate to the pre-developed runoff rate as required.

C. The post-developed 25-year storm event peak discharge shall not exceed the capacity of the receiving stormwater facilities. Calculations shall be provided indicating pre- and post-developed 25-year peak discharge for all receiving stormwater facilities.

10. Stormwater runoff shall discharge to an existing watercourse with defined bed and barriers or an existing storm drainage system. A point discharge from a stormwater pipe shall not be permitted within 50 feet of any surface waters or any waters defined as waters of the Commonwealth. All point discharges from stormwater pipes within 100 feet of surface waters or waters of the Commonwealth shall utilize best management practices established by DEP or other applicable authorities. Stormwater shall not be concentrated onto adjacent properties such that the velocity of the flow for a 25-year storm event peak discharge would be increased beyond that existing prior to subdivision, land development or the commencement of land disturbance activities unless written approval is given by the adjacent property owners to the proposed discharge of surface runoff and the written agreements are approved by the Township. Calculations shall be provided indicating pre- and post-developed 25-year peak discharge velocities for all receiving stormwater facilities.

11. When storm drainage will be directed into an adjacent municipality, all provisions for accommodating such storm drainage shall be submitted to the governing body of that municipality for review.

(*Ord. 010708B*, 1/7/2008, §11)

#### **§23-112. Ground Water Recharge (Infiltration/Recharge/Bioretenction).**

1. The requirements of this Section shall be considered the minimum requirements necessary for all sites. All designs shall, however, comply with all applicable regulations, including but not limited to, NPDES requirements and BMP requirements.

2. Maximizing the ground water recharge capacity of the area being developed is required. Design of the infiltration stormwater management facilities shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is disturbed or impervious surface is created. It is recommended that roof runoff be directed to infiltration BMPs which can be over-designed to compensate for the infiltration losses due to parking areas. It is recommended that roof runoff be directed to infiltration BMPs which may be designed to compensate for the runoff from parking areas.

3. Infiltration may not be feasible on every site due to site specific limitations such as soil type. If it cannot be physically accomplished, due to seasonal high water table, soil permeability rate, soil depth or setback distances from special geologic features, then the design professional shall be responsible to show that this cannot be physically accomplished. If it can be physically accomplished, then the volume of runoff to be infiltrated shall be determined from paragraph .A(3) depending on demonstrated site conditions.

A. Infiltration BMPs shall meet the following minimum requirements.

(1) *Infiltration Requirements.*

(a) Regulated activities will be required to infiltrate, where site conditions permit, a portion of the runoff created by the development as part of an overall stormwater management plan designed for the site. The volume of runoff to be infiltrated shall be determined from paragraph .A(3).

(2) Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

(a) A minimum depth of 36 inches between the bottom of the BMP and the limiting zone.

(b) An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the applicant's design professional.

(c) The infiltration facility shall be capable of completely infiltrating the required retention (infiltration) volume within 4 days (96 hours).

(d) Pretreatment shall be provided prior to infiltration.

(3) The size of the infiltration facility shall be based upon the following volume criteria:

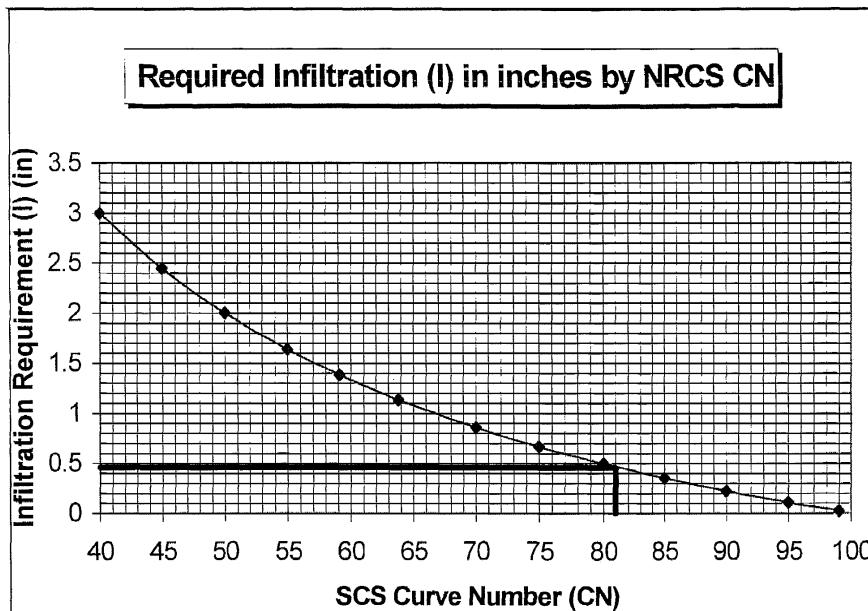
(a) *NRCS Curve Number Equation.*

The NRCS runoff equation shall be utilized to calculate infiltration requirements (I) in inches.

$$I \text{ (Infiltration requirement, in inches)} = (200 / CN) - 2$$

Where:

CN = SCS (NRCS) curve number of existing conditions contributing to the infiltration facility.



Infiltration requirement based upon NRCS Curve Number.

The retention (infiltration) volume ( $Re_v$ ) required to meet the infiltration requirement would therefore be computed as:

$$Re_v = I * \text{impervious area (square feet)} / (12 \text{ in/ft}) = \text{Cubic Feet}$$

Where:

$I$  = infiltration requirements (in inches.)

(Ord. 010708B, 1/7/2008, §12)

### §23-113. Swales, Pipes, Culverts and Other Conveyance Facilities.

1. All stormwater conveyance facilities that service drainage areas within the project site shall be designed based on the 25-year storm event peak discharge to the facility.

2. All stormwater conveyance facilities that convey offsite stormwater through the project site shall be designed based on the 50-year storm event peak discharge to the facility.

3. All stormwater conveyance facilities shall, however, be designed such that the runoff from the 100-year storm event will be able to be conveyed within defined facilities without causing any damage to the public and private property.

4. All stormwater pipes to be maintained by the Township shall be reinforced cement concrete pipe.

5. All pipes shall have a minimum diameter of 15 inches, and a minimum slope of 0.35 percent. The crown of the pipe shall be at least 12 inches below the subgrade elevation.

6. Changes in horizontal or vertical direction of pipes shall be accomplished by installing an inlet, manhole or junction box.

7. All stormwater facilities and appurtenances shall be in accordance with PennDOT Form 408, as amended, and in accordance with the requirements of PennDOT's *Standards for Roadway Construction*, as amended.

8. All storm sewer crossings of streets shall be perpendicular to the street centerline.

9. Trench excavations within street right-of-way areas shall be backfilled with suitable stone aggregate materials from the bottom of the trench to the subgrade elevation; all other areas shall be backfilled with suitable stone aggregate materials from the bottom of the trench to the pipe spring line elevation.

10. Inlets shall be utilized at all inlet ends of pipes within street rights-of-way. Inlets shall also be placed on both sides of the street at low points, at a maximum of 600 feet apart, and at points where the flow in gutters exceeds 3 inches. Inlet capacity information shall be provided for all inlets. All inlets shall have bicycle-proof inlet grates.

11. Where headwalls are utilized, protective grating shall be provided in a manner similar to the detail provided herein.

12. Endwalls and endsections shall be used where stormwater runoff discharges from a stormwater pipe or culvert.

13. The capacities of swales and open channels shall be computed from the Manning Equation. Verification that the velocity in the swale does not exceed the permissible velocity for the design swale lining shall be provided. The Pennsylvania DEP *Soil Erosion and Sedimentation Control Manual* shall be utilized for this purpose. Swales within Township rights-of-way shall be designed such that they can be maintained with existing Township equipment and resources. All such swale linings and configurations shall be subject to review and approval by the Board of Supervisors. Rip-rap lined swales within Township rights-of-way shall be avoided, but may be allowed if specifically approved by the Board of Supervisors.

14. Stormwater velocities at pipe outlets shall be calculated. Outlet protection consisting of a riprap apron or other suitable control measure shall be provided in accordance with the Pennsylvania DEP *Soil Erosion and Sedimentation Control Manual*.

15. When drainage swales are traversed by driveways or other crossings, design and construction details of the crossings shall be provided, and calculations indicating that the swales will continue to function in accordance with the swale design shall be provided.

(Ord. 010708B, 1/7/2008, §13)

#### **§23-114. Basins.**

1. Retention/detention facilities shall be designed such that the post- to pre-development requirements set forth herein are met.

2. All swales, pipes, culverts and other conveyance facilities associated with a basin shall fall under the jurisdiction of §23-113 of this Part.

3. Basins shall be designed with an emergency spillway, located in virgin ground, capable of handling the entire 100-year post-developed flow assuming all other outlet facilities are completely blocked. The emergency spillway water discharge elevation

shall be at an elevation at least 1 foot below the top of the basin berm, and the emergency spillway elevation shall be at least 6 inches above the highest principal outlet.

4. The top of the berm shall be at least 12 inches above the peak water elevation for the 100-year storm event.

5. Compaction requirements and berm material requirements for the impoundment embankment shall be provided to demonstrate that the embankment will be structurally sound under all probable operating conditions.

6. Pond retention times shall be between 24 and 72 hours after the end of the design storm events (where infiltration is being utilized, the retention times required under that Section shall be met).

7. Maximum water depth shall not exceed 6 feet.

8. Minimum top width of embankments shall be 3 feet.

9. Determination of the need for protection around the perimeter of basins shall be the responsibility of the applicant, and shall be subject to review by the Township.

10. Minimum grades for turf areas inside detention basins shall be 1 percent.

11. Maximum side slopes of detention basins shall be 3 horizontally to 1 vertical.

12. A cutoff trench of impervious material shall be provided.

13. Properly spaced and sized concrete cutoff collars or factory welded anti-seep collars shall be provided.

14. Drainage easements, with complete dimensions, shall be provided, at a minimum, corresponding to the 100-year water elevation.

(Ord. 010708B, 1/7/2008, §14)

#### **§23-115. Maintenance.**

1. All plans shall clearly indicate on the plan(s) to be recorded the ownership and maintenance responsibility of all stormwater facilities.

2. When any stormwater management facility is located on an individual lot, and when maintenance thereof is the responsibility of that landowner, a description of the facility or systems and the terms of the required maintenance shall be incorporated on a plan of the property. The plan shall be recorded with the Lebanon County Recorder of Deeds. In addition, the Township may require as a condition of approval that any deed conveying any interest in such lot contain language indicating that the conveyance is subject to an express covenant by the grantee that the grantee will maintain the stormwater management facility.

3. *Maintenance of Natural Drainage Ways.* All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the Township. All encroachment activities shall comply with the requirements related thereto set forth in the rules and regulations of the Pennsylvania Department of Environmental Protection. [Ord. 120910]

4. There shall be provided a drainage easement that conforms substantially with the line of any pond, lake, watercourse, drainage way, channel, storm drainage system, or stream of such width as will be adequate to preserve the unimpeded flow of drainage

and to provide for widening, deepening, relocation, improving or protecting such features or drainage facilities. Minimum easement width shall be 10 feet from each side of the watercourse, water body, stream, pond, or lake, but the Township may require a greater easement when necessary. Bearings and distances shall be provided for the boundaries of easements.

5. Stormwater facilities to be maintained by nonmunicipal entities shall be provided with adequate easements accessible from public roads over which the Township shall have right of access to correct or maintain such facilities if necessary in the public interest. In such cases, the lot owner will be responsible for all costs of the Township of Bethel. Responsibility of such privately maintained facilities shall be conspicuously noted on the plan to be recorded. Areas within easements shall be kept as lawn or in natural condition to allow maintenance and entrance, and shall not be altered in any way from the approved design and shall be maintained to retain the design capacity.

6. If the Township determines at any time that any permanent stormwater management control facility has been eliminated, altered or improperly maintained, the owner or private entity which owns the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the Township may cause the work to be done and charge all costs against the property in accordance with applicable law.

(*Ord. 010708B*, 1/7/2008, §15; as amended by *Ord. 120910*, 12/9/2010)

#### **§23-116. Presubmission.**

The Township Engineer shall be afforded the opportunity to review the proposed methodology prior to official submission of the stormwater management report, especially where nonconventional methods are proposed. (i.e., infiltration trenches, retention ponds, etc.).

(*Ord. 010708B*, 1/7/2008, §16)

#### **§23-117. Schedule of Inspections.**

1. The Township Engineer shall inspect all phases of development of the site, and shall be notified of the commencement of such work at least 5 business days prior to beginning. It is the responsibility of the owner, subdivider, developer or his agent to notify the Township Engineer 24 hours in advance of the completion of each identified phase of development.

2. Any portion of the work which does not comply with the approved plan must be corrected by the developer. No work may proceed on any subdivision or land development or building construction until the required corrections have been made.

3. If at any state of the work, the Township or its Engineer determines that the soil or other conditions are not as stated or shown on the plan, it may refuse to approve further work and the Township or its designee may revoke existing approvals until a revised plan is submitted and approved.

(*Ord. 010708B*, 1/7/2008, §17)

#### **§23-118. Tables.**

**Runoff Curve Numbers  
(From NRCS (SCS) TR-55)**

<b>LAND USE DESCRIPTION</b>		<b>HYDROLOGIC SOIL GROUP</b>			
		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Open Space		44	65	77	82
Meadow / Orchard		30	58	71	78
Agricultural		59	71	79	83
Forest		36	60	73	79
Commercial (85% Impervious)		89	92	94	95
Industrial (72% Impervious)		81	88	91	93
Institutional (50% Impervious)		71	82	88	90
Residential					
Average Lot Size	% impervious				
1/8 acre or less*	65	77	85	90	92
1/8–1/3 acre	34	59	74	82	87
1/3–1 acre	23	53	69	80	85
1–4 acres	12	46	66	78	82
Farmstead		59	74	82	86
Smooth Surfaces (Concrete, Asphalt, Gravel or Bare Compacted Soil)		98	98	98	98
Water		98	98	98	98
Mining/Newly Graded Areas (Pervious Areas Only)		77	86	91	94

\*Includes Multi-Family Housing unless justified lower density can be provided.



**RATIONAL RUNOFF COEFFICIENTS**  
By Hydrologic Soils Group and Overland Slope (%)

Land Use	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Cultivated Land	0.08 <sup>a</sup>	0.13	0.16	0.11	0.15	0.21	0.14	0.19	0.26	0.18	0.23	0.31
	0.14 <sup>b</sup>	0.18	0.22	0.16	0.21	0.28	0.20	0.25	0.34	0.24	0.29	0.41
Pasture	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
	0.15	0.25	0.37	0.23	0.34	0.45	0.30	0.42	0.52	0.37	0.50	0.62
Meadow	0.10	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
	0.14	0.22	0.30	0.20	0.28	0.37	0.26	0.35	0.44	0.30	0.40	0.50
Forest	0.05	0.08	0.11	0.08	0.11	0.14	0.10	0.13	0.16	0.12	0.16	0.20
	0.08	0.11	0.14	0.10	0.14	0.18	0.12	0.16	0.20	0.15	0.20	0.25
Residential Lot Size 1/8 Ac	0.25	0.28	0.31	0.27	0.30	0.25	0.30	0.33	0.38	0.33	0.36	0.42
	0.33	0.37	0.40	0.35	0.39	0.44	0.38	0.42	0.49	0.41	0.45	0.54
Lot Size 1/4 Ac	0.22	0.26	0.29	0.24	0.29	0.33	0.27	0.31	0.36	0.30	0.34	0.40
	0.30	0.34	0.37	0.33	0.37	0.42	0.36	0.40	0.47	0.38	0.42	0.52
Lot Size 1/3 Ac	0.19	0.23	0.26	0.22	0.26	0.30	0.25	0.29	0.34	0.28	0.32	0.39
	0.28	0.32	0.35	0.30	0.35	0.39	0.33	0.38	0.45	0.36	0.40	0.50
Lot Size 1/2 Ac	0.16	0.20	0.24	0.19	0.23	0.28	0.22	0.27	0.32	0.26	0.30	0.37
	0.25	0.29	0.32	0.28	0.32	0.36	0.31	0.35	0.42	0.34	0.38	0.48
Lot Size 1 Ac	0.14	0.19	0.22	0.17	0.21	0.26	0.20	0.25	0.31	0.24	0.29	0.35
	0.22	0.26	0.29	0.24	0.28	0.34	0.28	0.32	0.40	0.31	0.35	0.46
Industrial	0.67	0.68	0.68	0.68	0.68	0.69	0.68	0.69	0.69	0.69	0.69	0.70
	0.85	0.85	0.86	0.85	0.86	0.86	0.86	0.86	0.87	0.86	0.86	0.88
Commercial	0.71	0.71	0.72	0.71	0.72	0.72	0.72	0.72	0.72	0.72	0.72	0.72
	0.88	0.88	0.89	0.89	0.89	0.89	0.89	0.89	0.90	0.89	0.89	0.90
Streets	0.70	0.71	0.71	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
	0.76	0.77	0.79	0.80	0.82	0.84	0.84	0.85	0.89	0.89	0.91	0.95
Open Space	0.05	0.10	0.14	0.08	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.28
	0.11	0.16	0.20	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
Parking	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97

<sup>a</sup> Runoff coefficients for storm recurrence intervals less than 25 years.

<sup>b</sup> Runoff coefficients for storm recurrence intervals of 25 years or more.

Source : Rawls, W.J., S.L. Wong and R.H. McCuen, 1981, "Comparison of Urban Flood Frequency Procedures", Preliminary Draft, U.S. Department of Agriculture, Soil Conservation Service, Baltimore, MD.

**Roughness Coefficients (Manning's "n") For Overland Flow**  
**(U.S. Army Corps Of Engineers, HEC-1 Users Manual)**

<b>Surface Description</b>	<b>n</b>
	-
Dense Growth	0.4 - 0.5
Pasture	0.3 - 0.4
Lawns	0.2 - 0.3
Bluegrass Sod	0.2 - 0.5
Short Grass Prairie	0.1 - 0.2
Sparse Vegetation	0.05 - 0.13
Bare Clay-Loam Soil (eroded)	0.01 - 0.03
Concrete/Asphalt - very shallow depths	
(less than 1/4 inch)	0.10 - 0.15
- small depths	
(1/4 inch to several inches)	0.05 - 0.10

**Roughness Coefficients (Manning's "n") For Channel Flow**

<b>Reach Description</b>	<b>n</b>
	-
Natural stream, clean, straight, no rifts or pools	0.03
Natural stream, clean, winding, some pools or shoals	0.04
Natural stream, winding, pools, shoals, stony with some weeds	0.05
Natural stream, sluggish deep pools and weeds	0.07
Natural stream or swale, very weedy or with timber underbrush	0.10
Concrete pipe, culvert or channel	0.012
Corrugated metal pipe	0.012-0.027 <sup>(1)</sup>
High Density Polyethylene (HDPE) Pipe	
Corrugated	0.021-0.029 <sup>(2)</sup>
Smooth Lined	0.012-0.020 <sup>(2)</sup>

(1) Depending upon type, coating and diameter

(2) Values recommended by the American Concrete Pipe Association, check Manufacturer's recommended value.

# **Chapter 24**

## **Taxation; Special**

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**Part 1****Realty Transfer Tax****§24-101. Short Title.**

This Part shall be known as the “Realty Transfer Tax Ordinance of the Township of Bethel.”

(*Ord. 4/23/1987, 5/23/1987, §1*)

**§24-102. Authority.**

A realty transfer tax for general purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Township of Bethel, regardless of where the documents making the transfer are made, executed, or delivered, or where the actual settlements on such transfer took place as authorized by Article XI-D, “Local Real Estate Transfer Tax,” 72 P.S. §8101-D *et seq.*

(*Ord. 4/23/1987, 5/23/1987, §2*)

**§24-103. Definitions.**

*Association*—a partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent’s estate.

*Corporation*—a corporation, joint-stock association, business trust, or banking institution which is organized under the laws of this Commonwealth, the United States, or any other state, territory, foreign country, or dependency.

*Document*—any deed, instrument, or writing which conveys, transfers, demises, vests, confirms, or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust, or other instruments or 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 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 §24-108 of this Part.

*Family farm corporation*—a corporation of which at least 75 percent of its assets are devoted to the business of agriculture and at least 75 percent 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:

- A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition, or racing.
- B. 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.
- C. Fur farming.
- D. Stockyard and slaughterhouse operations.

E. Manufacturing or processing operations of any kind.

*Members of the same family*—any individual, such individual's brothers or sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and 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, or corporation. 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*—

A. All lands, tenements, or hereditaments within the Township of Bethel including, without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees, and other improvements, immovables, or interests which by custom, usage, or law, pass with a conveyance or land, but excluding permanently attached machinery and equipment in an industrial plant.

B. A condominium unit.

C. A tenant-stockholder's interest in a cooperative housing corporation, 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, 90 percent or more of the ownership interest in which is held by 35 or fewer persons and which:

A. Derives 60 percent or more of its annual gross receipts from the ownership or disposition of real estate.

B. Holds real estate, the value of which comprises 90 percent 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.

*Title to real estate*—

A. 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.

B. 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 approximately 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 30 years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

*Transaction*—the making, executing, delivering, accepting, or presenting for recording of a document.

*Value*—

A. 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 such documents 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.

B. 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 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, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations.

C. In the case of an easement or other interest in real estate, the value of which is not determinable under paragraph .A or .B, the actual monetary worth of such interest.

D. 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 principle of the grantor of a related corporation, association, or partnership and the grantee existing before or effective with the transfer.

(Ord. 4/23/1987, 5/23/1987, §3)

#### **§24-104. Imposition of Tax; Interest.**

1. 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, shall be subject to pay for and in respect to the transaction or any part thereof, a tax at the rate of 1 percent of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within 30 days of acceptance of such document or within 30 days of becoming an acquired company.

2. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds, whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.

3. It is the intent of this Part that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. §6901 *et seq.*, so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Board of Supervisors of the Township of Bethel under the authority of that Act, shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half of the rate and such one-

half rate shall become effective without any action on the part of the Board of Supervisors of the Township of Bethel and any other political subdivision which impose such tax on the same person or transfer may agree that, instead of limiting their respective rates to one-half of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.

4. The tax imposed under subsection .1 above and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965, P.L. 1257, No. 511, as amended, known as the "Local Tax Enabling Act"; provided, that if the correct amount of the tax is not paid by the last date prescribed for timely payment, Township, pursuant to §1102-D of the Tax Reform Code of 1971, 72 P.S. §8102-D, authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest, and penalties. [*Ord. 120910*]

5. Any tax imposed under subsection .1 that is not paid by the date tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923, P.L. 207, No. 153, 53 P.S. §7101 *et seq.*, as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent Commonwealth taxes as provided in §806 of the Act of April 9, 1929, P.L. 343, No. 176, 72 P.S. §806, as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims. [*Ord. 120910*]

(*Ord. 4/23/1987, 5/23/1987, §4; as amended by Ord. 120910, 12/9/2010*)

#### **§24-105. Exempt Parties.**

The United States, the Commonwealth, 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 transaction from liability for the tax.

(*Ord. 4/23/1987, 5/23/1987, §5*)

#### **§24-106. Excluded Transactions.**

1. The tax imposed by §24-104 shall not be imposed upon:

A. A transfer to the Commonwealth, 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 1 year from the date of condemnation.

B. A document which the Board of Supervisors of Bethel 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 a 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 co-tenants; 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 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 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 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 Recorder of Deeds 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 paragraph.

L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the department 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 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 or 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 conversion, energy production, pollution control, warehousing, or agriculture.

(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 §501(c)(3) of the Internal Revenue Code of 1954, (68A Stat. 3, 26 U.S.C., §501(c)(3)) 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 75 percent 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 \$1 or less.

V. Leases for the production or extraction of coal, oil, natural gas, or minerals and assignments thereof.

2. In order to exercise any exclusion provided in this §24-106, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania realty transfer tax statement of value may be submitted for this purpose. 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.

(Ord. 4/23/1987, 5/23/1987, §6)

#### **§24-107. Documents Relating to Associations or Corporations and Members, Partners, Stockholders, or Shareholders Thereof.**

Except as otherwise provided in §24-106, 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.

(Ord. 4/23/1987, 5/23/1987, §7)

**§24-108. Acquired Company.**

1. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly, 90 percent or more of the total ownership interest in the company within a period of 3 years.

2. 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 that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Part.

3. Within 30 days after becoming an acquired company, the company shall present a declaration of acquisition with the Recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania realty transfer tax declaration of acquisition may be submitted for this purpose.

(Ord. 4/23/1987, 5/23/1987, §8)

**§24-109. Credits Against Tax.**

1. 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 upon the transfer.

2. 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.

3. 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.

4. 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.

5. If the tax due upon the transfer is greater than the credit given under this §24-109, 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.

(Ord. 4/23/1987, 5/23/1987, §9)

**§24-110. Extension of Lease.**

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.

(Ord. 4/23/1987, 5/23/1987, §10)

**§24-111. Proceeds of Judicial Sale.**

The tax herein imposed 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 except the State realty transfer tax, and the Sheriff, or other officer, conducting the sale, shall pay the tax herein imposed out of the first moneys 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.

(Ord. 4/28/1987, 5/23/1987, §11)

**§24-112. Duties of the Recorder of Deeds.**

1. As provided in 16 P.S. §11011-6, as amended by Act of July 7, 1983, P.L. 40, No. 21, the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the Township of Bethel based on a re-determination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from the Township of Bethel.

2. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the Recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.

3. On or before the tenth of each month, the Recorder shall pay over to the Township of Bethel, all local realty transfer taxes collected, less 2 percent for use of the County, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The 2 percent commission shall be paid to the County.

4. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the Recorder shall re-record the deed or record the additional realty transfer tax form only when both the State and local amounts and a re-recording or recording fee has been tendered.

(Ord. 4/23/1987, 5/23/1987, §12)

**§24-113. Statement of Value.**

Every document lodged with or presented to the Recorder of Deeds 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. A copy of the Pennsylvania realty tax statement of value may be submitted for this purpose. The provisions of this §24-113 shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and 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.

(Ord. 4/23/1987, 5/23/1987, §13)

**§24-114. Civil Penalties.**

1. If any part of any underpayment of tax imposed by this Part is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment.

2. In the case of failure to record a declaration required under this Part on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax, 5 percent of the amount of such tax if the failure is for not more than 1 month, with an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 50 percent in the aggregate.

(Ord. 4/23/1987, 5/23/1987, §14)

**§24-115. Lien.**

The tax imposed by this Part shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying, being situated, wholly or in part within the boundaries of the Township of Bethel, which lands, tenements, hereditaments, or interest therein, are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this Part, said lien to begin at the time when the tax under this Part is due and payable, and continue until discharge by payment, or in accordance with the law, and the Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Lebanon County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. §7101 *et seq.*, its supplements and amendments.

(Ord. 4/23/1987, 5/23/1987, §15)

**§24-116. Enforcement.**

All taxes imposed by this Part, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

(Ord. 4/23/1987, 5/23/1987, §16)

**§24-117. Regulations.**

The Secretary of the Township of Bethel is charged with enforcement and collection of tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. §8101-C *et seq.* are incorporated into and made a part of this Part.

(*Ord. 4/23/1987, 5/23/1987, §17*)

**§24-118. Effective Date.**

This Part shall be effective immediately.

(*Ord. 4/23/1987, 5/23/1987, §19; as amended by Ord. 71389, 7/13/1989*)

**Part 2****Earned Income Tax****§24-201. Imposition of Tax.**

1. A tax for general revenue purposes at the rate of 1 percent is hereby imposed on earned income received and net profits earned by the individual residents of the Township of Bethel during the year beginning January 1, 1969, and ending December 31, 1969, and during each year thereafter without re-enactment until this Part shall be repealed or the rate of the tax changed.

2. The terms “association,” “business,” “corporation,” “earned income,” “income tax officer,” “employer,” “net profits,” “person,” “preceding year,” “residents,” “succeeding year,” and “taxpayer,” used in this Part shall have the meanings ascribed to them in the Act, as well as any other definitions of terms given in the Act.

(*Ord. 12/12/1968-5, 12/12/1968, §201*)

**§24-202. Returns and Payments by Taxpayers.**

1. Every taxpayer earning net profits or receiving earned income in the period of the tax from January 1 to December 31, each year, shall, on or before April 15 of each following year, make and file with the Income Tax Officer a return thereof and pay the tax due thereon.

2. The enacting body hereby specifically absolves persons making net profits from filing an estimated return which requirement is optional in the Act, and no such declarations and quarterly returns or payments by taxpayers as distinguished from withholding employers are required by this Part.

(*Ord. 12/12/1968-5, 12/12/1968, §201; as amended by Ord. 71389, 7/13/1989*)

**§24-203. Employers' Collection.**

1. Every person within the Township of Bethel who employs one or more persons, other than a domestic servant, is required to register and to deduct the tax from the employees' earned income as required by the Act, and to file quarterly returns and reports and make remittances and to do all other acts required as fully set forth in §13(IV) of the Act, 53 P.S. §6913(IV).

2. Any employer who has no place of business in this Township, but who desires, for the convenience and with the consent of his employees residing in this Township, to deduct tax hereunder from such employees' wages, shall be entitled to the commission hereafter allowed, and shall become subject to all obligations of timely filing of returns, reports, and remittances and of maintaining and disclosing records, and to all interest and penalties with respect to such tax as he may actually deduct, in all respects, and with the same incidents, as though he were a resident employer. But no such deduction shall obligate such employer to continue to make future deductions.

3. Taxes deducted from the income of an employee by an employer shall be and remain in the hands of the employer's trust fund and property of the Township of Bethel until remitted to the Earned Income Tax Officer. These withholdings and deductions by the employer of earned income shall, as between the employee and this

Township, constitute payment of the tax by the employee, regardless of any insolvency or failure to remit on the employer's part.

4. Every employer who shall deduct taxes from the earned income of his employees and remit them, together with the required forms and reports of the Earned Income Tax Bureau within the required time, shall be entitled to deduct from such remittance a commission of 2 percent as provided for in the Act. This 2 percent deduction by the employer is compensation for the services performed by them on behalf of the Township of Bethel.

(Ord. 12/12/1968-5, 12/12/1968, §201)

#### **§24-204. Earned Income Tax Officer.**

1. The Supervisors of Bethel Township hereby designate the Lebanon County Earned Income Tax Bureau, an unincorporated association operated jointly by the school districts of Lebanon County, as its Income Tax Officer to be subject to all requirements and to have all powers and duties as set forth in the Act, §13(V), 53 P.S. §6913(IV).

2. The compensation of the Income Tax Officer shall be set and determined by the Lebanon County Earned Income Tax Collection Bureau and the compensation provision of the Act is inapplicable.

(Ord. 12/12/1968-5, 12/12/1968, §201)

#### **§24-205. Interest and Penalties; Suits for Collection.**

1. All interest and penalties as authorized and imposed by §13(VIII) of the Act, 53 P.S. §6913(VIII) are hereby authorized and imposed.

2. All suits for collection of taxes under §13(VII) of the Act, 53 P.S. §6913(VII) are authorized.

(Ord. 12/12/1968-5, 12/12/1968, §201)

#### **§24-206. Deductions and Losses.**

1. *Employee's Unreimbursed Business Expenses.* Business expenses for which an employee has not been reimbursed and which are deductible from wages in his Federal income tax return in computing total income, shall be deductible in computing earned income under this Part.

2. *Losses.* Losses incurred in the operation of a business shall be deductible from earned income or net profits of another business in computing the tax for the calendar year, but such losses shall not be carried over or carried back to any succeeding or preceding years and shall not be deducted from the earned income or net profits of the spouse of the taxpayer or any other person.

(Ord. 12/12/1968-5, 12/12/1968, §201)

#### **§24-207. Age Applicability of Taxes.**

The Township of Bethel finds that most minors under 16 years of age are unemancipated and subject to compulsory school attendance and are, for the most part, lacking in power to earn and to have legal control of property and money and that the collection of tax from persons under this age would yield inconsequential amounts, and



would be unduly difficult and expensive to collect, and that minors in this group have been traditionally considered as comprising a separate class for many legislative and judicial purposes, and that to impose a tax on persons of this class would not be in the public interest. Therefore, persons under the age of 16 years are exempted from all liability for the tax under this Part.

(Ord. 12/12/1968-5, 12/12/1968, §201)

**§24-208. Nonapplicability.**

This Part shall not apply to any person, institution, or organization as to whom or which is beyond the legal power of this Township to impose any tax or duty herein provided for.

(Ord. 12/12/1968-5, 12/12/1968, §201)

**§24-209. Inclusion of Mandatory Provisions of the Act.**

The present and future provisions of the Act notwithstanding prior mention in this Part in specific subsections as being inapplicable are hereby incorporated into this Part by this reference and all mandatory provisions of §13, 53 P.S. §6913, are hereby adopted. Any future provisions and supplements or amendments to the Act which are mandatory are hereby specifically included and shall automatically become a part of this Part upon the effective date of their passage without formal amendment to this Part by the Supervisors of Bethel Township.

(Ord. 12/12/1968-5, 12/12/1968, §201)

**§24-210. Effective Date.**

The provisions of this Part shall become effective on January 1, 1969.

(Ord. 12/12/1968-5, 12/12/1968, §201)



**Part 3****Per Capita Tax****§24-301. Authority for Enactment.**

This Part is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §6901 *et seq.* as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.

(Ord. 71389, 7/13/1989)

**§24-302. “Resident” Defined.**

The word “resident” as used in this Part shall mean every adult 18 years or older who lives within the Township.

(Ord. 71389, 7/13/1989)

**§24-303. Imposition of Tax.**

Every resident shall pay \$10 for the present calendar year and each year hereafter; provided, the tax hereby imposed shall not be levied upon any resident whose total income during the taxable year is any figure less than or equal to \$5,000.

(Ord. 71389, 7/13/1989)

**§24-304. Collection.**

All taxes, interests, costs, and penalties imposed by this Part shall be collected by the Township Tax Collector.

(Ord. 71389, 7/13/1989)

**§24-305. Effective Date.**

This Part shall become effective immediately and shall continue in effect on a calendar year basis without annual re-enactment.

(Ord. 71389, 7/13/1989)



**Part 4****Occupational Privilege Tax****§24-401. Short Title.**

This Part shall be known and may be cited as the “Occupational Privilege Tax Ordinance of the Township of Bethel.”

(*Ord. 112190*, 11/21/1990, §1)

**§24-402. Enactment.**

This Part is enacted pursuant to the authority conferred by the Local Tax Enabling Act, Act of 1965, December 31, P.L. 1257 §1 *et seq.*, 53 P.S. §6901 *et seq.*, as amended.

(*Ord. 112190*, 11/21/1990, §2)

**§24-403. Effective Date.**

This Part shall become effective on January 1, 1991.

(*Ord. 112190*, 11/21/1990, §3)

**§24-404. Incorporation of Statute.**

The provisions of §13 of the Local Tax Enabling Act, 53 P.S. §6913, as amended, are incorporated herein by reference and shall be deemed a part hereof, as though the same were set forth at length herein. Provided, however, that where options are given in said §13, this Part designates the option elected and any option not selected shall be deemed a nullity and without force and effect.

(*Ord. 112190*, 11/21/1990, §4)

**§24-405. Definitions.**

The following words when used in this Part shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning.

*Collector*—the agent and/or deputy agent designated by the Township to collect the tax imposed by this Part and to administer the provisions thereof; the Collector shall have all the powers, rights, duties and obligations assigned to the “Officer” as defined in the Local Tax Enabling Act, 53 P.S. §6901 *et seq.*

*Compensation*—gross earned income and net profits.

*Earned income*—salaries, wages commissions, bonuses, incentive payments, fees, tips, and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and compensation paid to persons on active military service, periodic payments for sickness and disability other than regular wages received during a period of sickness, disability or retirement or payments arising under workmen’s compensation acts, occupational disease acts and similar legislation, or payments commonly recognized as old age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment or payments

commonly known as public assistance, or unemployment compensation payments by any governmental agency or payments to reimburse expenses or payments made by employers or labor unions for wage and salary supplemental programs, including, but not limited to, programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, Social Security and retirement.

*Employer*—a person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity having an office, factory, workshop, branch, warehouse, or other place of business within the Township employing one or more persons for compensation.

*Net profits*—the net income from the operation of a business, profession, or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used in such business, profession or other activity, but without deduction of taxes based on income.

*Occupation*—any livelihood, job, trade, profession, business, or enterprise of any kind for which compensation is received.

*Person*—every natural person, partnership, association, or other entity when used in any clause concerning the imposition, declaration, or payment of tax. Whenever used in any clause prescribing and imposing a fine or imprisonment, the term “person,” as applied to associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

*Taxable period*—the period beginning January 1, 1991, and ending December 31, 1991, and each succeeding calendar year thereafter, commencing January 1, 1992.

*Taxpayer*—any natural person engaging in an occupation within the territorial limits of the Township.

*Township*—the Township of Bethel, a municipal corporation of the Commonwealth of Pennsylvania, being situate in the County of Lebanon in said Commonwealth.

(Ord. 112190, 11/21/1990, §5)

#### **§24-406. Imposition of Tax.**

An annual tax for general revenue purposes of \$10 is hereby imposed upon each natural person for the privilege of engaging in an occupation within the territorial limits of the Township. Said tax shall be levied during the period January 1, 1991, and ending December 31, 1991, and each succeeding calendar year thereafter, commencing January 1, 1992.

(Ord. 112190, 11/21/1990, §6)

#### **§24-407. Exemptions.**

1. Any person who shall receive less than \$2,000 as compensation during the taxable period shall be exempt from the payment of the tax imposed by this Part. For the purposes of this exemption, the gross sum total of all compensation received from all occupations, the situs of which in every case shall be within the territorial limits of

the Township, shall be computed for each taxable period and any exemption, if allowed, shall be an exemption from payment solely for the pertinent taxable period only. The claim of exemption shall not relieve a person of filing a return, as hereinafter provided, nor shall an exemption allowed in a taxable period relieve a person of filing a return for a succeeding taxable period.

2. In accordance with the limitations imposed by §2 of the Local Tax Enabling Act, 53 P.S. §6902, as amended, no person shall pay more than \$10 in any taxable period as an occupational privilege tax; payment of an occupational privilege tax in the amount of \$10 to any other political subdivision of the Commonwealth of Pennsylvania having a higher priority of claim to collect an identical tax, as evidenced by a validated receipt of such taxing authority or a verified statement of an employer required to deduct said tax, shall be an exemption from payment of the tax imposed by this Part. (*Ord. 112190, 11/21/1990, §7*)

**§24-408. Return and Payment of Tax (Self-Employed Persons).**

1. Every taxpayer who is self-employed shall file with the Collector, upon a form a form prescribed by the collector, a return setting forth the taxpayer's name, business address, residence, Social Security number, and such other relevant information as the collector may require.

2. At the time of filing his return, every such taxpayer shall make his declaration, under penalty of perjury, as to whether the gross compensation which he estimates to receive during the pertinent tax period shall or shall not exceed \$2,000.

3. Such return shall be filed with the collector within 15 days after the taxpayer first engages in an occupation within the territorial limits of the Township.

4. Unless exemption from said tax shall be claimed in the return required to be filed hereunder, payment of said tax shall be made to the collector concurrently with the filing of said return. If exemption is claimed, as aforesaid, payment of said tax shall be made with 15 days after the taxpayer may reasonably estimate that his gross compensation will exceed \$2,000 during the taxable period, or when the taxpayer shall first receive gross compensation in excess of \$2,000 in lump sum or in aggregate amount.

(*Ord. 112190, 11/21/1990, §8*)

**§24-409. Collection at Source (Non-Self-Employed Persons).**

1. Each employer shall deduct the full rate of said tax from the first compensation payable to the taxpayer. As to taxpayers presently employed, such deduction shall be made by the employer from the first compensation to which the taxpayer may be entitled after the effective date of this Part; otherwise such deduction shall be made from the first compensation to which the taxpayer may be entitled after commencement of his employment. Provided, however, that no deduction shall be made from any employee claiming exemption hereunder or who is able to show prior payment of said tax by an official receipt of the collector of previous deduction made by any other employer.

2. On or before the date hereinafter specified in this subsection, each employer shall file a quarterly return, on a form prescribed by the collector, and shall concurrently therewith pay to the collector the sum-total of taxes deducted during the

preceding 3-month period.

Quarterly Period	Return Date
January-March, current year	April 30, current year
April-June, current year	July 31, current year
July-September, current year	October 31, current year
October-December, current year	January 31, succeeding year

Said quarterly return shall contain the name, address and Social Security number of each employee from whom deduction was made, the tax deducted from each employee, the sum-total of taxes deducted and the sum to be paid with the return; said quarterly return shall contain the name, address and Social Security number of each employee claiming exemption from payment of said tax and any other pertinent information which the collector shall require. In cases of employees claiming previous payment by reason of previous deduction by another employer, the employee, in addition to the information required to be furnished by him for employees claiming exemption, shall set forth the name and address of the employer who made deduction.

3. On or before February 28 of the year following the taxable period, each employer shall file an annual return, on a form prescribed by the collector, showing the total amount of said tax paid to the collector, the total amount of said tax deducted from all employees claiming exemption during the preceding calendar year and such other pertinent information as the collector may require.

4. Any employer who discontinues business or ceases operation prior to December 31 of the calendar year during which he shall be required to deduct said tax, shall within 15 days after such event, file the returns required in subsections .2 and .3 hereof and concurrently therewith pay to the collector the sum-total of taxes deducted.

5. Every employer who willfully or negligently fails or omits to make the deductions required by this Section shall be liable for the payment of the taxes he was required to withhold to the extent that such taxes have not been recovered from the employee.

6. The failure or omission of any employer to make the deduction required by this Section shall not relieve any employee from the payment of said tax or from otherwise complying with the requirements of this Part.

7. If the employer shall deduct the tax as required by this Section, the amount deducted shall be held in trust by such employer for the use of the Township, as beneficial owner thereof, and the employee from whose earnings said tax was deducted shall be deemed to have paid said tax.

(Ord. 112190, 11/21/1990, §9)

#### **§24-410. Powers and Duties of the Collector.**

1. It shall be the duty of the collector to collect and receive the tax and any fine and penalty imposed by this Part for the payment over to the Township. It shall also be his duty to keep a record showing the amount received by him from each person paying the tax and, if paid by such person in respect of another person, the name of



such other person, and the date of such receipt.

2. The collector is hereby charged with the administration and enforcement of the provisions of the Part, and is hereby empowered, subject to the approval of the Board of Supervisors of the Township, to prescribe, adopt, promulgate and enforce rules and regulations relating to the administration and enforcement of this Part and to prescribe forms necessary for the administration of this Part.

3. The collector and agents designated in writing by him are hereby authorized to examine the books, papers and records of any person in order to verify the accuracy of any return, or, if no return was filed, to ascertain the tax due. Every person is hereby directed and required to give to the collector and any agent so designated in writing by him the means, facilities and opportunity for such examinations and investigations as are hereby authorized. The collector is hereby authorized to compel the production of books, papers and records and the attendance of all persons, whether as parties or as witnesses, in order to verify the accuracy of any return or, if no return was filed, in order to ascertain the tax due.

4. Any information gained by the collector, his agents, or by any other official, agent or employee of the said Township as a result of any return, investigation or hearing required or authorized by this Part shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this Part or as otherwise provided by law.

(Ord. 112190, 11/21/1990, §10)

#### **§24-411. Collection of Tax.**

1. The collector is hereby authorized and empowered on behalf of and in the name of the Township to recover the tax and any interest, penalty, fines, and costs which may be imposed by this Part by any means now or hereafter authorized by the Local Tax Enabling Act, 53 P.S. §6913.

2. Any action brought to recover the tax imposed by this Part shall begin within 3 years after the date said tax was due or within 3 years after a return was filed, whichever date is later. Provided, however, that this limitation shall not apply to prevent actions to recover the tax, interest, penalty, fines and costs due or determined to be due in the following cases: (i) where no return was filed by the taxpayer or an employer required to deduct although a return was required to be filed, under the provisions of this Part; (ii) where a false or fraudulent return was filed with the intent to evade payment of the tax imposed by this Part; and (iii) where any employer has deducted taxes under the provisions of this Part and has failed to pay the amounts so deducted to the collector.

(Ord. 112190, 11/21/1990, §11)

#### **§24-412. Interest and Penalty.**

If for any reason the tax is not paid when due, interest at the rate of 6 percent per annum on the amount of said tax, and an additional penalty of 0.5 percent of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where action is brought to recover said tax, the person liable therefor shall, in addition, be liable for the cost of collection as well as the interest and penalties herein imposed. The provisions of this Section shall

apply both to employees and employers required to make deduction of said tax.

(*Ord. 112190*, 11/21/1990, §12)

**§24-413. Fines and Penalties for Violation.**

Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Part, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney's fees and costs incurred by the Township. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

(*Ord. 112190*, 11/21/1990, §12; as amended by *Ord. 120910*, 12/9/2010)

**Part 5****Street Light Tax****§24-501. Levy of Tax.**

An annual tax for the purpose of lighting and illuminating certain roads, highways, and other public places within the Township of Bethel, Lebanon County, Pennsylvania, is hereby levied upon all real property within Bethel Township, Lebanon County, Pennsylvania, that is benefitted thereby, whether or not such property is exempt from taxation by existing law. The tax hereby levied shall be by assessments made upon benefitted properties on the foot-front bases.

(*Ord. 122701, 12/27/2001, §1*)

**§24-502. Calculation of Assessment.**

The assessment shall be by equal assessment on all property in proportion to the number of feet the property fronts on the street or highway or portion thereof to be lighted. No assessment shall be made against farmland, but vacant lots between built-up sections, whether tilled or not tilled, are not farmland. The assessment for each foot-front against vacant lots shall be only 25 percent of the assessment for each foot-front against property with improvements.

(*Ord. 122701, 12/27/2001, §2*)

**§24-503. Rate of Assessment.**

The assessment shall be at the rate of \$0.80 for each foot-front against property with improvements and at the rate of \$0.20 for each foot-front against vacant lots.

(*Ord. 122701, 12/27/2001, §3*)

**§24-504. Collection.**

All taxes due the Township pursuant to this Part shall be collected by the Township Tax Collector under §3301(a) of the Second Class Township Code, 53 P.S. §68301(a).

(*Ord. 122701, 12/27/2001, §4*)

**§24-505. Duties of Tax Collector.**

The Township Tax Collector may include the tax imposed hereby on the annual real estate tax bill for Township purposes.

(*Ord. 122701, 12/27/2001, §5*)

**§24-506. Prior Changes.**

All prior changes made in the foot-front rate by motion and/or resolution are hereby ratified.

(*Ord. 122701, 12/27/2001, §6*)

**§24-507. Rate Changes.**

The Board of Supervisors of this Township shall have the authority, pursuant to §§3205 and 2003 of the Second Class Township Code, to change from time to time by resolution the foot-front rate provided for herein.

*(Ord. 122701, 12/27/2001, §7)*

**§24-508. Effective Date.**

This Part shall take effect January 1, 2002, and remain in effect until amended by further resolution or ordinance of the Board.

*(Ord. 122701, 12/27/2001, §8)*

## **Chapter 25**

**[Reserved]**



## **Chapter 26**

### **Water**

#### **Part 1**

##### **Mandatory Connection to Public Water System**

- §26-101. Definitions
- §26-102. Use of Public Water System Required
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**Part 1****Mandatory Connection to Public Water System****§26-101. Definitions.**

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

*Authority*—the Fredericksburg Sewer and Water Authority, a municipality authority of the Commonwealth.

*Building main*—the extension from the water system of any structure to the lateral of a main.

*Commonwealth*—the Commonwealth of Pennsylvania.

*Developer*—a person who improves and subdivides land and builds and/or sells houses or other structures thereon.

*Improved property*—any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

*Industrial establishment*—any improved property located within this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity, or article.

*Lateral*—that part of the water system extending from a main 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 main which is provided for connection of any building main.

*Main*—any pipe or conduit constituting a part of the water system used or usable for water distribution purposes.

*Owner*—any person vested with ownership, legal or equitable, sole or partial, of any improved property.

*Person*—any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority, or other group or entity.

*Township*—the Township of Bethel, Lebanon County, Pennsylvania, a municipal subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

*Water system*—all facilities, as of any particular time, for production, transmission, storage and distribution of water in, to and for this Township owned by the Authority.

(Ord. 71389, 7/13/1989)

**§26-102. Use of Public Water System Required.**

1. The owner of any improved property abutting upon the water system, except any improved property that shall constitute an industrial establishment or a farm and that has its own supply of water for uses other than human consumption, shall connect

such improved property with and shall use such water system, in such manner as this Township may require, within 60 days after notice to such owner from this Township to make such connection; subject, however to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

2. A developer of land shall connect such land, or subdivisions thereof, with and shall use such water system in such manner as this Township may require for the purpose of providing potable water to such land, or subdivisions thereof; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township from time to time.

3. The notice by this Township to make a connection to a main, referred to in subsection .1, shall consist of a copy of this Part, including any amendments or supplements at the time in effect, or a summary of each Section hereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 90 days after the date such notice is given or served. Such notice may be given or served at any time after a main is in place that can deliver water to the particular improved property. Such notice shall be given or served upon the owner by personal service or by registered or certified mail to his last known address.

(Ord. 71389, 7/13/1989)

#### **§26-103. Building Mains and Connections.**

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any main or any part of the water system without first obtaining a permit, in writing, from this Township.

2. Application for a permit required under subsection .1 shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.

3. No person shall make or shall cause to be made a connection of any improved property with a main until such person shall have fulfilled each of the following conditions:

A. Such person shall have notified the Secretary of this Township of the desire and intention to connect such improved property to a main.

B. Such person shall have applied for and shall have obtained a permit as required by subsection .1.

C. Such Person shall have given the Secretary of this Township at least 24 hours notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

D. If applicable, such person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee that may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to a main has been paid.

4. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently with a main through a building main.

Grouping of more than one improved property on one building main shall not be permitted, except under special circumstances and for good cause shown, but then only after, special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations, and conditions as may be prescribed by this Township.

5. All costs and expenses of construction of a building main and all costs and expenses of connection of a building main to a main, to include a tap-on fee charged at the time the connection is completed or thereafter, shall be borne by the owner of the improved property or the developer of land, or subdivisions thereof, to be connected; and such owner or developer shall indemnify and shall save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building main or of connection of a building main to a main.

6. All costs and expenses of an extension of a main and construction of a lateral to a main shall be borne by the developer of land, or subdivisions thereof, to be connected; and such developer shall indemnify and shall save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of an extension of a main, construction of a lateral or building main, or of connection of a building main to a main.

7. A building main shall be connected to a main at the place designated by this Township or by the Authority and where, if applicable, the lateral is provided. A smooth, neat joint shall be made and the connection of a building main to the lateral shall be made secure and watertight.

8. If the owner of any improved property located within this Township and abutting upon the water system, subject, however to the exception provided for in §26-102, after 60 days notice from this Township, in accordance with §26-102, shall fail to connect such improved property, as required, this Township may enter upon such improved property and may construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ord. 71389, 7/13/1989)

#### **§26-104. Rules and Regulations Governing Building Mains and Connections to Mains.**

1. No building main shall be covered until it has been inspected and approved by this Township. If any part of a building main 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, or developer, to be connected to a main.

2. Every building main of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

3. Every excavation for a building main shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk or other public property disturbed in the course of installation of a building main shall be restored, at the cost and expense of the owner of such improved property being connected, in a manner satisfactory to this Township.

4. If any person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building main within 60 days of receipt of such notice, this Township or the Authority

may refuse to permit such person to be served by the water system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and of the Authority.

5. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a main and with the water system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(*Ord. 71389, 7/13/1989*)

**§26-105. Enforcement.**

Any person 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to be violated shall constitute a separate offense.

(*Ord. 71389, 7/13/1989; as amended by Ord. 110900, 11/9/2000, §7; and by Ord. 120910, 12/9/2010*)

## Part 2

### Well Construction

#### §26-201. Short Title.

This Part shall be known and any be cited as the “Bethel Township Well Construction Ordinance.”

(Ord. 120910, 12/9/2010)

#### §26-202. Purpose.

To ensure and protect the quality of and suitability of domestic water supply, and to secure and maintain the minimum required isolation distances between water supplies and sewage disposal systems or other sources of contamination.

(Ord. 120910, 12/9/2010)

#### §26-203. Application.

1. This Part shall apply to all wells that have not been completed, or that are not in operation or in an inoperable condition at the time of enactment of this Part.

2. The Part shall further apply to the reconstruction, major repair, and other changes to existing wells, when, in the opinion of the inspecting officer, such reconstruction, major repair, and other changes may affect the quality and suitability of the water supply on the property upon which the well is constructed or on the surrounding properties.

(Ord. 120910, 12/9/2010)

#### §26-204. Design Standards.

The following standards shall apply for water supplies:

##### A. Drilled and Driven Wells.

(1) *Location.* Drilled and driven wells shall be located at a point free from flooding and the following minimum distances to existing or possible future sources of pollution:

Source of Pollution	Minimum Isolation Distance
Storm Drains	25'
Septic or Holding Tanks	50'
Surface/Subsurface sewage disposal Fields	100'
Sewage seepage pits, cesspools	100'
Privies	50'
Fuel Tanks	50'

Source of Pollution	Minimum Isolation Distance
Stormwater infiltration areas	25'
Additional Location Restrictions	50'
Driveways	10'
Principal structure/dwelling	20'
Property Lines	10'
Streams	Out of the floodplain, or 50' if no floodplain has been delineated

**B. Construction.**

(1) *Source.* The source of supply shall be from a water bearing formation drawn not less than 100 feet from the ground surface, with at least 20 feet of properly grouted wall casing, and from no formation that is subject to known pollution.

(2) *Casing.*

(a) The well shall have a watertight and durable wrought iron, steel, or other type of approved casing with a nominal thickness of  $\frac{3}{16}$  (0.1875) inches and  $6\frac{5}{8}$  inches, outside diameter. The sections shall be joined together by threaded couplings, joints, welding or any other watertight approved joint or coupling.

(b) The casing shall be carried to a minimum depth of 20 feet from the finished grade and in any case shall be extended 10 feet into bedrock or other impervious strata. Driven wells shall be provided with a drive shoe or other effective casing seal.

(c) An annular space shall be provided between the well casing and the earth formation of a radius of at least  $1\frac{1}{2}$  inches greater than the casing radius, excluding coupling for internal pressure grouting, or  $1\frac{1}{2}$  inches greater than the casing radius, excluding coupling or external grouting. The annular space shall be completely filled with impervious cement grout or equivalent sealing material from bottom of the casing to within 5 feet of the ground surface. External grouting shall be accomplished utilizing a tremie pipe and grout pump to force out any standing water on the outside of the well casing.

(d) The casing shall be sealed effectively against entrance of water from water bearing formations, which are subject to pollution, through which casing may pass. If casings of smaller diameter are used in the lower portions of the well, effective watertight seals shall be provided between the casings where they telescope. In such instances, sections of casing shall telescope for a minimum distance of 4 feet.

(e) The top of the well casing shall extend a minimum of 8 to 12 inches above the finished grade of the lot so that contaminated water or other substances cannot enter the well through the annular opening at the top of the well casing, wall or pipe sleeve.

(3) *Well Covers.*

(a) Every potable water well shall be equipped with an overlapping cover at the top of the well casing or pipe sleeve. Covers shall extend downward at least 2 inches over the outside of the well casing or wall. All well caps shall indicate well driller's name, depth of well, and depth of casing.

(b) Where pump sections or discharge pipes enter or leave a well through the side of the casing, the circle of contact shall be watertight. The use of plastic/nylon adapters for this purpose is not acceptable. A brass pitless adapter with brass connectors or equivalent is required.

(c) Any restoration/repair of wells with casing terminating below grade shall be raised above grade to 8 to 12 inches minimum. Electrical wiring for well pumps shall be encased in conduit from the bottom of the water supply line trench to the well cap.

(4) *Drainage.* All potable water wells and springs shall be constructed so that surface drainage will be diverted away from the well or spring.

(5) *Pumping Equipment.* All pumps installed in wells drilled to a depth greater than 300 feet, but not to exceed 450 feet, shall be installed with 200 pound per square inch plastic pipe. Well depths exceeding 450 feet shall have pumps installed with Schedule 80 PVC threaded pipe or galvanized steel pipe to support the increased pumping pressure required for deeper wells. The minimum acceptable pressure rating on plastic pipe is 160 pounds per square inch, regardless of water supply depth.

(6) *Pump Enclosure.* Any pump room or any enclosure around a well pump shall be drained and protected from freezing by heating or other approved means. Where pumps are installed in basements, they shall be mounted on a block or shelf not less than 18 inches above the basement floor. Well pits shall be prohibited.

C. *Flow Requirements.* This Part places no restrictions on "quantity" of water. The acceptability of water quantity is the sole responsibility of the property owner.

D. *Well Certification.*

(1) *Driller's Report (Log).* A report for each well shall be prepared by the driller and a copy shall be submitted to the Township. The well report form shall contain the following pertinent information and will be made available at the time of permit issuance:

Owner of property	Address and Lot #
Date of Completion	Depth of Casing
Depth of Well	Static Water Level
Well Driller	Yield in Gals/Min.
Type and Size of Casing	Grouting Certificate
Type of Test Pump used	Pump Output-Gals/Min.

(2) *Water Quality.*

(a) Subsequent to house construction, but prior to or concurrent with the “Request for Occupancy” the owner/contractor shall initiate appropriate action to have the on-site water supply tested by a certified laboratory, then provide to the Township a laboratory report containing the following information:

Total Coliform	Fecal Coliform
Iron	Nitrates
Hardness: equivalent calcium carbonates	

(b) If the laboratory report indicates this sample did not meet EPA drinking water standards for coliform or nitrates, the owner shall take remedial measures to bring the quality of the water into compliance with those standards. Occupancy shall not be permitted until the system produces water meeting EPA drinking water standards.

E. *Dug Wells.* No new dug wells for domestic use shall be permitted in the Township due to great danger of pollution and unreliability of water supply.

F. *Springs.* This paragraph of the specification is to be used for the reconstruction of existing springs only. Before rehabilitation shall begin on an existing spring, a report shall be made to determine the advisability of said reconstruction, which shall include as a minimum, quality and quantity of water. Springs for new construction are not considered an adequate water supply and will not be considered as valid for the issuance of a zoning permit. Reconstructed springs shall be completely enclosed by walls and a cover of reinforced concrete or equally durable watertight material. The cover shall have a firm foundation so as to effectively prevent settling. The uphill wall shall be so constructed as to prevent entrance of surface water. Where manhole covers are used, the manhole shall be at least 24 inches in diameter. It shall extend at least 3 inches above the surrounding ground surface and be covered by an impervious durable cover of concrete, steel, or equivalent material that overlaps the manhole vertically by at least 2 inches. The manhole cover shall be effectively secured to the manhole by bolting, locking, or equivalent means, and shall be kept so secured.

G. *Abandoned Water Supplies.* Wells, springs, cisterns, and water storage tanks that are no longer in use shall be removed, filled, or otherwise maintained in a condition such as to prevent access by unauthorized persons or animals to prevent accidental injury, and to effectively prevent pollution of ground water. Abandoned wells shall be completely filled with cement or equal impervious material. Wells and springs shall not be used for the disposal of liquid, gaseous and/or solid wastes.

H. *Water Service.*

(1) *Size of Water Service Pipe.* The minimum diameter of water service pipe shall be  $\frac{3}{4}$  inch.

(2) *Separation of Water Service and Building Sewer / Drain.* Water service



pipe shall be installed 12 inches above sewer drains.

(Ord. 120910, 12/9/2010)

**§26-205. Registration.**

1. No construction, drilling, digging, reconstruction, major repair, or other change of or for any well/water supply for the production of water for domestic purposes shall commence unless the property owner, or his/her duly authorized agent, shall apply for and receive a permit for such construction activity from the Township.

2. Application for a well permit shall be made as part of the zoning permit process upon a form supplied by the Township and shall be submitted to the inspection officer for review and approval.

3. The application shall set forth the following:

A. Name(s) of property owners.

B. Address or location of property.

C. An at-scale sketch of premises showing proposed location of well, buildings, septic tanks, drain fields and boundary lines.

D. Name, address, telephone number, and license number of well driller.

(Ord. 120910, 12/9/2010)

**§26-206. Inspection.**

1. Upon receipt of an application for a well permit, the Township, through its duly authorized inspection officer, shall within 7 days perform an inspection of the premises on which the well is to be constructed. The inspection shall be conducted in accordance with the provisions of this Part and the provisions of the Township On-Lot Sewage Disposal System Management Ordinance [Chapter 18, Part 3].

2. Upon completion of the inspection, the inspecting officer shall either (A) issue a permit to the applicant indicating the approved location for the well and special instructions for construction, if any or (B) refuse to issue the permit, and, in such event, shall provide the applicant with written reasons for such refusal. No permit shall be issued until the well driller has completed and submitted the "well log" to the inspection officer at or following the completion inspection.

(Ord. 120910, 12/9/2010)

**§26-207. Permits.**

All permits shall be issued on a form provided by the Township, which shall be executed by the duly authorized inspecting officer. All permits shall be issued to the property owners or their duly authorized representative/well driller.

(Ord. 120910, 12/9/2010)

**§26-208. Water Supply Inspection.**

1. Upon completion of construction and at the time of use and occupancy inspection, or at such other time as the Township inspecting officer may deem appropriate, the inspecting officer shall perform a final inspection of the well/water supply to determine whether there has been compliance with the permit issued. Upon

completion of the inspection, the Inspecting officer shall either (A) issue an “approval of operation” upon the original permit, or (B) deny such approval due to noncompliance with the permit issued, in which event written reasons for such denial shall be noted on the original permit.

2. A certificate for use and occupancy under the Township Zoning Ordinance [Chapter 27] will not be issued in the absence of an “approval of operation” issued under the terms and conditions of this Part.

(Ord. 120910, 12/9/2010)

#### **§26-209. Fees.**

All applications for a well permit shall be accompanied by a fee payable to the Township in accordance with a schedule of fees established/revised by resolution from time to time by the Board of Supervisors.

(Ord. 120910, 12/9/2010)

#### **§26-210. Effective Date of Permit.**

1. All permits shall be in effect as of the date of issuance, and shall remain in effect for a period of 6 months. In the event that water supply construction under the permit has not been completed at the expiration of 6 months from the date of issuance, the permit shall expire and the validity of the permit shall cease and terminate.

2. A request for an extension to a permit must be submitted to the Township in writing 10 days before the expiration date of the permit. Extensions are limited to 30 days. Subsequent requests must be accompanied by an application for a new permit with appropriate fee.

3. In the event a permit expires and construction has not begun, an application for a new permit must be submitted with appropriate fee.

4. Expiration of a permit during construction will result in the landowner being prosecuted in accordance with the violations provision of this Part.

(Ord. 120910, 12/9/2010)

#### **§26-211. Violations.**

1. 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 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 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. Further, the appropriate officers or agents of Bethel Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Part. All fines, penalties, costs, and reasonable attorney's fees collected for the violation of this Part shall be paid to Bethel Township for its general use.

2. Upon discovery of any violation of this Part, the Township may, at its option, forgo any prosecution hereunder, and may grant to the owner a period of 7 calendar days to comply with the provisions of this Part. Upon failure of the owner to effect such

compliance, the Township may initiate prosecution as hereinabove set forth.

3. Any person aggrieved of a decision of the inspection officer shall have the right of appeal of such decision before the Board of Supervisors.

*(Ord. 120910, 12/9/2010)*

**§26-212. Liability.**

No responsibility, or liability for the construction of any well/water supply shall be deemed to be placed upon the Township, or its officers, agents, or employees by virtue of the terms of this Part or otherwise.

*(Ord. 120910, 12/9/2010)*



## **Chapter 27**

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**Part 1****Definitions****§27-101. General.**

Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated:

A. Words used in the present tense include the future tense. The singular includes the plural.

B. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

C. The word “lot” includes the word “plot” or “parcel.”

D. The term “shall” is always mandatory; the word “may” is permissive.

E. 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 used or occupied.”

(Ord. 8/30/1973, 8/30/1973)

**§27-102. Terms.**

*Accessory building* - a building detached from and subordinate to the main building on the same lot and used for purposes customarily incidental to the main building but not to be construed to include vehicles or parts thereof.

*Accessory use* - a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

*Agriculture* - the cultivation of the soil for food products or other useful or valuable growths of the field or garden, nursery stock, and greenhouses, but does not include dairying, raising of livestock, breeding or keeping of bees, animals, fowl or birds where the same is carried on as a business or gainful occupation. [Ord. 122704]

*Airport* - any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

*Airport hazard* - any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

*Airport hazard area* - any area of land or water upon which an airport hazard might be established if not prevented as provided in this Chapter.

*Alterations* - as applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side by increasing in height, or moving from one location or position to another.

*Alterations, structural* - any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

*Animal husbandry* - the breeding, care, and production of farm animals and livestock, including bees, fowl, or birds as a business or gainful occupation. [Ord.

122704]

*Antenna or tower height* - the vertical distance measured from the base of the tower or antenna support structure at grade to the highest point of the tower or antenna structure. If the support structure is on a slope grade, then the average height between the highest and lowest grades shall be used in calculating the tower or antenna height. [Ord. 072095-A]

*Antenna or tower site* - a tract or parcel of land that contains the communications tower or antenna, its support structure, equipment shelter, accessory buildings, and parking, and may include other uses associated with and ancillary to transmission of the communications frequency. [Ord. 072095-A]

*Antenna or tower support structure* - any pole, telescoping mast, tower, tripod, equipment shelter or any other structure which supports a device used in the transmitting or receiving of radio frequency energy or other frequency utilized in the communications industry. [Ord. 072095-A]

*Apartment* - a building occupied by three or more dwelling units.

*Application for development* - every application, whether preliminary, tentative, or final required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [Ord. 061490]

*Area, lot* - the total within the lot lines, excluding right-of-way areas.

*Basement* - a story partly below the finished grade, but having more than one-half its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories.

*Board* - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 061490]

*Building* - any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.

*Building, detached* - a building surrounded by open space on the same lot.

*Building line* - a line parallel to the front, side, or rear lot line set so as to provide the required yard.

*Building, principal* - a nonaccessory building in which the principal use of the lot is conducted.

*Building, semi-detached* - a building which has one wall in common with an adjacent building.

*Carport* - see "garage, private."

*Cellar* - a story partly below the finished grade having less than one-half of its height (measured from finished floor to finished ceiling) above the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

*Common 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 public facilities. [Ord. 061490]

*Coverage* - the percentage of the plot or lot area covered by a building or buildings.

*Decision* - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township lies. [Ord. 061490]

*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. [Ord. 061490]

*Development plan* - the provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space and public facilities. The phrase “provisions of development plan” when used in this Chapter shall mean the written and graphic materials referred to in this definition. [Ord. 061490]

*Determination* - final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Board of Supervisors.
- B. The Zoning Hearing Board.
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decisions on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

[Ord. 061490]

*Dog kennel* - any premises, except where accessory to an agricultural use, where three or more dogs, 10 weeks in age or older, are kept or boarded.

*Dwelling unit* - one room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

*Dwelling, single-family* - a building designed for or occupied exclusively by one family, but not to be construed to include mobile homes.

*Dwelling, two-family* - a detached or semi-detached residential building containing two dwelling units designed for occupancy by not more than two families.

*Dwelling, multi-family* - a building designed for or occupied by three or more families living independently of each other and doing their own cooking, including apartment houses.

*Dwelling, group* - a group of two or more single-family, two-family, or multi-family dwellings occupying a lot in one ownership.

*Family* - one or more persons occupying a single dwelling unit; provided, that unless all members are related by blood or marriage, no such family shall contain over five persons; but, provided further, that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

*Floor area, livable* - the sum of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen or bedroom, but not including cellars, attics, garages, enclosed porches, and roofed terraces, nor unheated areas such as enclosed porches.

*Floor area ratio* - the relationship between the area of permitted floor space in a structure and the area of the lot on which it is situated. A floor area ratio of one would permit a one-story building to cover 100 percent of its lot, a two-story building to cover 50 percent of its lot, a four-story to cover 25 percent of its lot, and so on.

*Garage, private* - an enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein.

*Garage, public* - any garage other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

*Grade, finished* - the completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs related thereto.

*Gasoline service station* - a structure, building, or area of land or any portion thereof that is used for the sale of gasoline or any other motor vehicle fuel and oil and/or other lubricating substances, which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including the painting and/or bodywork thereof. [Ord. 120910]

*Height of building* - the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks, and similar projections.

*Home occupations* - any gainful occupation or profession operated by a member of the immediate family residing on the premises, and where the business or profession is conducted wholly within the dwelling. (See Part 16, "Supplementary District Regulations," for further stipulations.)

*Hospital* - a place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care including such establishments as a sanitarium, sanitorium, and preventorium.

*Hotel or lodging house* - a building used as the more or less temporary abiding place of three or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, occupants and only incidentally the public.

*Impervious coverage* - any portion of a lot covered by an impervious surface including, but not limited to, buildings, structures, and paved areas. [Ord. 051100]

*Impervious surface* - those surfaces that do not absorb rain. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and such areas as those in concrete and asphalt 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. [Ord. 051100]

*Intensive animal husbandry operations* - intensive animal husbandry operations shall include animal husbandry operations where the animal density exceeds two animal equivalent units per acre on an annualized basis, with an animal equivalent unit being equal to 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. [Ord. 122704]

*Junkyard* - a lot, land or structure, or part thereof, used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

*Laundromat* - a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

*Livestock* - farm animals and birds kept for use and/or profit. [Ord. 051100]

*Loading space* - an off-street space not less than 12 feet wide, 55 feet long, and having a minimum clear height of 15 feet, exclusive of access areas, for the parking of one vehicle while loading or unloading merchandise or materials.

*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. [Ord. 061490]

*Lot area* - an area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or access. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

*Lot, corner* - a lot at the point of intersection of and abutting on two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines.

*Lot, interior* - a lot other than a corner lot, the sides of which do not abut a street.

*Lot, through* - an interior lot having frontage on two parallel or approximately parallel streets.

*Lot line* - any line dividing a lot from another lot, street, or parcel. [Ord. 061391]

*Lot width* - the width measured at the minimum front yard setback line, as provided for in the applicable use district regulations, between the side lot lines parallel to the front lot line. [Ord. 051100]

*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. [Ord. 061490]

*Mobile home park* - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. [Ord. 061490]

*Mobile home subdivision* - an area designated exclusively for mobile homes where lots are not rented but sold.

*Motel* - a building or group of buildings, whether detached or in connected units,

used as individual sleeping or dwelling units, designed with separate entrances and designed for occupancy, primarily for transient automobile travelers, and providing for accessory off-street parking facilities. The term “motel” includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

*Motor freight terminal* - a facility where freight is delivered to, and shipped from, without unloading of the freight containers and where no warehousing occurs. [Ord. 061208]

*Municipal authority* - a body politic and corporate created under the Municipality Authorities Act, 53 Pa.C.S.A. §5601 *et seq.*, under the former Act of June, 1935, P.L. 463, No. 191, known as the “Municipality Authorities Act of 1935,” or under the Act of May 2, 1945, P.L. 382, No. 164, known as the “Municipality Authorities Act of 1945.” [Ord. 120910]

*No-impact home-based business* - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. (See Part 16, “Supplementary District Regulations.”) [Ord. 122104]

*Nonconforming lot* - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Ord. 061490]

*Nonconforming structure* - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 061490]

*Nonconforming sign* - a sign which does not conform to the regulations of the District in which it is located.

*Nonconforming use* - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [Ord. 061490]

*Normal farming operations* - the customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock, and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. [Ord. 051100]

*Nursing or convalescent home* - a building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

*Open space* - the unoccupied space open to the sky on the same lot with the building.

*Parent tract* - when used in determining the permissible number of lots that may



be subdivided or dwellings erected in A - Agricultural Districts, all contiguous land held in single and separate ownership, regardless of whether:

- A. Such land is divided into one or more lots, parcels, purparts, or tracts;
- B. Such land was acquired by the landowner at different times or by different deeds, devise, partition, or otherwise;
- C. Such land is bisected by public or private streets or rights-of-way;

that was held by the landowner or his predecessor in title on December 27, 2004, or, if such land was not classified as an A - Agricultural District on December 27, 2004, that was held by the landowner or his predecessor in title on the date such land was first classified as A - Agricultural District after December 27, 2004.

[Ord. 122704]

*Parking space* - the space within a building or on a lot or parking lot, for the parking or storage of one automobile. (Minimum size - 200 square feet, dimensions 10 feet by 20 feet, exclusive of passage ways and driveways and not an integral portion of the street.)

*Planned residential development* - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Chapter. [Ord. 061490]

*Planning Commission* - the Bethel Township Planning Commission.

*Premises* - any lot, parcel, or tract of land and any building constructed thereon.

*Private road* - a legally established right-of-way, other than a street, which provides the primary vehicular access to a lot.

*Public grounds* - includes:

- A. Parks, playgrounds, trails, paths, and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

[Ord. 061490]

*Public hearing* - a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 061490]

*Public meeting* - a forum held pursuant to notice under the Act of October 15, 1998, P.L. §729, No. 93, §1, 65 Pa.C.S.A. §701 *et seq.* [Ord. 120910]

*Public notice* - notice published once each week for 2-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 30 days and the second publication shall not be less than 7 days from the date of the hearing. [Ord. 061490]

*Report* - any letter, review, memorandum, compilation, or similar writing made by

any body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency, nor shall any appeal lie therefrom. Any report used, received, or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 061490]

*Row house (townhouse or attached dwelling)* - three or more single-family dwellings in a group, one or more of which have two walls in common with adjacent dwellings.

*Sanitarium, sanitorium* - a private hospital, whether or not such facility is operated for profit.

*Screen planting* - a vegetative material of sufficient height and density to screen the view, in adjoining districts, of the structures and uses on the premises upon which the screen planting is located.

*Shopping center* - one store containing more than 25,000 square feet of gross floor area, or a planned, integrated development consisting of two or more establishments, whether in one or more than one building, for retail sales, personal services, eating and drinking, business, professional or banking offices and/or similar uses together with shared off-street parking, access, stormwater management facilities, and similar improvements. [Ord. 061208]

*Sign* - includes any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device of similar character which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; is used to announce, direct attention to, or advertise; or is visible from outside of a building.

*Special exception* - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 *et seq.*, 10901 *et seq.* [Ord. 061490]

*Story* - that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. A story does not include a cellar.

*Street* - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 061490]

*Street line* - the dividing line between the street right-of-way line and the lot. Also known as the "street lot line."

*Subdivision* - the division or redivision 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 061490]

*Truck stop* - a facility that sells fuel for trucks, and may include a convenience store and restaurant as additional uses. [Ord. 061208]

*Variance* - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* [Ord. 061490]

*Water survey* - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township. [Ord. 061490]

*Yard* - a required open space other than a court unoccupied by a structure; provided, however, that fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstruction and visibility.

*Yard, front* - a yard provided between the front property line and a line drawn parallel thereto, and such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

*Yard, rear* - an open, unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

*Yard, side* - an open, unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

*Zoning Officer (Zoning Administrative Official)* - the agent or official designated by the Township Supervisors to enforce this Chapter.

*Zoning permit* - a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this Chapter for the zone in which it is located or to be located.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; by Ord. 061490, 6/14/1990; by Ord. 061391, 6/13/1991; by Ord. 072095-A, 7/20/1995, §8; by Ord. 051100, 5/11/2000, §1; by Ord. 122704, 12/27/2004, §§5, 6; Ord. 061208, 6/28/2008, §1; and by Ord. 120910, 12/9/2010)



**Part 2****Establishment of Districts; Provision for Official Zoning Map****A. General.****§27-201. Official Zoning Map.**

1. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.

2. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Secretary and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Part 2, §27-201 of Chapter 27 of the Code of Ordinances of the Township of Bethel, Lebanon County, Pennsylvania, together with the date of the adoption of said Chapter 27."

3. If, in accordance with the provisions of this Chapter and Article VI, Pennsylvania Municipalities Planning Code, 53 P.S. §10601 *et seq.*, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Supervisors, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change) which entry shall be signed by the Chairman of the Supervisors attested by the Township Secretary. No amendment to Chapter 27, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said Map."

4. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Chapter and punishable as provided under Part 28.

5. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the Township Supervisors shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the Township.

(Ord. 8/30/1973, 8/30/1973)

**§27-202. Replacement of the Official Zoning Map.**

1. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of Supervisors attested by the Township Secretary and bearing the seal of the Township under the following words: "This is to

certify that this is the Official Zoning Map, adopted (date) as part of Chapter 27 of the Code of Ordinances of Bethel Township, Lebanon County, Pennsylvania.”

2. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.

*(Ord. 8/30/1973, 8/30/1973)*

## **B. Zoning Map Amendments**

<b>Ord./Res.</b>	<b>Date</b>	<b>Subject</b>
5/12/1988	5/12/1988	Changing the zoning classification of a certain tract of land from R-2 High Density Residential District to M–Manufacturing District.
042591	4/25/1991	Changing the zoning classification for a tract of land approximately 7 acres in area bordered on the west by Route 22; on the east by lands now or formerly of Harvey W. Zimmerman and lands now or formerly of Charles D. Merkey; and on the south by lands now or formerly of Charles D. Merkey, from R-1 Low Density Residential District to C-2 Highway Commercial
082291	8/22/1991	Changing the zoning classification for a tract of land approximately 47.40 acres in area, as more particularly described, from R-1 Low Density Residential to M–Manufacturing; provided, however, that such portion(s) of the tract of land in question classified by appropriate floodplain district designations shall remain unaltered by this amendment as such districts now appear on the Official Zoning Map.
93-2	7/8/1993	Changing the zoning classification for a tract of land approximately 35 acres in area, as more particularly described, from C-2 Commercial to M–Manufacturing; provided, however, that such portion(s) of the tract of land in question classified by appropriate floodplain district designations shall remain unaltered by this amendment as such districts now appear on the official Zoning Map.
102494	10/24/1994	Changing the zoning classification of a parcel of land zoned R-2 and adjacent to a C-2 property, to be included in the C-2 zoning district. The land is on the east side S. Grove Street in Fredericksburg, at Elm Street.
042996	4/29/1996	The Highway Commercial District is revised to provide a commercial corridor along SR-22 from the Berks County line to the Swatara Township line.
081497	8/14/1997	Changing the zoning classification for a small portion of a tract of land, District 19, Map 93B, Lot 250, from R-1 Low Density Residential District to AP Airport District, in its entirety.
081299	8/12/1999	Changing a small portion of the Township from Low Density Residential (R-1) to Agricultural (A).
122704	12/27/2004	<ol style="list-style-type: none"><li>1. A new district to be known as FC–Forest Conservation District is hereby created in the northern part of the Township, the boundaries of which shall be as set forth on the revised zoning map for Bethel Township, and the district regulations for which shall be as set forth in Part 6B of this Chapter.</li><li>2. New districts to be known as R-R, Rural Residential Districts, are hereby created throughout the Township, the boundaries of which shall be as set forth on the revised zoning map for Bethel Township, and the district regulations for which shall be as set forth in Part 6C of this Chapter.</li></ol>

<b>Ord./Res.</b>	<b>Date</b>	<b>Subject</b>
		<p>3. The R-1 Low Density Residential District lying to the south of U.S. Route 22 is hereby extended southwardly and the boundaries of this District shall be as set forth on the revised zoning map for Bethel Township.</p> <p>4. The lands newly designated as FC–Forest Conservation District, R-R, Rural Residential Districts, and R-1 Low Density Residential District as set forth in 1, 2, and 3 above, have heretofore been designated as either Agricultural or R-1 Low Density Residential Districts. Those designations for said lands are hereby repealed.</p>
071207	7/12/2007	<p>That part of Bethel Township, Lebanon County, Pennsylvania, currently described by the Lebanon County Tax Assessment office as Geographic Parcel Identification Number 19-2335885-405907-0000, which parcel is more particularly described as the real estate conveyed in the deed recorded in the Recorder of Deeds Office of Lebanon County, Pennsylvania, in Deed Book 0369, page 0820, shall be reclassified as a C-2 Highway Commercial District from the present classification of R-2 High Density Residential District.</p>
091307	9/13/2007	<p>1. Lands of Ray M. and Ruthanne Funck and James S. and Verna Z. Martin to be rezoned from R-1 Low Density Residential District to C-2 Highway Commercial.</p> <p>2. Lands of Doris Rohrer to be rezoned from R-1 Low Density Residential District to C-2 Highway Commercial.</p> <p>3. Lands of Gerald L. Shirk to be rezoned from R-1 Low Density Residential District to C-2 Highway Commercial.</p>



**Part 3****Rules for Interpretation of District Boundaries****§27-301. General.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as parallel to, or extensions of, features indicated in paragraphs .A through .D above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by paragraphs .A through .E above, the Zoning Hearing Board shall interpret the district boundaries.

G. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Chapter, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(Ord. 8/30/1973, 8/30/1973)



**Part 4****Application of District Regulations****§27-401. General.**

The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

B. No building or structure shall hereinafter be erected or altered:

(1) To exceed the height or bulk.

(2) To accommodate or house a greater number of families.

(3) To occupy a greater percentage of lot area.

(4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required.

or in any other manner contrary to the provisions of this Chapter.

C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

D. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

E. When a specific use is neither permitted or prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the District basing the decision on the overall intent stipulated for the District. [Ord. 120910]

F. All territory which may hereafter be annexed to the Township shall be considered to be in the A–Agricultural District until otherwise classified.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 120910, 12/9/2010)



**Part 5****Use Districts****§27-501. General.**

For the purpose of regulating and restricting the location of trades, industries, multiple-family houses, single-family houses, and other uses of property, the number of square feet of lot area per family house, the width of lots, the location and size of yards, and the size and height of buildings, the Township is divided into ten classes of use districts termed respectively: [*Ord. 120910*]

- A. Class A or Agricultural District
- B. Class FC or Forest Conservation District [*Ord. 120910*]
- C. Class R-1 or Low Density Residential District
- D. Class R-2 or High Density Residential District
- E. Class C-1 or Retail Business District
- F. Class C-2 or Highway Commercial District
- G. Class M or Manufacturing District
- H. Class AP or Airport District
- I. Class OSC or Open Space and Conservation District
- J. Class R-R or Rural Residential District [*Ord. 120910*]

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 120910, 12/9/2010*)



**Part 6****A-Agricultural, FC-Forest Conservation, and  
R-R-Rural Residential Districts****A. A-Agricultural Districts****§27-601. Intent.**

The Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, sets forth as part of its intent the promotion of the preservation of the Commonwealth's prime agricultural land and the encouragement of that preservation through zoning. Bethel Township's Agricultural Industry District is comprised primarily of existing agricultural areas of the Township and those areas where environmental conditions are most conducive to agriculture and animal husbandry pursuits. Consistent with the strong legislative policy of the Commonwealth, Bethel Township does not consider its prime agricultural land as undeveloped farmland awaiting another use. Rather, it is considered as developed land. It is land being used to produce a product. Farming is a land-intensive manufacturing process that converts raw materials into a product, comparable to other industrial operations, with accompanying nuisances of noise, odor, and dust. Agricultural zoning districts should not be considered holding zones, but as zones having a positive purpose of utilizing the Township's natural resources for the benefit of the entire community, and the Township should protect agricultural zoning districts from interference by incompatible uses that break down the integrity of such districts and interfere with normal and customary agricultural operations.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 122704, 12/27/2004, §4*)

**§27-602. Permitted Uses.**

1. All forms of agriculture, aquaculture, tree farming, pasturing, truck gardening, horticulture, nurseries, vineyards, aviaries, apiaries, noncommercial greenhouses, commercial greenhouses, hatcheries, and similar enterprises, but excluding intensive animal husbandry operations.

2. Animal husbandry, but not including intensive animal husbandry operations.

3. Public conservation areas and structures for the conservation of open space, water, soil, forest and wildlife resources.

4. Single-family dwellings as regulated by §27-603 of this Part.

5. Public park and recreation areas, forest preserves, camps, game refuges, and similar nonintensive public uses.

6. Churches and cemeteries.

7. Solar energy devices for use in agricultural enterprises.

8. Customary accessory uses and buildings incidental to any of the above permitted uses, including the following:

A. Road side stands for the sale of "home-grown" or "home-made" products when located not less than 20 feet from the road right-of-way line.

B. Signs, as provided for in Part 18 of this Chapter.

C. Home occupations as provided for in Part 16.

(*Ord. 8/30/1973*, 8/30/1973; as amended by *Ord. 072095-A*, 7/20/1995, §1; by *Ord. 051100*, 5/11/2000, §2; and by *Ord. 122704*, 12/27/2004, §4)

### **§27-603. Limitation With Respect to Single-Family Dwellings.**

Single-family dwellings in Agricultural Districts shall be subject to the following limitations:

A. *Permitted Number of Dwellings.* Upon each parent tract, as it existed on December 27, 2004, there shall be permitted the following number of single family dwellings, including those existing on December 27, 2004, provided there is compliance with all requirements and limitations hereinafter set forth on this Section:

Size of Farm or Lot	Maximum Number of Single-family Dwellings
0 acres to less than 10 acres	Any number in accordance with paragraph .E below
10 acres to less than 50 acres	5
50 acres to less than 100 acres	6
100 acres to less than 175 acres	7
175 acres to less than 250 acres	8
250 acres to less than 400 acres	9
400 acres or more	10

Existing unsubdivided single-family dwellings located on a parent tract shall be considered part of the permitted allotment. The maximum permitted number of single family dwellings shall apply regardless of whether individual lots are subdivided at the time the dwellings are established. Further subdivision of lots created after the enactment date of this Part shall be subject to the maximum allotment determined for the parent tract as set forth herein.

B. All applications for building and zoning permits to erect a single-family dwelling on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:

- (1) Size, shape, and dimensions of the parent tract; size and location of all existing buildings; and size, location, and use of all proposed buildings and lots.
- (2) All lots previously approved under these regulations.
- (3) Land under active cultivation and land in woodlots or forests.
- (4) Soil information for the parent tract, including soil series and soil capability class, subclass, and unit as classified within the latest revision of the *Soil Survey of Lebanon County, Pennsylvania*, prepared by the United States Department of Agriculture.

C. All applications to erect a single family dwelling and to subdivide or resubdivide a parent tract shall be subject to the following:

- (1) All single-family dwellings and lots to be subdivided shall be



established or located on only farmland classified as Soil Capability Classes III - VII, when such land is available.

(2) The least suitable farmland (highest numbered Soil Capability Units) shall be utilized for development in all cases, unless the applicant can demonstrate its unsuitability for the proposed use. When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies, or other physical characteristics, then the least suitable remaining farmland, based on soil capability classes, shall be utilized for development.

(3) When the land to be developed is comprised entirely of farmland classified as Soil Capability Classes I and II, then the least suitable (highest numbered Soil Capability Units) shall be utilized for development.

(4) Single-family dwellings shall be grouped, where possible, adjacent to other similar uses and lots to avoid scattering of development. Dwellings shall be located as far from intensive animal husbandry operations as possible. No subdivision or development shall necessitate any new streets except that one lot or use may be accessed via an unimproved 50-foot right-of-way.

(5) Application for the last single family dwelling permitted within a parent tract shall be accompanied by a proposed deed for the residue land. This proposed deed shall contain a restriction stating that subdivision and development allotments have been used and that no further subdivision, development, or establishment of additional single-family dwellings shall be permitted. This restrictive deed shall be recorded within 30 days of subdivision or permit approval for the last allowable dwelling. Failure to record this deed, subsequent removal of the deed restriction, or subsequent subdivision or establishment of additional dwellings shall constitute a violation of this Part, punishable in accordance with this Part and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(6) A property owner submitting a subdivision plan shall specify on the plan which lot or lots will carry with them the right to erect or place any unused portion of the quota of dwellings the original parent tract may have. The property owner shall be required to assign to each lot the right to erect or place at least one dwelling and demonstrate that the lot can be approved as a location for the placement or erection of a dwelling unless the lot is being permanently merged with another parcel that has either an existing dwelling or the right to erect or place at least one dwelling.

(7) Any landowner who disagrees with the classification of his or her land or any part of it by the latest revision of the *Soil Survey of Lebanon County, Pennsylvania*, prepared by the United States Department of Agriculture, may submit an engineering analysis of the soils on the portion of the land that the landowner seeks to have reclassified, and if the Board of Township Supervisors finds the analysis to be correct, it shall alter the Township Soil Map to reflect the results of such analysis.

E. Lot area, lot width, lot coverage, yard depths, and building height shall satisfy the following requirements for every single-family dwelling hereinafter erected, altered, or established on land in this District.

Use	Lot Requirements			Yard Requirements			
	Maximum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	Side	Sides	Rear
Single-family dwelling	2 acres	125 ft.	15%	50 ft.	20 ft.	40 ft.	50 ft.

F. Minimum lot area shall be the minimum area that will permit the construction of the proposed dwelling, a driveway to serve it, an approved on-lot sewage disposal system, and an on-lot well with the required 100-foot isolation radius separating it from the sewage disposal system.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 122704, 12/27/2004, §4*)

#### **§27-604. Special Exceptions.**

The following uses are permitted as special exceptions upon approval by the Zoning Hearing Board as provided in Part 21 of this Chapter:

A. Accessory use not located on the same lot with a permitted principal use to which it is accessory.

B. Farm-related businesses necessary to the conduct of agricultural activities, such as the sale of seed and fertilizer and the repair of farm machinery, provided that:

(1) The business shall be conducted on a farm.

(2) The business shall be conducted only by the proprietor of the farm on which the business is located or by a person employed on that farm for the purpose of participating in the conduct of agricultural or animal husbandry operations.

(3) The conduct of the business on a farm shall be secondary to the use of the farm for agricultural or animal husbandry activities.

C. Bulk water extraction, subject to the following:

(1) The applicant shall provide a hydrogeologic impact analysis, prepared and certified by duly licensed professionals acceptable to the Zoning Hearing Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.

(2) The applicant shall provide a transportation impact analysis, prepared and certified by duly licensed professionals acceptable to the Zoning Hearing Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.

(3) The applicant shall provide an environmental impact analysis, prepared and certified by duly licensed professionals acceptable to the Zoning Hearing Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.

(4) The applicant shall comply with all Susquehanna River Basin Commission, Delaware River Basin Commission, Pennsylvania Department of Environmental Protection, and Pennsylvania Fish Commission regulations for the removal of water resources and shall obtain all required approvals

therefor from those agencies.

(5) Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.

(6) The proposed use will not generate traffic such that hazardous or unduly congested conditions occur.

(7) The use shall not adversely affect the character of the neighborhood, nor the health and safety of the residents or workers on adjacent properties and in the general neighborhood.

(8) The Zoning Hearing Board shall have the authority to impose such additional conditions as necessary to assure compliance with the general purpose and intent of this Chapter.

D. Communications towers and antenna for the purpose of facilitating communications services and attendant support structures in accordance with §27-1601.18.

E. Public elementary and high schools.

F. Private nursery, elementary, and high schools, and institutions of higher education.

G. Riding academy and stables, veterinary clinics, animal hospitals, and dog kennels.

H. Commercial amusement or recreation establishments such as outdoor theaters, race tracks, and other similar recreational uses requiring large segregated land areas, providing that any of these uses shall not be located nearer than 100 feet from the right-of-way of any highway.

I. Intensive animal husbandry operations, provided that new structures or the renovation, conversion, or expansion of existing structures to house an intensive animal husbandry operation are permitted only when the following requirements are met:

(1) The minimum lot size shall be 25 acres.

(2) The maximum impervious lot coverage shall be 10 percent.

(3) No building housing livestock that is a part of an intensive animal husbandry operation shall be permitted within 500 feet of any residential zoning district.

(4) No building housing livestock that is a part of an intensive animal husbandry operation shall be permitted within 300 feet of any property line or road right-of-way line.

(5) Where it is shown that, because of prevailing winds, topography, unusual obstructions, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards, the Zoning Hearing Board may reduce the above special setback requirements. In no case, however, shall the Zoning Hearing Board reduce any special setback requirement to less than 200 feet. The burden shall be on the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.

(6) When engaging in subdivision or land development, the plans filed

shall show, and require, on either the subdivided or land developed lot, or the remaining land, the setbacks required hereunder.

(7) The applicant shall present written evidence from the Lebanon County Conservation District certifying that the Lebanon County Conservation District has agreed to review the applicant's Act 6 Nutrient Management Plan for compliance with Act 6 and all regulations promulgated thereunder. In the event the Zoning Hearing Board grants the application for special exception, it shall impose as a condition of that grant a requirement that no building permit for any construction pursuant to the special exception shall be issued unless the applicant presents to the Township Zoning Officer written evidence from the Lebanon County Conservation District that an Act 6 Nutrient Management Plan for the proposed intensive animal husbandry operation has been approved by the Conservation District.

(8) The applicant shall present written evidence from the Lebanon County Conservation District certifying that the applicant has applied for approval of a conservation plan for the proposed intensive animal husbandry operation. In the event the Zoning Hearing Board grants the application for special exception, it shall impose as a condition of that grant a requirement that no building permit for any construction pursuant to the special exception shall be issued unless the applicant presents to the Township Zoning Officer written evidence from the Lebanon County Conservation District that the applicant's conservation plan has been approved.

(9) The applicant shall present written evidence from the Lebanon County Conservation District certifying either (1) that the Lebanon County Conservation District has agreed to design all manure storage facilities required by the application in compliance with the Pennsylvania "Technical Guide" developed by the Natural Resource Conservation Service or (2) that the Lebanon County Conservation District has agreed to review and approve the design of the applicant's manure storage facilities prepared by applicant's private consultant as being in compliance with the aforesaid Pennsylvania "Technical Guide." In the event the Zoning Hearing Board grants the application for special exception, it shall impose as a condition of that grant a requirement that no building permit for any manure storage facility constructed pursuant to the special exception shall be issued unless the applicant presents to the Township Zoning Officer written evidence from the Lebanon County Conservation District that the design for such facility has been approved by the Lebanon County Conservation District and is in compliance with the aforesaid Pennsylvania "Technical Guide."

(10) The applicant shall present written evidence from the Lebanon County Conservation District certifying that the applicant has applied for Chapter 102 Erosion and Sediment Control Plan approval for disturbances involving 5,000 square feet or more and/or a NPDES permit for disturbances involving 1 acre or more. In the event the Zoning Hearing Board grants the application for special exception, it shall impose as a condition of that grant a requirement that no building permit for any construction pursuant to the special exception shall be issued unless the applicant presents to the Township Zoning Officer written evidence from the Lebanon County Conservation District that the

applicant's Chapter 102 Erosion and Sediment Control Plan and/or NPDES permit application have been approved.

(11) The applicant shall present to the Zoning Hearing Board a plan certified by a traffic professional that the intensive animal husbandry operation allows for the safe and efficient movement of all motorized vehicles associated with the intensive animal husbandry operation, and including, but not limited to, information concerning traffic generation, size of vehicles, number of trips per day, and a design, and improvement where necessary, of each proposed entrance and/or exit to the intensive activity that does not allow mud, gravel, or other material to be deposited upon or to accumulate on or along abutting public roads.

(12) The applicant shall provide for buffering, as determined satisfactory, by the Zoning Hearing Board with respect to any structure, access drive, parking, loading, or unloading area located within 300 feet of any residential structure or lot of record that is 3 acres or less in size.

(13) Operations utilizing food processing wastes shall be subject to the following:

(a) All putrescible food processing wastes shall be fed to the animals on the premises or be removed from the premises within 72 hours after delivery.

(b) All food processing waste shall be stored in enclosed buildings or covered containers prior to being fed to the animals.

(c) Only such food processing wastes as can reasonably be expected to be consumed by the animals on the premises shall be stored on site.

(d) Food processing waste shall be transported to and from the premises only in covered containers.

(e) The owner shall at all times comply with all applicable State and Federal laws and regulations governing the transportation, storage, use, and disposal of food processing wastes.

J. Mineral extraction, subject to the following:

(1) The applicant shall provide a hydrogeologic impact analysis, prepared and certified by duly licensed professionals acceptable to the Zoning Hearing Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.

(2) The applicant shall provide a transportation impact analysis, prepared and certified by duly licensed professionals acceptable to the Zoning Hearing Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.

(3) The applicant shall provide an environmental impact analysis, prepared and certified by duly licensed professionals acceptable to the Zoning Hearing Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.

(4) Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.

(5) The proposed use will not generate traffic such that hazardous or unduly congested conditions occur.

(6) The use shall not adversely affect the character of the neighborhood, nor the health and safety of the residents or workers on adjacent properties and in the general neighborhood.

(7) No activity involving the removal, extraction, or processing of minerals shall generate or emit air pollutants in excess of the standards established by the Commonwealth of Pennsylvania.

(8) All quarries, pits, surface mines, or other areas where minerals are extracted by the surface mining method, shall comply with all the requirements of the Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, 52 P.S. §1396.1 *et seq.*, all rules and regulations thereunder, and any other applicable State law, rule, or regulation.

(9) All quarries, pits, surface mines, or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by the landowner for his own noncommercial purposes from land owned or leased by him, but including all other extractions, shall be licensed under the Surface Mining Conservation and Reclamation Act, 52 P.S. §1396.1 *et seq.*, the Noncoal Surface Mining Conservation and Reclamation Act, 52 P.S. §3301 *et seq.*, and any other applicable state law, rule, or regulation.

(10) A fence of a minimum height of 6 feet shall be maintained so as to enclose the mining area, all machinery, and all stockpiles.

(11) Gates, which shall be locked except during business hours, shall be located at all entrances.

(12) No storage of products, by-products, over-burden, or cover materials shall be located closer than 100 feet from any lot line nor within 100 feet from any street not located within the lot.

(13) No storage of products, by-products, over-burden, or cover materials shall exceed a height of 50 feet above grade.

(14) No quarrying or mining activities and no buildings, structures, and equipment shall be located closer than 100 feet from any lot line, nor within 100 feet of any street not located within the lot, nor closer than 100 feet from any district boundary line, provided that an office or storage building may be located no closer than 50 feet to the same.

(15) Minimum lot size shall be 50 acres.

(16) All blasting operations shall conform to the requirements of the Pennsylvania Department of Environmental Protection, and with all other applicable State and Federal laws, rules, and regulations. Blasting shall not be permitted between 5 p.m. and 7 a.m., and shall not be permitted on Sundays. [Ord. 120910]

(17) Where materials are removed from the site, it shall be done in such a manner as to not cause any debris or other material to be deposited beyond the site boundaries.

(18) All machinery and devices used for extraction purposes shall be

removed from the site upon completion of the process.

(19) Activities shall not cause earth movements or erosion to extend beyond the lot boundaries.

(20) A planting strip of not less than 10 feet in width shall be placed within all side and rear yards or along fences surrounding the mining area, and shall contain evergreen plant material which is planted at a minimum height of 4 feet and will attain and shall be maintained at a height of not less than 8 feet.

(21) The Zoning Hearing Board shall have the authority to impose such additional conditions as necessary to assure compliance with the general purpose and intent of this Chapter.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 122704, 12/27/2004, §4; and as amended by Ord. 120910, 12/9/2010*)

**§27-605. General Lot Area, Building Height, and Yard Requirements for Nonresidential Buildings.**

1. Except with respect to specific provisions to the contrary set forth herein above in this Part, a lot width, lot area, and yard depth of not less than the dimensions shown in the following table shall be provided for every principal nonresidential building erected or altered for any use, other than single family dwellings, permitted in this District.

Use	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front Yard	One Side Yard	Total Side Yards	Rear Yard
All Permitted Uses	60,000 sq. ft.	200 ft.	30%	50 ft.	20 ft.	40 ft.	50 ft.

2. No building with the exception of farm structures shall exceed 2½ stories or 35 feet in height, unless authorized as a special exception.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 122704, 12/27/2004, §4*)

**§27-606. Minimum Off-Street Parking Requirements.**

Off-street parking shall be provided in accordance with Part 17 of this Chapter.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 122704, 12/27/2004, §4*)

**§27-607. Agricultural Disclaimer.**

In Agricultural Districts, agriculture is the primary use. Nonfarm dwellings or uses in this District may be subject to some common characteristics of agriculture that are sometimes regarded as objectionable including, but not limited to, odor, dust, night, holiday, early morning, and weekend operation, noise, heavy vehicle use of roads, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residents, owners, and users of property in this District should accept these factors as normal and unavoidable characteristics of an agricultural area and are hereby put on official notice that §4 of the Pennsylvania Act 133 of 1982, as amended, referred to as the "Right to Farm Law," 3 P.S. §954, may bar them from obtaining a legal judgment against such normal agricultural operations.

(*Ord. 8/30/1973*, 8/30/1973; as added by *Ord. 051100*, 5/11/2000, §3; and as amended by *Ord. 122704*, 12/27/2004, §4)



**B. FC–Forest Conservation District****§27-611. Intent.**

1. The regulations of the FC–Forest Conservation District are designed to protect the steep slope areas of the Blue Mountain and Little Mountain, which are among the Township’s most significant and highly sensitive natural features. The *Soil Survey of Lebanon County*, prepared by the United States Department of Agriculture, classifies the soils in this District generally as Laidig-Hazelton-Leck Kill soils and concludes that surface stones, slow permeability, and slope are major limitations for most uses in this District. The Appalachian Trail crosses the entire width of the Township through this District, and the lands in this District form the headwaters of streams and provide contiguous woodland and wildlife habitat.

2. Implementing Article I, §27, of the Constitution of Pennsylvania, the Pennsylvania Municipalities Planning Code expresses as one of its purposes the promotion of the preservation of the Commonwealth’s natural resources. Also implementing Article I, §27, of the Constitution of Pennsylvania, the Pennsylvania Appalachian Trail Act, 64 P.S. §801 *et seq.*, expresses the policy of the General Assembly of Pennsylvania that Pennsylvania municipalities utilize their planning and zoning powers to preserve the natural, scenic, historic, and aesthetic values associated with the Appalachian Trail. Limitations on development and alteration of the natural features in this District will work to achieve that purpose and that policy by preserving wildlife populations, protecting stream quality, preserving scenic vistas and landscapes, and minimizing the disturbance to the natural environment, including, but not limited to, the adverse effects of increased stormwater runoff, erosion, and sedimentation.

(Ord. 8/30/1973, 8/30/1973, §6A01; as added by Ord. 122704, 12/27/2004, §2)

**§27-612. Permitted Uses.**

1. Single-family dwellings.
2. Churches and similar places of worship. Notwithstanding the provisions of §27-613 of this Part, the maximum impervious coverage shall be 30 percent and the maximum cleared area shall be 40 percent.
3. Home occupations as defined in Part 16.
4. *Municipal Uses*. Notwithstanding the provisions of §27-613 of this Part, the maximum impervious coverage shall be 40 percent and the maximum cleared area shall be 60 percent.
5. Forestry, subject to the maximum cleared area provisions set forth in §27-613.
6. Accessory uses and structures to the above permitted uses.
7. The following principal uses and any accessory uses associated therewith are permitted within the FC–Forest Conservation District only by special exception, which may be granted only by the Township Zoning Hearing Board, subject to and in accord with all other relevant provisions of this Part and any conditions that may be imposed by the Zoning Hearing Board:
  - A. Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §27-1601.18.

- B. Boarding, lodging, or rooming houses.
- C. Bed and breakfast businesses.
- D. Campgrounds, subject to the following regulations:
  - (1) Compliance with all requirements of the Pennsylvania Department of Environmental Protection.
  - (2) The minimum area of a campground shall be 5 acres.
  - (3) There shall be a maximum of 15 travel trailer or tent sites per acre.
  - (4) Each trailer or tent site shall be a minimum of 30 feet wide and have a minimum area of 3,000 square feet. No space shall be occupied so that a portion of a travel trailer or tent, including awnings or other accessory attachments, shall be within 10 feet of any portion of any other travel trailer, tent, or building.
  - (5) Each trailer or tent site shall have at least 30 feet frontage on a road contained within the campground.
  - (6) No travel trailer or tent shall be located within 50 feet of the boundary lines of the campground.
  - (7) Certificates of zoning compliance issued by the Township shall be issued for a period of 1 year. Renewal shall be according to the same requirements and procedures as made and provided for in §27-1904 for the issuance of the original certificate of zoning compliance.
  - (8) Prior to the issuance or renewal of a certificate of zoning compliance, the owner of a campground shall file with and receive approval from the Township Supervisors of a set of campground regulations. Such regulations shall prescribe, but not be limited to, such controls as maximum term of occupancy of a travel trailer or tent site by an individual travel trailer or tent site tenant; temporary or seasonal storage of travel trailers; policing to control noises and activities that might endanger the life, safety, or general welfare of other occupants and the owners or occupants of adjacent properties.
  - (9) All campgrounds shall furnish centralized sanitary and garbage collection facilities. Such facilities shall be set back a minimum of 100 feet from any property lines and shall be screened with a permanent vegetative screening from adjacent residential or residentially zoned properties. Such screening shall consist of evergreen plant varieties that provide screening from ground level to a minimum of 8 feet.
  - (10) Any accessory retail or service commercial uses shall be set back a minimum of 100 feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors and shall have their sole access from the private, interior campground roads and not from any public street. Such uses and associated parking facilities shall be screened with a permanent vegetative screening from adjacent residential or residentially zoned properties. Such screening shall consist of evergreen plant varieties that provide screening from ground level to a minimum height of 8 feet.
- E. Public or private social and recreational facilities, provided the activities are

all of an outdoor nature.

F. Accessory buildings and uses to the above special exception permitted uses.  
(*Ord. 8/30/1973, 8/30/1973, §6A02; as added by Ord. 122704, 12/27/2004, §2*)

**§27-613. Lot Area, Impervious Coverage, Cleared Area, Building Heights, and Yard Requirements**

1. Lot area, impervious coverage, cleared area, building heights, and yard requirements shall satisfy the following requirements for every single-family dwelling or principal nonresidential building erected or altered for any use permitted in this District:

Use	Minimum Lot Area	Minimum Lot Width	Front Yard	One Side Yard	Total Side Yards	Rear Yard
All permitted uses	5 acres	250 ft. at street line and at front yard setback line	50 ft.	40 ft.	80 ft.	60 ft.

2. Maximum impervious coverage shall be 10 percent.

3. No building shall exceed the lesser of two and one-half stories or 35 feet in height, unless authorized as a special exception. Maximum cleared area shall be as follows:

A. Twenty percent of the lot area for those lots of 5 acres or less.

B. One acre plus 10 percent of the lot area over 5 acres for those lots greater than 5 acres but less than or equal to 10 acres.

C. One and one-half acres plus 5 percent of the lot area over 10 acres for those lots greater than 10 acres but less than or equal to 50 acres.

D. Three and one-half acres plus 1 percent of the lot area over 50 acres for those lots greater than 50 acres.

(*Ord. 8/30/1973, 8/30/1973, §6A03; as added by Ord. 122704, 12/27/2004, §2*)



**C. R-R–Rural Residential Districts****§27-621. Intent.**

The regulations of this District are designed to provide an area for residential uses that are located adjacent to agricultural areas of the Township. The rural residential zones are distinguished by the present absence of public water and sewers, with some probability those facilities will be installed within the foreseeable future. Although predominantly residential, these areas are compact in size and retain a rural character, and the provisions of this Part are further designed to protect and enhance the combined features of the District.

(*Ord. 8/30/1973, 8/30/1973, §6B01; as added by Ord. 122704, 12/27/2004, §3*)

**§27-622. Permitted Uses.**

1. Single-family detached dwellings.
2. Soil cultivation, crop production, truck farming, nurseries, and greenhouses, including sales of greenhouse items that are grown on the premises.
3. Public conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources.
4. Public uses such as park and recreation areas, forest reserves, game refuges, and similar nonintensive public uses.
5. Publicly and privately owned nursery schools, kindergartens, elementary schools, middle schools, junior high schools, high schools, technical schools, and vo-tech schools.
6. Churches, associated parish houses, and cemeteries.
7. Municipal buildings, community facilities such as police and fire protection facilities, museums, libraries, and membership clubs; provided, that these do not contain restaurants, cafes, or other places offering food, beverages, dancing, or entertainment.
8. Customary accessory uses and buildings that are clearly incidental to any of the above permitted uses, including no-impact home-based businesses and home occupations, both of which are defined in Part 16.
9. Upon approval by the Zoning Hearing Board, the following special exception uses are permitted provided the use complies with the conditions listed herein and the applicable requirements specified in Part 21 of this Chapter.
  - A. Semi-public and private recreation uses such as golf courses, country clubs, swimming clubs, and tennis clubs provided that no principal building, accessory structure, pool, tennis court, or parking area is located within 100 feet of any road right-of-way line or lot line. Swimming pools associated with those uses shall be completely enclosed with a continuous, impenetrable fence no less than 6 feet in height above the ground level, and the fence shall be equipped with a lockable gate.
  - B. Animal husbandry not within the definition of intensive animal husbandry operations and pet kennels subject to the following conditions:
    - (1) A minimum lot size of 3 acres shall be provided.
    - (2) Buildings in which livestock, poultry, insects, or other than customary

household pets are kept shall be no closer than 100 feet to any lot line or road right-of-way.

(3) No outside storage of manure, malodorous substances, or dust-producing substances shall be permitted within 200 feet of any lot line or road right-of-way.

C. Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §27-1601.18.

D. Group care facilities provided that the following conditions are met:

(1) Plans for the facility are approved by the appropriate State and local agencies (e.g., Department of Labor and Industry, Department of Welfare, etc.) prior to operation.

(2) The facility should be properly licensed, if required.

(3) There shall be a minimum of 175 square feet of habitable floor area for each person residing in the facility.

(4) All residents of the facility must be certified by referring agency to be capable of residing in this group family environment and no resident shall receive skilled or intermediate type nursing care of psychiatric rehabilitation routinely required in an institutional setting.

(5) The facility shall comply with all applicable standards of this Chapter and the Subdivision and Land Development Ordinance of Bethel Township [Chapter 22].

(6) Traffic generated by the facility shall not exceed normal residential levels and all points of ingress and egress shall be at safe and permissible locations.

(7) All parking shall be off-street and the facility shall have two off-street parking spaces for the facility and one additional off-street parking space for each residential vehicle and each employee vehicle and such other additional off-street parking spaces as may be needed to handle the off-street parking needs of the facility's use.

(8) The operator of the facility shall provide to Bethel Township a floor plan of the facility describing the uses of the rooms within.

(*Ord. 8/30/1973, 8/30/1973, §6B02; as added by Ord. 122704, 12/27/2004, §3*)

### **§27-623. Lot and Yard Requirements.**

1. A lot area, lot width, lot coverage, yard depth, and building height satisfying the requirements of the following table shall be provided for every dwelling unit and principal nonresidential building or use hereafter erected, altered, or established in this District.

Use	Lot Requirements		Yard Requirements			
	Min. Lot Area (sq. ft.)	Min. Lot Width	Max. Lot Coverage	Front	Each Side	Rear
Nonresidential building	3 acres	250 ft.	20%	75 ft.	25 ft.	60 ft.
Single-family detached	60,000	200 ft.	30%	50 ft.	20 ft.	50 ft.

2. No building shall exceed 35 feet in height unless authorized as a special exception.

(*Ord. 8/30/1973, 8/30/1973, §6B03; as added by Ord. 122704, 12/27/2004, §3*)

**§27-624. Minimum Off-Street Parking Requirements.**

Off-street parking shall be provided in accordance with Part 17 of Chapter.

(*Ord. 8/30/1973, 8/30/1973, §6B04; as added by Ord. 122704, 12/27/2004, §3*)

**§27-625. Signs and Advertising Structures.**

Signs shall be permitted in accordance with Part 18 of this Chapter.

(*Ord. 8/30/1973, 8/30/1973, §6B05; as added by Ord. 122704, 12/27/2004, §3*)

**§27-626. Supplementary District Regulations.**

The supplementary district regulations in Part 16 shall apply, where applicable, as additional requirements for this District.

(*Ord. 8/30/1973, 8/30/1973, §6B06; as added by Ord. 122704, 12/27/2004, §3*)





**Part 7****R-1-Low Density Residential Districts****§27-701. Intent.**

The regulations of the R-1-Low Density Residential District are designed to promote, provide for, and protect single-family residences in harmony with existing uses and physical conditions of the Township.

(Ord. 8/30/1973, 8/30/1973)

**§27-702. Permitted Uses.**

1. Single-family dwellings.
2. Churches and similar places of worship.
3. Public nursery, kindergarten, elementary, and high schools, Township buildings, public parks, and playgrounds.
4. Customary agricultural operations such as gardening, truck farming, flower and tree nurseries, but not including the raising, keeping, and breeding of poultry and livestock. In no case shall manure fertilizer or other odor or dust-producing substances be stored anywhere within 200 feet of an adjoining lot line.
5. Customary accessory uses and buildings incidental to any of the above permitted uses.
6. Home occupations and no-impact home-based businesses as provided for in §27-1601.16 and §27-1601.19 of this Chapter. [Ord. 122704]
7. Signs as provided for and regulated in Part 18.
8. The following uses are permitted as special exceptions, upon issuance of a permit by the Zoning Hearing Board, provided they do not have an adverse effect on the area due to noise, dirt, dust, or traffic circulation.
  - A. Private nursery, elementary, and high schools and institutions of higher education.
  - B. Recreation areas and structures operated by membership clubs for the benefit of their members.
  - C. Cemeteries, hospitals, clinics, and convalescent homes, provided they do not have an adverse effect on the area due to noise, dirt, odor, or traffic circulation.
  - D. Golf courses and country clubs.
  - E. Commercial swimming pools.
  - F. The raising, breeding, or keeping of livestock, providing that the following conditions are met:
    - (1) No building in which livestock, other than customary household pets, is kept shall be closer than 200 feet to any adjoining lot line.
    - (2) The minimum lot size shall be 10 acres.
    - (3) No storage of manure or odor or dust producing substances shall be permitted within 200 feet to any adjoining lot line.

G. Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §27-1601.18. [*Ord. 072095-A*]

(*Ord. 8/30/1973*, 8/30/1973; as amended by *Ord. 072095-A*, 7/20/1995, §2; and by *Ord. 122704*, 12/27/2004, §8)

**§27-703. Lot Area, Building Height, and Yard Requirements.**

1. A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal nonresidential building hereafter erected or altered for any use permitted in this District. Refer to Part 16, §1601.16, for exceptions.

Public Utilities	Min. Lot Area (sq. ft.)	Min. Lot Width	Max. Lot Coverage	District Requirements		Total Sides	Rear
				Yards	Yards		
				Front	Side		
None	20,000	100 ft.	30%	40 ft.	10 ft.	20 ft.	30 ft.
Public water or sewage	12,000	100 ft.	30%	30 ft.	10 ft.	20 ft.	25 ft.
Public water and sewage	10,000	80 ft.	35%	30 ft.	10 ft.	20 ft.	25 ft.

2. No building shall exceed two and one-half stories or 35 feet in height unless authorized as a special exception.

(*Ord. 8/30/1973*, 8/30/1973; as amended by *Ord. 7/18/1975*, 7/18/1975; and by *Ord. 6/23/1988*, 6/23/1988)

**§27-704. Minimum Off-Street Parking Requirements.**

Off-street parking shall be provided in accordance with Part 17 of this Chapter.  
(*Ord. 8/30/1973*, 8/30/1973)

**Part 8****R-2–High Density Residential Districts****§27-801. Intent.**

The regulations of the R-2–High Density Residential Districts are designed to provide for a wider ranger of higher density housing types where Township services and commercial facilities are most readily available.

(*Ord. 8/30/1973, 8/30/1973*)

**§27-802. Permitted Uses.**

1. All uses permitted in the R-1–Low Density Residential District subject to the regulations of the R-2–High Density Residential District.

2. Two-family residential structures (duplexes).

3. Multiple-family and conversion apartment dwellings.

4. Customary accessory uses and buildings incidental to any of the above permitted uses.

5. Home occupations and no-impact home-based businesses as provided for in §27-1601.16 and §27-1601.19 of this Chapter. [*Ord. 122704*]

6. The following uses are permitted as special exceptions, upon issuance of a permit by the Zoning Hearing Board, provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation, or design.

A. Special exceptions as specified in the R-1–Low Density Residential District.

B. Mobile home parks subject to the following regulations:

(1) A mobile home park shall contain a minimum of 10 acres.

(2) Maximum density in a mobile home park or subdivision shall be five units per acre.

(3) Regardless of lot size, each mobile home shall have a minimum front yard of 30 feet, rear yard of 25 feet, and two sides of 10 feet each. In no case shall the distance between any two mobile homes be less than 25 feet.

(4) All roads in a mobile home park or subdivision shall be paved with an all-weather surface approved by the Township Board of Supervisors at least 34 feet wide.

(5) Each mobile home in a mobile home park must have at least two paved parking spaces sufficient in size for at least two automobiles, provided on the individual mobile home lots.

(6) Each parking space in a mobile home park or subdivision shall abut on a park driveway, with access to such driveway. Access to all parking spaces shall be from the driveways and not from public streets or highways.

(7) All mobile home parks shall be provided with a buffer yard at least 50

feet in width around the park perimeter. Such yards shall be well landscaped and maintained and planted with shrubbery approved by the Zoning Hearing Board and the Township Supervisors.

(8) All mobile home parks shall be served by public water and public sanitary sewer facilities.

(9) Recreation and open space areas shall be provided at the rate of 1 acre recreation space for every 20 mobile home spaces.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 122704, 12/27/2004, §9)

### **§27-803. Lot Area, Building Height, and Yard Requirements.**

1. A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal nonresidential building hereafter erected or altered for any use permitted in this District. Refer to Part 16, §1601.16.

District Requirements	Lot Area Requirements			Yard Requirements		
	Minimum Lot Area	Minimum Width	Maximum Coverage	Front	Two Side Each of	Rear
Nonresidential building	5 acres	300 ft.	10%	80 ft.	30 ft.	50 ft.
Single-family detached: No utilities	1 acre	80 ft.	20%	40 ft.	10 ft.	25 ft.
Public water or sewer	10,000 sq. ft.	80 ft.	30%	30 ft.	10 ft.	25 ft.
Public water and sewer	8,000 sq. ft.	70 ft.	30%	30 ft.	10 ft.	25 ft.
Semi-detached: Water and sewer	6,000 sq. ft.	50 ft.	30%	30 ft.	10 ft.	25 ft.
Row house*	8 units per gross acre (maximum)	18 ft.	40%	30 ft.	---	25 ft.
Apartments	3,000 sq. ft.	---	40%	30 ft.	20 ft.	30 ft.

\*No group of row houses shall consist of more than six units with no more than three continuous row houses with the same front setback, each variation of the setback being at least 4 feet.

2. No building shall exceed two and one-half stories or 35 feet in height unless authorized as a special exception.

(Ord. 8/30/1973, 8/30/1973)

### **§27-804. Minimum Off-Street Parking Requirements.**

Off-street parking shall be provided in accordance with Part 17 of this Chapter.

(Ord. 8/30/1973, 8/30/1973)

### **§27-805. Limitations of Signs.**

All signs and advertising structures shall be maintained in accordance with Part

18 of this Chapter.

*(Ord. 8/30/1973, 8/30/1973)*



**Part 9****C-1-Retail Business District****§27-901. Intent.**

Within any large scale higher density residential neighborhood, there exists a need for certain commercial facilities to fulfill needs of persons living therein. These needs are designed to be met by providing for a retail district near the center of the present and future population concentrations of Bethel Township.

(Ord. 8/30/1973, 8/30/1973)

**§27-902. Permitted Uses.**

1. Stores for the retailing of food, clothing, drugs, confectionery, hardware, sporting goods, household appliances, flowers, etc.
2. Personal service shops including barbers, beauty parlors, tailors, shoe repair, dry cleaning, laundromats, etc.
3. Banks, savings and loan, and finance agencies.
4. Restaurants, tea rooms, cafes, and other places serving food and drink, but not including drive-in restaurants.
5. Shopping centers.
6. Residential uses as specified in the high density residential districts subject to the yard and area regulations contained therein.
7. Business and professional offices.

(Ord. 8/30/1970, 8/30/1973)

**§27-903. Lot Area, Building Height, and Yard Requirements.**

A lot width, lot area, and yard depth of not less than the following dimensions shall be provided for every building hereafter erected or altered for any use permitted in this District.

- A. Lot area - same as High Density Residential Districts.
- B. Building height - no less than one story nor greater than 35 feet.
- C. Front yard - 30 feet.
- D. Side yard, not less than 10 feet in width on each side of the principal building. However, in a case where two or more commercial buildings could compatibly abut each other, no side yard is required between them, provided that a written agreement is made between the affected property owners.
- E. Rear yard depth - 25 feet.
- F. Coverage - 60 percent maximum.

(Ord. 8/30/1973, 8/30/1973)

**§27-904. Minimum Off-Street Parking and Loading Requirements.**

1. Off-street parking shall be provided in accordance with Part 17 of this Chapter

and may be permitted in any required yard.

2. Each business use established or expanded after the date of adoption of this Chapter shall provide off-street loading and unloading space at the side or rear of the building for each 4,000 square feet of floor area in each building. Such space or spaces shall be not less than 660 square feet in area with dimensions of 12 feet by 55 feet per space with a clearance of not less than 15 feet in height. Required spaces shall be located exclusive of any public right-of-way.

*(Ord. 8/30/1973, 8/30/1973)*

**§27-905. Limitations of Signs.**

Only those signs relating to the principal uses conducted on the premises or the principle materials or products made, sold or displayed on the premises shall be permitted; and, provided further, that all signs and advertising structures shall be erected and maintained in accordance with Part 18 of this Chapter.

*(Ord. 8/30/1973, 8/30/1973)*



**Part 10****C-2-Highway Commercial Districts****§27-1001. Intent.**

The regulations of this District are designed to accommodate those kinds of commercial enterprises that are dependent on traffic generated by a major highway and are associated with automobile shopping.

(*Ord. 8/30/1973*, 8/30/1973; as amended by *Ord. 061208*, 6/12/2008, §2)

**§27-1002. Permitted Uses.**

1. All uses permitted in the Retail Business District except residential dwellings.
2. Hotels and motels.
3. Automobile dealers, repair shops, gasoline service stations, body shops, parts centers, supply centers, and washes.
4. Printing and publishing establishments.
5. Shops for contractors, plumbing, heating, upholstering, and other service/repair businesses.
6. Lumber yards.
7. Drive-in restaurants.
8. Miniature golf courses.
9. Commercial schools.
10. Business centers, professional or governmental offices.
11. Warehousing.
12. Communications towers and antenna for the purpose of facilitating communications services and attendant support structures in accordance with §27-1601.18.
13. Convenience stores.
14. Indoor recreational activities.
15. Motor freight terminals.
16. Truck stops.
17. The following uses shall not be permitted within 1,000 feet of any primary or secondary school property boundary:
  - A. Lumber yards.
  - B. Hotels and motels.
  - C. Automobile dealers, repair shops, body shops, parts centers, supply centers, and washes.
  - D. Warehouses.
  - E. Gasoline service stations.
  - F. Motor freight terminals.
  - G. Truck stops.

(*Ord. 8/30/1973*, 8/30/1973; as amended by *Ord. 072095-A*, 7/20/1995, §3; by *Ord. 042996A*, 6/6/1996, §1; and by *Ord. 061208*, 6/12/2008, §2)

**§27-1003. Lot Area, Building Height, and Yard Requirements.**

1. A lot width, lot area, and lot depths of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this District:

Area Requirements			Yard Requirements			
Minimum Parcel Size	Minimum Width	Maximum Coverage	Front	One Side	Total Sides	Rear
1 acre	200 feet	50 percent	50 feet	20 feet	40 feet	40 feet

2. Parking areas and access drives may be included in 50 percent of the required yards of the C-2 Commercial Districts subject to all Township stormwater management regulations, except where they adjoin a Residential District. All yards or portions of yards not used for parking or access drives shall be appropriately landscaped and maintained in accordance with the landscape and buffering requirements of the Bethel Township Subdivision and Land Development Ordinance [Chapter 22] and any other applicable ordinances and regulations.

3. Where side or rear yards adjoin a Residential District, they shall be not less than 50 feet, shall not be used for parking or access drives, except for emergency access drives controlled by §27-1601.20.B(3) of this Chapter, and shall be landscaped and maintained in accordance with the landscape and buffering requirements of the Bethel Township Subdivision and Land Development Ordinance [Chapter 22] and any other applicable ordinances and regulations.

4. No building shall exceed 2½ stories or 35 feet in height unless authorized as a special exception by the Zoning Hearing Board.

(*Ord. 8/30/1973*, 8/30/1973; as amended by *Ord. 061208*, 6/12/2008, §2)

**§27-1004. Minimum Off-Street Parking and Loading Requirements.**

1. Off-street parking shall be provided in accordance with Part 17 of this Chapter.

2. Off-street loading facilities shall comply with the requirements of §27-1601.20 of this Chapter.

(*Ord. 8/30/1973*, 8/30/1973; as amended by *Ord. 061208*, 6/12/2008, §2)

**§27-1005. Limitation on Signs.**

Only those signs relating to the principal uses conducted on the premises or the principal materials or products made, sold, or displayed on the premises shall be permitted and provided further that all signs and advertising structures shall be erected and maintained in accordance with Part 18 of this Chapter.

(*Ord. 8/30/1973*, 8/30/1973; as amended by *Ord. 061208*, 6/12/2008, §2)

**Part 11****M-Manufacturing Districts****§27-1101. Intent.**

This District is designed to promote industrial, warehousing, and wholesaling activities dependent on the availability of transport facilities and municipal utilities. The District accommodates all of these activities so as to minimize any detrimental effects that they may have on other uses in the Township.

(*Ord. 8/30/1973, 8/30/1973*)

**§27-1102. Permitted Uses.**

1. Any use not otherwise prohibited by law of a manufacturing, fabricating, processing, packaging, compounding, or treatment nature, which in the opinion of the Zoning Officer, would be nonobjectionable in terms of smoke or dust emission, odors, noise, or glare, and will not otherwise be injurious to the public health, safety, and welfare and will not have an adverse effect on adjacent areas. Should the Zoning Officer feel there is any likelihood of the aforementioned dangers or nuisances, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

2. Warehousing and wholesaling establishments and storage yards not including junkyards.

3. Railroad, trucking, busing, and other transit facilities including storage, repair, and transfer operations.

4. Customary accessory uses and buildings incidental to any of the above-permitted uses.

5. The following uses are permitted, as special exceptions, upon issuance of a permit by the Zoning Hearing Board as provided for in Part 21 of this Chapter:

A. Junkyards used for storage, wrecking, and converting used or discarded materials, provided that such use is no less than 150 feet from any use district other than Manufacturing. In addition, such use must be completely enclosed by an evergreen screen planting to be planted and maintained at a height of not less than 8 feet and backed by a solid fence not less than 6 feet in height. [*Ord. 120910*]

B. Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §27-1601.18. [*Ord. 072095-A*]

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 072095-A, 7/20/1995, §4; and by Ord. 120910, 12/9/2010*)

**§27-1103. Lot Area, Building Height, and Yard Requirements.**

A lot width, lot area and yard depths of not less than the dimensions shown in the following list shall be provided for every principle building hereafter erected or altered for any use permitted in this District.

A. *Area Regulations.* The width of a lot in any Manufacturing District shall be not less than 150 feet and not more than 50 percent of the lot area shall be

covered with buildings. [Ord. 120910]

B. *Yard Regulations.* For every main or accessory building or use in a Manufacturing District, the minimum yard regulations are as follows: [Ord. 120910]

(1) Front yards measured from the lot line to the building line shall be as follows:

(a) Not less than 100 feet along any road.

(b) Not less than 150 feet if opposite a residential district.

(c) Off-street parking and loading shall not be permitted in the front yard.

(2) Side yards shall be provided in the Manufacturing Districts as follows: [Ord. 120910]

(a) Not less than 50 feet on both sides of the building.

(b) Where a side yard adjoins a road, the side yard shall be no less than 100 feet.

(c) No building or structure permitted in the Manufacturing District shall be located less than 100 feet from any residential district. [Ord. 120910]

(3) Rear yards of 50 feet shall be provided.

(4) Parking may be provided in any required side or rear yard that does not adjoin a public roadway or a residential district. In cases where the yard adjoins a public roadway, the required yard cannot be utilized for parking.

(5) All front yards shall be appropriately landscaped and well-maintained. Side and rear yards shall be well-maintained and may be developed for recreational purposes, to within 50 feet of the property line.

C. *Height Regulations.* The height of any main or accessory building shall not exceed 75 feet, except that chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances may be built to a height not exceeding 125 feet above the finished grade when erected upon or as an integral part of the building.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 120910, 12/9/2010)

#### **§27-1104. Minimum Off-Street Parking and Loading Requirements.**

1. Off-street parking shall be provided in accordance with Part 17 of this Chapter.

2. On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for standing, loading, and unloading. All such spaces shall conform to dimensions of not less than 12 feet by 65 feet or 660 square feet in area, with a clearance of not less than 15 feet in height. Spaces required shall be determined by the table below and shall be located exclusive of any public right-of-way or required parking area.

Gross Floor Area (sq. ft.)	Spaces Required
0 to 10,000	1 Space

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<b>Gross Floor Area (sq. ft.)</b>	<b>Spaces Required</b>
10,000 to 50,000	1 space plus 1 additional space for each 20,000 sq. ft.
50,001 and over	3 spaces plus 1 additional space for each 40,000 sq. ft. in excess of 50,000 sq. ft.

*(Ord. 8/30/1973, 8/30/1973)*



**Part 12****AP–Airport District****§27-1201. Intent.**

The purpose of the AP–Airport Zoning District shall be to promote the harmonious arrangement and development of land uses surrounding an airport; to encourage the types of development having maximum compatibility with aircraft operations; and to protect and promote the public utility of the airport. This Zoning District shall be applied to airport land areas and to other surrounding areas closely related to airport boundaries and/or operations.

(*Ord. 8/30/1973, 8/30/1973*)

**§27-1202. Delineation of District.**

The AP–Airport District, at a minimum, is determined by the size of the airport approach areas. This approach area is defined as a 300-foot wide area lying within and below an inclined plane extending outward horizontally 1,000 feet at a ratio of 1 foot of height for each 20 feet from each end of the runway. This criteria has been applied as a minimum standard in the establishment of the Ap-Airport District with perimeter areas being included wherever necessary to provide for possible future airport expansion and still provide for the public safety.

(*Ord. 8/30/1973, 8/30/1973*)

**§27-1203. Permitted Uses.**

1. Open land uses, including:

- A. Agriculture, forestry, horticulture, nurseries, and similar uses.
- B. Cemeteries.
- C. Public and private recreation areas such as fish hatcheries, game preserves, golf courses, parks, picnic groves, and shooting ranges.
- D. Township service areas such as sewage disposal plants, water treatment plants, reservoirs, and public utility facilities.
- E. Any structures necessary for the operation and storage of the above-mentioned uses, provided no structures are used for permanent human habitation.
- F. Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §27-1601.18. [*Ord. 072095-A*]

2. Airports and airport-related uses.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 072095-A, 7/20/1995, §5*)

**§27-1204. Special Requirements.**

The following special requirements shall apply to each permitted use:

- A. Lighting.

(1) Any pulsating or flashing lighting is prohibited.

(2) *Radio and Electric.* Any radio or electronic device shall be permitted only when licensed by the Federal Communications Commission.

(3) *Smoke.* Any operation emitting smoke, dust, or any visible fumes or vapors into the atmosphere shall be expressly prohibited.

(Ord. 8/30/1973, 8/30/1973)

#### **§27-1205. Lot Area, Yard and Building Height Requirements.**

1. A lot width, lot area, lot depth, and building height of the following dimensions shall be provided for every principal structure erected or altered for any use permitted in this District.

Use	Lot Requirements			Yard Requirements		
	Minimum Lot Area	Minimum Lot Width	Maximum Coverage	Front	Side	Rear
Airport	20 acres	-----	-----	100	50	100
All other permitted uses	2 acres	200 ft.	30%	50	20	50

2. No building, structure, or airport hazard shall exceed 1 foot in height for each 20 feet from the end of an established airport runway, with no structures or airport hazards to exceed 35 feet in height anywhere within the District.

(Ord. 8/30/1973, 8/30/1973)

#### **§27-1206. Other Regulations.**

Minimum off-street parking, sign, and other pertinent regulations shall apply as specified in other Sections of this Chapter.

(Ord. 8/30/1973, 8/30/1973)



**Part 13****F-1, F-2, and F-3–Floodplain Districts****§27-1301. Intent.**

These provisions are intended to prevent the creation of health and safety hazards, the needless loss of life or property from possible natural catastrophe and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. Additionally, these regulations are designed to prohibit or restrict construction of any mobile home, permanent building or structure, or uses and activities in any floodplain district in order to minimize future flood damage as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around water courses and induce flooding conditions.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; and by Ord. 061391, 6/13/1991, §1301)

**§27-1302. Definitions of Terms Utilized in the Floodplain Districts.**

*Alluvial soils maps* - soils maps prepared by the United States Department of Agriculture, Soil Conservation Service, which indicate the location of soil types. Alluvial soils on these maps are soils of floodplains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

*Construction* - include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection, or relocation of a building or structure, including mobile homes. For floodplain purposes, “construction” includes structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the Township.

*Development* - any man-made change to improved or unimproved real estate including, but not limited to, buildings, mobile homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

*Flood* - a temporary inundation of water on normally dry land areas.

*Floodplain* - (A) a relatively flat or low land area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation by water; (B) an area subject to the unusual and rapid accumulation or runoff of surface water from any source.

*Floodplain Districts* - the zoning districts that establish the bounds of the 100-year floodplain as identified by the Federal Insurance Administrator so that necessary floodplain management control measures can be instituted in floodplain areas. These districts include the F-1–Approximated Floodplain, F-2–Floodway, and F-3–Flood Fringe Districts.

*Approximated Floodplain Districts (F-1)* - the F-1–Approximated Floodplain District shall be that floodplain area for which no specific flood profiles have been provided. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers,

Floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Consideration shall be given to the methods specified by the U.S. Water Resource Council's Technical Bulletin No. 17. This elevation information shall be subject to review by the Township and other agencies that it shall designate, such as the Corps of Engineers, the Department of Environmental Resources, a river Basin Commission, etc.

*F-3-Flood Fringe* - the portion of the 100-year floodplain located outside the floodway and for which flood elevations have been determined.

*F-2-Floodway* - that portion of the 100-year floodplain including the channel of a river or other watercourse and adjacent land areas which are required to carry and discharge the 100-year flood where the activities permitted elsewhere in the Floodplain District will not cumulatively increase the water surface elevation more than 1 foot at any given point. The detailed study of the regulatory flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the floodplain.

*One hundred-year flood (regulatory flood)* - a flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1 percent chance of occurring each year although the flood may occur in any year).

*One hundred-year floodplain* - (A) the relatively flat or low land area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation on the average of once every 100 years; (B) an area subject to the unusual and rapid accumulation or runoff of surface water from any source on the average of once every 100 years.

*Regulatory flood* - the flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for purposes of this Part, the 100-year flood, as defined by the Federal Insurance Administrator.

*Regulatory flood elevation* - the 100-year flood elevation based upon the information contained in the Official Flood Insurance Study.

*Start of construction* - the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a

minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

*Substantial improvement* - any reconstruction, alteration, or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (A) before the improvement or repair is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this Part, substantial improvement is considered to have occurred when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (A) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions or (B) any alteration of a structure listed on the National Register of Historic Places or State inventory of historic places.

*Toxic materials* - the following materials and substances which are listed in §113.7 of the Department of Community and Economic Development Floodplain Regulations, 12 Pa.Code §113.7, adopted pursuant to the Pennsylvania Flood Plain Management Act (Act 1978-166), 32 P.S. §679.101 *et seq.*, have been determined to be dangerous to human life: [Ord. 120910]

- A. Acetone.
- B. Ammonia.
- C. Benzene.
- D. Calcium carbide.
- E. Carbon disulfide.
- F. Celluloid.
- G. Chlorine.
- H. Hydrochloric acid.
- I. Hydrocyanic acid.
- J. Magnesium.
- K. Nitric acid and oxides of nitrogen.
- L. Petroleum products (gasoline, fuel, oil, etc.).
- M. Phosphorus.
- N. Potassium.
- O. Pesticides, (including insecticides, fungicides, and rodenticides).
- P. Sodium.
- Q. Sulphur and sulphur products.
- R. Radioactive substances, insofar as such substances are not otherwise regulated.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; by Ord. 061391, 6/13/1991, §1302; and by Ord. 120910, 12/9/2010)

### **§27-1303. Delineation of Districts.**

1. The Floodplain Districts shall include all areas subject to inundation by flood waters of the regulatory flood. The basis for the delineation of the three Floodplain Districts (F-1–Approximated Floodplain, F-2–Floodway, and F-3–Flood Fringe Districts) shall be the Flood Boundary/Floodway Map (dated September 30, 1981) and the Official Flood Insurance Study prepared by the Flood Insurance Administrator.

2. Three separate districts are necessary to equitably enforce floodplain management controls in the Floodplain Districts. The F-1–Approximated Floodplain District shall include all areas of the Township subject to inundation by flood waters of the regulatory flood for which no specific flood profiles have been provided. The actual elevation and extent of the District is to be determined by the regulatory flood elevation. In order to determine the regulatory flood elevation, the following variety of sources of data shall be used.

- A. Alluvial soil maps prepared by the U.S. Soil Conservation Service.
- B. Local data from the 1972 flood.
- C. Army Corps of Engineers - Floodplain Information Reports.
- D. U.S. Geological Survey - Flood Prone Quadrangles.
- E. Other available sources of floodplain information.

3. In lieu of the previously mentioned, the Township shall require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis 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, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township or a qualified agent thereof.

4. The F-2–Floodway District, where flood heights and velocities are greatest, must have more restrictive provisions to prevent encroaching development from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this Part using criteria that a certain area within the floodplain must be capable of carrying the water of the 100-year flood without increasing the water surface elevation of that flood more than 1 foot at any point. The areas included in this District are specifically defined in the Flood Insurance Study and shown on the accompanying Flood Boundary/Floodway Map. In the F-3–Flood Fringe District, where the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the F-3–Flood Fringe District shall be that area of the 100-year floodplain not included in the F-2–Floodway District. The basis for the outermost boundary of this District shall be the 100-year flood elevations contained in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps.

5. The delineation of the Floodplain, F-1–Approximated Floodplain, F-2–Floodway, and F-3–Flood Fringe Districts may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers, river basin commission, or other qualified agencies or individuals. However, prior to when the District bounds are to be changed, approval shall be obtained from the Federal Insurance Administrator.

6. Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Where interpretation is needed concerning the exact location of any boundary of the Floodplain Districts, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case.

(*Ord. 8/30/1973*, 8/30/1973; as amended by *Ord. 7/18/1975*, 7/18/1975; and by *Ord. 061391*, 6/13/1991, §1303)

#### **§27-1304. District Provisions.**

1. All uses, activities, and development occurring within the F-1–Approximated Floodplain, F-2–Floodway, or F-3–Flood Fringe Districts shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances, such as the Lebanon County Floodproofing Building Code and the subdivision and land development regulations set forth in Chapter 22, “Subdivision and Land Development,” and the stormwater management regulations set forth in Chapter 23, “Stormwater Management.” [*Ord. 120910*]

2. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

3. No structure, including mobile homes, or land shall hereinafter be used and no structures, including mobile homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered, or substantially improved except in full compliance with the terms and provisions of this Chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Chapter.

4. All permitted uses shall be regulated by the provisions of the nearest zoning district. Where there happen to be conflicts between the provisions or requirements of the F-1–Approximated Floodplain, F-2–Floodway, or F-3–Flood Fringe Districts and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the Floodplain Districts be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the District in which the Floodplain Districts are located.

A. *F-1–Approximated Floodplain and F-2–Floodway Districts.* In the F-1–Approximated Floodplain and F-2–Floodway Districts no development, including mobile homes, shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all applicable local and/or State authorities. In the F-1–Approximated Floodplain and F-2–Floodway Districts, the following uses and activities are permitted provided that they are in compliance with the provisions of the nearest zoning district, will not result in any increase in the level of the regulatory flood anywhere, are not prohibited by this or any other ordinance, and provided that they do not require structures, mobile homes, fill, vehicles, or parts thereof, storage of materials and equipment, substantial improvement or other development:

(1) Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and sod farming and wild

crop harvesting.

(2) Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping; golf courses, boat launching, and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as posts and pillars, and a roof shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.

(3) All uses customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; unroofed porches, patios, open porches or carports; provided, that said structures are not enclosed by screening, latticing, studs, or structural supports less than 8 feet apart which would in any manner restrict the flow of flood water and debris; impervious parking and loading areas; and airport landing strips.

(4) The following uses and activities are permitted as special exceptions upon approval of the Zoning Hearing Board, provided that they are in compliance with the provisions of the nearest zoning district, the provisions of the Lebanon County Floodproofing Building Code, will not raise the level of the regulatory flood at all and are not prohibited by any other ordinances.

(a) Structures accessory to the uses and activities in subsection .1 above, but shall not be construed to include mobile homes, vehicles, or parts thereof.

(b) Utilities, public facilities, and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

(c) Water-related uses and activities such as marinas, docks, wharves, piers, etc.

(d) Extraction of sand, gravel, and other materials.

(e) Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explosive, and are not subject to major damage by flooding; or provided that such material and equipment is firmly anchored to prevent flotation or movement; and/or can be readily removed from the area within the time available after flood warning.

(f) Other similar uses and activities provided they cause no increase in flood height and/or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the floodproofing provisions contained in the Lebanon County Floodproofing Building Code and all other applicable codes and ordinances.

(g) Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §27-1601.18. [Ord. 072095-A]

B. *F-3-Flood Fringe District*. In the F-3-Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the

nearest zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code and any other applicable codes and ordinances.

C. *Prohibited Uses.* In the F-2–Floodway, F-3–Flood Fringe, and F-1–Approximated Floodplain Districts, the following uses and activities are strictly prohibited:

- (1) Hospitals, sanitariums, sanatoriums, clinics, etc., whether public or private.
- (2) Public or private nursing homes.
- (3) Jails or prisons.
- (4) Public or private schools or institutions of higher education.

5. New mobile home parks and mobile home subdivisions and substantial improvements to existing mobile home parks.

6. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable, or explosive or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons of such materials or any amount of radioactive substances.

7. Any other use, activity, or development not specifically permitted under the terms of this Part.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; by Ord. 061391, 6/13/1991, §1304; by Ord. 072095-A, 7/20/1995, §6; and by Ord. 120910, 12/9/2010)

#### **§27-1305. Additional Safeguards.**

1. No part of any private on-lot sewage disposal system shall be constructed within the Floodplain Districts.

2. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.

3. The Township will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a municipal boundary.

4. Use of fill is prohibited within the F-1–Approximated Floodplain and F-2–Floodway Districts, unless the property owner or applicant provides a document acceptable by the Zoning Administrator, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with other anticipated development, will not result in an increase in the water surface elevation of the regulatory flood at any point. Use of fill in the F-3–Flood Fringe District is permitted only when in compliance with the Lebanon County Floodproofing Building Code and any other applicable ordinances.

5. Prior to any stream or watercourse alteration or relocation, a permit shall be obtained from the Department of Environmental Protection, Bureau of Waterways Engineering. Also, adjacent communities, the Department of Community and Economic Development, and the Flood Insurance Administrator must be notified. Additionally,

the Township must be assured that the flood carrying capacity of an altered or relocated watercourse is maintained. [*Ord. 120910*]

6. The placement or replacement of any mobile homes in the F-2–Floodway or F-1–Approximated Floodplain Districts is prohibited, except as replacement units in existing mobile home parks and existing mobile home subdivisions. Said replacement units shall comply with the special anchoring requirements §1.5 of the Lebanon County Floodproofing Building Code.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; by Ord. 061391, 6/13/1991, §1305; and by Ord. 120910, 12/9/2010*)

**§27-1306. Factors to Be Considered by the Zoning Hearing Board When Reviewing Special Exceptions and Variances.**

1. In reviewing applications for special exceptions and variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Chapter, in the Pennsylvania Municipalities Planning Code, as amended, 53 P.S §10101 *et seq.*, and other ordinances and shall apply all of the following factors:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use or structure to the Comprehensive Plan and floodplain management programs of the area.

J. The safety of access to the property in times of flood by ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

L. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State inventory of historic places where appropriate.

M. No variance shall be granted to allow either in whole or in part any prohibited use listed in §27-1304 of this Part.

N. The granting of a variance shall provide relief only from the specific



term(s) of the floodplain regulations requested, not exemption from all floodplain regulations or any applicable insurance premiums.

O. Variances shall not be given in the floodway that result in any increase in flood levels during the 100-year flood.

P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*

Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.

R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

(1) Increased insurance premium rates will result.

(2) Construction occurring below the 100-year flood level will increase risks to life and property.

S. Other factors which are relevant to the purpose of this Chapter.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; and by Ord. 061391, 6/13/1991, §1306*)

#### **§27-1307. Nonconformities.**

A structure, or use of a structure or land, which lawfully existed before the enactment of these provisions but which is not in conformity with these provisions may be continued subject to the following:

A. Existing nonconforming structures or uses located in the F-2–Floodway or F-1–Approximated Floodplain Districts:

(1) Shall not be moved, replaced or substantially improved, but may be modified, altered, or repaired to incorporate floodproofing measures as per the Lebanon County Floodproofing Building Code, provided that such measures and elevation techniques do not raise the level of the regulatory flood.

(2) May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement (a) does not exceed 25 percent of the area of the first floor of the structure existing at the time of adoption of this Part, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable flood proofing requirements of the Lebanon County Floodproofing Building Code. Plans for the above-mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.

B. Existing nonconforming structures or uses located in the F-3–Flood Fringe District:

(1) May be substantially improved, moved, replaced, modified, altered, or repaired provided that such work is conducted in full compliance with the provisions of this Chapter, the Lebanon County Floodproofing Building Code, and any other applicable codes or ordinances.

(2) May be enlarged or expanded in a manner which is not a substantial

improvement as defined by this Chapter, and provided that said enlargement or expansion complies with the above requirements (a), (b), and (c) of paragraph .A(2).

C. If any nonconforming structure or use, including mobile homes, located in the Floodplain Districts is demolished, removed, or destroyed by any means, including floods, to an extent of 50 percent or more of the market value of the structure, it shall not be reconstructed, replaced, or continued except in conformity with the provisions of this Chapter, the Lebanon County Floodproofing Building Code, and any other applicable ordinance.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; and by Ord. 061391, 6/13/1991, §1307*)

#### **§27-1308. Lot Area, Yard and Sign Requirements.**

The lot area, yard, sign, and other district requirements of the land in question shall be the same as the district requirements of the nearest zoning district.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; and by Ord. 061391, 6/13/1991, §1308*)

#### **§27-1309. Additional Administrative Requirements.**

1. To insure that all construction and development within identified floodplain areas will be conducted employing flood damage controls, the Zoning Administrator shall require the following specific information to be included as part of an application for a permit:

A. A plan which accurately locates the proposed construction and/or development with respect to the floodplain area boundaries, stream channel, existing floodplain development and all proposed subdivision and land development to assure that:

(1) All such proposals are consistent with the need to minimize flood damage.

(2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided to reduce exposure to flood hazard.

B. Such plan shall also include existing and proposed contours and elevations of the grounds, regulatory flood elevations, structure elevation, lowest floor elevation, size of structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types, and floodproofing measures.

C. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this Chapter, the Lebanon County Floodproofing Building Code, and other applicable ordinances.

2. *Review of Application by County Conservation District.* A copy of all plans and application for construction and/or development in the identified floodplain areas to be considered for approval shall be submitted by the applicant to the County Conservation

District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Administrator for possible incorporation into the proposed plan.

3. *Review of Applications by Others.* A copy of all plans and specifications for construction and/or development in the identified floodplain areas to be considered for approval may be submitted by the applicant at the discretion of the Zoning Administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment prior to the issuance of a building permit.

4. A record of all variances granted, including their jurisdiction, shall be maintained by the community as well as reported in the annual report to the Flood Insurance Administrator.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; and by Ord. 061391, 6/13/1991, §1309*)

#### **§27-1310. Conflicting Ordinances.**

Ordinances or parts of ordinances in conflict with this Part, or inconsistent with the provisions of this Part are hereby repealed to the extent necessary to give the Floodplain District full force and effect.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; and by Ord. 061391, 6/13/1991, §1310*)

#### **§27-1311. Statement of Disclaimer.**

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the Floodplain Districts or that land uses permitted within such districts will be free from flooding or flood damages. This Chapter shall not create liability on the part of this Township or any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision made thereunder.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; and by Ord. 061391, 6/13/1991, §1311*)

#### **§27-1312. Building Permits Required.**

Building permits shall be required before any proposed construction, substantial improvement, or development is undertaken within any identified flood prone area of the Township. Prior to issuance of any building permit, the applicant shall submit to the Zoning Administrator copies of all other required State and Federal permits.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; and by Ord. 061391, 6/13/1991, §1312*)



**Part 14****Planned Residential Development****§27-1401. Intent.**

In order to provide for a wide range of housing types and new design innovations in the field of residential development and at the same time assure the necessary amenities for residential living as provided for in all residential districts, §27-1402 is included to assure the necessary ordinance flexibility for this kind of development. Section 27-1402 shall apply only to Residential or Agricultural Districts.

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975, §14.1*)

**§27-1402. Procedure.**

1. An application for a permit authorizing a modification of the strict requirements of this Chapter for a planned residential development must be made to the Planning Commission in three copies. This application shall contain the following information:

A. A legal description of the property under consideration which shall be a minimum of 25 acres in area.

B. A scaled topographic map of the entire parcel with a contour interval of not less than 2 feet.

C. A site plan showing the location of all existing and proposed buildings and structures, parking lots, buffer strips, plantings, streets, public ways, and curb cuts.

D. Proposed reservations for parks, parkways, playgrounds, school sites, and other open spaces with indication of the organization to own and maintain such open space.

E. A location map showing the location of the site in relation to the surrounding area.

F. Architectural sketches, at the appropriate scale, showing building height, bulk, interior layout, and proposed use.

G. A feasible proposal for sanitary sewers and stormwater control.

H. The substance of covenants, grants of easement, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements of grants for public utilities.

I. The required modifications in the land use regulations otherwise applicable to the subject property.

J. A schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed if the development plans call for development over a period of years. This schedule must be updated annually until the development is completed and accepted.

2. The Planning Commission shall refer the application to the Township

Supervisors and the County Planning Department for study and recommendation. The two agencies shall be required to make comment to the Planning Commission within 30 days or the right to review will be considered forfeited.

3. *Public Hearings.*

A. Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this Chapter, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors.

B. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing.

C. 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 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 power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose.

D. The Chairman, or acting Chairman in the absence of the Chairman, of the Board of Supervisors 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.

E. 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 cross-examine adverse witnesses on all relevant issues.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

G. 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 the Board of Supervisors or shall be paid by the person appealing from the decision of the Board of Supervisors 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.

H. The Board of Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an

opportunity to be present.

I. The Board of Supervisors may continue the hearing from time to time, and may refer the matter back to the Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

[Ord. 061490]

4. Within 30 days following the conclusion of the public hearing, the Planning Commission shall make a written report by certified mail to the applicant. Said report shall:

- A. Grant tentative approval of the development plan as submitted.
- B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.
- C. Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. If tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written report, notify the Planning Commission of his refusal to accept all said conditions, in which case the Planning Commission shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period, notify the Planning Commission of his refusal to accept all said conditions, tentative approval of the development plan, with all stated conditions, shall stand as granted.

The granting or denial of tentative approval, the official written report shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial; also contained in the report shall be a statement of the respects in which the development plan is or is not in the public interest, including conclusions on the following:

A. In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township.

B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, and the reasons why such departures are or are not deemed to be in the public interest.

C. The purpose, location, and amount of the common open space in the planned residential development; the reliability of the proposals for maintenance of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

D. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services; provide adequate control over vehicular traffic; and further the amenities of light and air, recreation and visual enjoyment.

E. The relationship, beneficial or adverse, or the proposed planned residential development to the neighborhood in which it is proposed to be established.

F. The time period within which an application for final approval shall be

filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. The time so established shall not be less than 3 months and, in the case of the phased development, not less than 12 months for applications of each part of the plan.

5. The official written report shall be certified by the Secretary of the Planning Commission and filed in his office. Where tentative approval has been granted, the same shall be noted on the zoning map.

Tentative approval shall not qualify a plat of the planned residential development for recording, development, or the issuance of any building permits. A plan which has received tentative approval shall not be modified, revoked, nor otherwise impaired by action of the Township, if the time periods for submission of final application specified in said written report are being fulfilled, without the consent of the applicant.

In the event tentative approval was granted, but prior to final approval, the applicant elects to abandon said plan and notifies the Planning Commission in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked; and all the area in the development plan which has not received final approval shall be subject to the Zoning Chapter as otherwise applicable thereto and the same shall be noted on the Zoning Map and in the records of the Township Planning Commission.

6. The application for final approval may be for all the land included in the plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Planning Commission within the time or times specified by the tentative approval. The application for final approval shall meet all requirements and contain all enclosures specified for the final plan of a subdivision stated within the Lebanon County Subdivision Ordinance. A public hearing on an application for final approval of the development plan or part thereof shall be required, provided the development, or part thereof, submitted for final approval is in compliance with the development plan theretofore given tentative approval.

A. When the final application has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by this Part and the official written report of tentative approval, the Township Planning Commission, within 30 days of such filing, shall grant final approval to said plan.

B. When the final application contains variations from the plan given tentative approval, the Planning Commission may refuse to grant final approval and shall within 30 days of the filing, so advise the applicant of said refusal, setting forth the reasons why one or more of the variations are not in the public interest. In the event of such refusal, the applicant may either: re-file his application without objected variations or request a public hearing on his application for final approval. Either action shall be taken within the time which the applicant was entitled to apply for final approval or within 30 additional days if the said time already passed when the applicant was advised of the denial. If no action is taken by the applicant, the plan shall be deemed to be abandoned. If a public hearing is requested, it shall be conducted in the same manner prescribed for tentative approval; but the written report shall either grant or deny final approval while in the form and contain the findings required for an application for tentative approval.



7. A development plan or any part thereof which has received final approval shall be certified by the Planning Commission and filed within 90 days with the Lebanon County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Planning Commission shall become null and void. No development shall take place until the plan has been recorded; and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.

8. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, the landowner shall so notify the Planning Commission in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development or further development shall take place on the property included in the development plan until after said property is resubdivided and is reclassified by enactment of an amendment to this Chapter.

9. Any decision of the Planning Commission under this Part granting or denying tentative or final approval of a development plan shall be subject to appeal to court in the same manner and within the same time limitation provided for zoning appeals.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975)

#### **§27-1403. Planned Development Standards.**

1. *Dwelling Units Permitted.* The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the District in which the area is located. Net development area shall be determined by subtracting the area set aside for churches and school use from the gross development area and deducting 15 percent of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. The Planning Commission shall determine the appropriate percentage of multi-family dwellings and/or commercial uses permitted in the development depending upon the size of the development and the character of the area in which such development is located; provided, however, that in no case shall more than 50 percent of the net developable land area be developed into multiple dwellings and no more than 6 percent of the net developable land area shall be developed into commercial uses.

2. *Lot Area and Frontage.* The minimum lot area and minimum lot frontage of dwelling lots established within the development shall not be less than one-half of the normal minimum lot area or minimum lot frontage of the District in which the lot is located.

3. *Water Supply.* If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the planned residential development, applicants shall present evidence to the Board of Supervisors that the planned residential development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, which ever is appropriate, shall be acceptable evidence. [Ord. 061490]

4. *Other Requirements.* All other applicable provisions of this Chapter, such as off-street parking regulations and limitations of signs shall apply to the planned unit development. Layout and improvement of streets and driveways shall conform to the Township Subdivision and Land Development Ordinance [Chapter 22], and other regulations pertaining thereto established by the Township Supervisors. [Ord. 061490] (Ord. 8/30/1973, 8/30/1973; as amended by Ord. 061490, 6/14/1990)

**§27-1404. Enforcement Remedies.**

1. Any person, partnership, or corporation, who or which has violated the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the appropriate rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the 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 Part to have 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 magisterial district judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the Township. [Ord. 120910]

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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.

4. Magisterial district judges shall have initial jurisdiction over proceedings brought under this Section. [Ord. 120910]

(Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990; and as amended by Ord. 120910, 12/9/2010)

**Part 15****Nonconforming Lots, Nonconforming Uses of Land,  
Nonconforming Structures, Nonconforming Uses of Structures  
and Premises, and Nonconforming Characteristics of Use****§27-1501. Intent.**

1. Within the Districts established by this Chapter or amendment that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendment. It is the intent of this Chapter to permit these nonconformities to continue until they are removed. It is further the intent of this Chapter that nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

2. Nonconforming uses are declared by this Chapter to be incompatible with permitted uses in the Districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the District involved.

3. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(Ord. 8/30/1973, 8/30/1973)

**§27-1502. Nonconforming Lots of Record.**

In any District a permitted building and customary accessory buildings may be erected on any single lot on record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter, except for the limitations set forth in the provisions found in §27-603 of this Chapter and in the definition of "parent tract" set forth in Part 1 of this Chapter. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in this District, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the District in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 122704, 12/27/2004, §10)

**§27-1503. Nonconforming Uses of Land (or Land with Minor Structures Only).**

Where at the time of passage of this Chapter, lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided;

A. If any nonconforming use of land ceases for any reason for a period of more than 90 continuous days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the District in which such land is located.

B. No additional structure not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

(Ord. 8/30/1973, 8/30/1973)

**§27-1504. Nonconforming Structures.**

Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure; such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed in a manner which increases its nonconformity.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

(Ord. 8/30/1973, 8/30/1973)

**§27-1505. Nonconforming Uses of Structures or of Structures and Premises in Combination.**

If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structures and premises in combination, exists at the effective date of adoption or amendment of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Chapter in the District in which it is located shall be enlarged or extended, except on contiguous property owned at the time of adoption of this Chapter.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter.

C. Any nonconforming use of a structure, or structures and premises, may as

a special exception be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find the proposed use is equally appropriate or more appropriate to the District than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this Chapter.

D. Any structure, or structure and land in combination, in or which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District, and the nonconforming use may not thereafter be resumed.

E. Where nonconforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction," for the purpose of this paragraph, is defined as damage to an extent of more than 90 percent of the replacement cost at the time of destruction.

*(Ord. 8/30/1973, 8/30/1973)*

**§27-1506. Repairs and Maintenance.**

Nothing in this Chapter shall be deemed to prevent any repairs or maintenance of a nonconforming building or structure.

*(Ord. 8/30/1973, 8/30/1973)*

**§27-1507. Uses under Special Exception Provisions not Nonconforming.**

Any use which is permitted as a special exception in a District under the terms of this Chapter (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the District) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

*(Ord. 8/30/1973, 8/30/1973)*

**§27-1508. Nonconforming Signs.**

Any sign erected, constructed, or placed before the effective date of this Chapter may remain and continue to be used and maintained notwithstanding that it does not conform to the applicable provisions of Part 18 of this Chapter; provided, that no such sign shall be altered or relocated unless the same shall either conform or be made to conform in all respects with the applicable provisions of Part 18 of this Chapter, and provided further that every such sign which does not so conform shall, within 5 years of the day when this Chapter becomes effective, be either removed or made to conform as stated in Part 18 of this Chapter. Any sign which does not presently conform as stated may, nevertheless, be altered or relocated during the 5-year period provided that it is to be altered or relocated to become more conforming than in its original state.

*(Ord. 8/30/1973, 8/30/1973)*



**Part 16****Supplementary District Regulations****§27-1601. General Regulations.**

1. *Visibility at Intersections.* On a corner lot in any district, a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision-obstruction object other than utility poles shall be permitted which obscures vision above the height of 30 inches and below 10 feet measured from the center grade line of intersecting streets. Such triangles shall be established from a distance of 75 feet from the point of intersection of the center lines of the intersecting streets, except that clear sight triangles of 100 feet shall be provided for all intersections with arterial and major streets as designated in the Township Comprehensive Plan.

2. *Fences, Walls, and Hedges.* Notwithstanding other provisions of this Chapter, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides of the front edge of any front yard shall be over 30 inches in height.

3. *Accessory Buildings.* No separate accessory building shall be permitted in any required front or side yard. In rear yards, they shall not be permitted within 10 feet of any lot line, except where abutting a public street or alley, in such case, a garage shall be no less than 20 feet from the right-of-way of said street or alley.

4. *Erection of More than One Principal Structure on a Lot.* In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Chapter shall be met for each structure as though it were on an individual lot.

5. *Exception to Height Regulations.* The height limitations contained in the schedule of district regulations or in the height and area regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

6. *Structures to Have Access.* Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

7. *Parking, Storage, or Use of Major Recreational Equipment.* For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a Residential or Agricultural District except in a carport or enclosed building or in a rear yard, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading and unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

8. *Parking and Storage of Certain Vehicles.* Automotive vehicles or trailers of any kind without current license plates and/or State inspection shall not be parked or stored on any residentially zoned property other than in completely enclosed structures, or as otherwise permitted by the Township. [Ord. 061490]

9. *Animals and Poultry.* Operations involving the use of buildings and land for farming, nurseries, and greenhouses, riding academies, livery or boarding stables, dog kennels, animal hospitals, stock raising, dairying, and poultry shall be permitted in the Agricultural District, and in the other districts as provided herein subject to the following restrictions:

A. Buildings in which animals or poultry are kept shall not hereafter be erected within 200 feet of any lot line.

B. Storage of manure or odor or dust producing substances shall not be permitted within 200 feet of any lot line. This does not in any way prohibit the spreading of manure or commercial fertilizer on crop land.

10. *Corner Lot Restrictions.* On every corner lot, there shall be provided on the side street a side yard equal in depth to the required front yard of all other properties along said side street, unless such lot is bounded by a public thoroughfare or private road which is less than 20 feet in width (right-of-way). Then those requirements indicated for interior lots shall apply.

11. *Lot Area and Lot Width for Lots not Served with Public Water and /or Sanitary Sewers.* Where a lot is not served by a public water supply and/or sanitary sewer system and the County subdivision regulations or State or other local laws or ordinances in force require a higher standard for lot area or lot width than this Chapter, the more restrictive regulations of such ordinance or laws shall apply.

12. *Projections into Yards.* The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

A. Terraces or patios, provided that such terraces or patios are not under roof or otherwise enclosed and are not closer than 5 feet to any adjacent property line.

B. Projecting architectural features—bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than 5 feet into any required yard nor closer than 5 feet to any adjacent property line.

C. Uncovered stairs and landings.

D. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than 5 feet into any required yard nor closer than 5 feet to any adjacent property line.

13. *Accessory Uses.*

A. Private, noncommercial swimming pools which are designed to contain a water depth of 24 inches or more must be located in a rear or side yard only. Such pools shall be not less than 15 feet from side and rear property lines, with a continuous fence not less than 4 feet in height above the ground level.

B. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than 15 feet from side or rear property lines.



C. Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within 5 feet of any property line.

D. Nothing in this subsection shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety, and/or welfare of the community.

14. *Municipal Uses.* In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended or designed for municipal uses, including Township recreation uses.

15. *Public Utilities Exempt.* The regulations of this Chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decided that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

16. *Home Occupation Regulations.* In any district, any gainful occupation conducted by a member of the immediate family owning and residing on the premises may use parts of a dwelling or accessory building for a home occupation, provided that the following conditions are met and a permit is issued by the Zoning Officer:

A. Such occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one small nameplate as provided in Part 18.

B. Home occupations shall be limited to the employment of not more than one assistant.

C. The home occupation shall be conducted wholly within the dwelling or accessory building and shall not occupy more than 25 percent of the area of the first floor of the dwelling nor more than 500 square feet.

D. All parking shall be off-street and two off-street spaces shall be provided in addition to that required of the residence unit.

E. Any home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or more than normal residential traffic shall be prohibited.

17. *Gasoline Pumps and All other Service Equipment.* Gasoline pumps and all other service equipment shall be set back not less than 25 feet from any lot line and/or street right-of-way and located so that vehicles stopped for service will not extend over the property line.

18. *Communications Towers and Antenna.*

A. A communications tower or antenna that is mounted on an existing structure and which does not extend more than 10 feet higher than the structure on which it is located is permitted as of right in the A–Agricultural District, R-1–Low Density Residential District, HC–Highway Commercial District, M–Manufacturing District, AP–Airport District, and F-1, F-2 and F-3–Floodplain Districts. All other uses associated with the communications tower or antenna including, but not limited to, a maintenance facility, or vehicle and equipment storage shall not

be located on the property unless such use is permitted within the zoning district and all appropriate permits and approvals are obtained. [Ord. 070295-A]

B. A communications tower or antenna that is either not mounted on an existing structure or is more than 10 feet higher than the structure on which it is mounted is permitted by special exception in the A–Agricultural, R-1–Low Density Residential District, HC–Highway Commercial District, M–Manufacturing District, AP–Airport District, and F-1, F-2, and F-3–Floodplain Districts, subject to the following:

(1) The applicant shall be required to demonstrate, using technological evidence, that the communications tower or antenna is best located at the site proposed, in order to satisfy the function of the communications tower or antenna within the larger communications system.

(2) The applicant must demonstrate that the communications tower or antenna is the minimum height required to function satisfactorily.

(3) If a new communications tower or antenna support structure is constructed (as opposed to not being the tower or antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:

(a) Thirty percent of height of support structure.

(b) The minimum setback in the underlying zoning district.

(c) Forty feet.

(4) The applicant shall demonstrate that the proposed tower or antenna support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference.

(5) A fence and screening shall be required around the tower or antenna support structure and other equipment, unless the tower or antenna is mounted on an existing structure. The fence and screening shall be in accordance with the relevant fencing and/or screening provisions of the zoning district in which the tower or antenna is to be erected.

(6) The applicant must be licensed by the Federal Communications Commission.

(7) No tower or antenna may be artificially lighted except when required by the Federal Aviation Administration.

(8) All other uses associated with the communications tower or antenna such as business office, maintenance depot, or vehicle storage shall not be located on the tower or antenna site unless the use is otherwise permitted in the zoning district in which the tower or antenna is located.

[Ord. 070295-A]

C. Any applicant proposing construction of a new communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communications tower. A good faith effort shall require that all owners of

potentially suitable structures within a ½ mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

(1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

(2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

(3) Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

(4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(5) A commercially reasonable agreement could not be reached with the owners of such structures.

[Ord. 122704]

D. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within 6 months of the expiration of such 12-month period. Financial security shall be deposited with the Township in an amount equal to 110 percent of the cost estimated for the dismantling and removal. Such financial security shall be in the form of Federal or Commonwealth chartered lending institution irrevocable letters of credit or restrictive or escrow accounts in such lending institutions. The cost estimate for the dismantling and removal shall be prepared and presented to the Township by a professional engineer, licensed to practice in the Commonwealth of Pennsylvania and shall bear his or her certification that the cost estimate is fair and reasonable. The applicant shall bear the cost of obtaining this estimate. The amount of the financial security may be increased by the Township by an additional 10 percent for each 1-year period beyond the first anniversary date from the posting of financial security. [Ord. 122704]

19. *No-impact Home-based Businesses Regulations.* In those districts allowing no-impact home-based businesses, such businesses must satisfy the following requirements and a permit shall be issued therefore by the Zoning Officer:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. Except for the employment of not more than one assistant, the business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use including, but not limited to, parking, signs, or lights.

E. The business activity may not use any equipment or process which creates

noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.

H. The business may not involve any illegal activity.

[Ord. 122704]

20. *Off Street Loading Facilities.*

A. Off-street loading shall be provided on the same lot as the use that it serves. These facilities shall be provided whenever:

- (1) A new use is established.
- (2) An existing use is enlarged such that more loading space is required.
- (3) The use of a property or building such that more loading space is required.

B. *Location.*

(1) Except as provided elsewhere, a ground level loading area may be located in any side or rear yard.

(2) No loading area is permitted between a building and an adjoining street right-of-way or within a street right-of-way without landscaping and buffering in accordance with the landscape and buffering requirements of the Township's Subdivision and Land Development Ordinance [Chapter 22] and any other applicable ordinances and regulations.

(3) No exterior portion of an off-street loading facility, including access drives, shall be located within 50 feet of any residential zoning district or a property containing a residential use, except for emergency access drives if no other location is reasonably possible, in which case such access drives shall be landscaped and buffered in accordance with the landscape and buffering requirements of the Township's Subdivision and Land Development Ordinance [Chapter 22] and any other applicable ordinances and regulations.

(4) Off-street loading facilities facing any land in a residential zoning district shall be effectively screened by a solid wall or fence, earthen berm, or planting, so that such facilities are not visible from the residential zone. This screening shall be in accordance with the landscape and buffering requirements of the Township's Subdivision and Land Development Ordinance [Chapter 22] and any other applicable ordinances and regulations.

C. *Access.*

(1) Loading spaces shall be designed so that each vehicle may proceed to and from the space provided for it without requiring the moving of any other vehicle.

(2) All driveways shall be so designed and constructed such that it will

not be necessary for any vehicle to reverse onto a street.

(3) All dead-end loading spaces shall be designed to provide sufficient back-up and turn-around area for all vehicles intended to use them.

**D. Spaces.**

(1) Such loading space or spaces shall be not less than 560 square feet in area with minimum dimensions of 10 feet by 56 feet per space. Each such space shall have a vertical clearance of not less than 15.6 feet.

**E. Schedule of Required Spaces.**

<b>Gross Floor Area</b>	<b>Number of Spaces</b>
0 to 4,000 square feet	0
4,001 to 10,000 square feet	1
10,001 to 40,000 square feet	2
40,001 to 100,000 square feet	3
Every additional 100,000 square feet or portion thereof	1 additional

F. If lighting of the space(s) is provided, it shall comply with the lighting standards found in this Part.

[Ord. 061208]

**21. Industrial Manufacturing, and Commercial Performance Standards.**

**A. Intent.**

(1) To provide standards for the operation of industrial, manufacturing, and commercial uses within the Township in order to protect the health, safety, and welfare of the Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust, and particulate emissions, sulfur dioxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation. These items can cause a serious danger to the public health and safety if they are not properly handled and limited. For example, excessive noise has been demonstrated to cause hearing loss and air pollution has been proven to exacerbate respiratory difficulties. The dangers of fire are well known, and the control of substances which create a risk of fire is necessary.

(2) To protect the public health and safety by imposing traffic and access controls to lessen the possibility of vehicular accidents and landscaping and screening requirements to provide a buffer area to the use and to discourage trespassing.

(3) To protect the public through the requirement of a plan of access in the event of emergency conditions to allow police, firefighters, and rescue personnel to gain access to the premises efficiently and safely.

**B. Applicability.**

(1) The industrial, manufacturing, and commercial performance

standards contained in this Section shall be the minimum standards to be met and maintained by all industrial, manufacturing, and commercial uses within the Township. Such uses shall be defined as those uses, regardless of location, that are specified as permitted uses, by right or by special exception, in this Chapter, including uses of a similar nature not specifically identified in this Chapter but which would be permitted under other provisions of this Chapter.

*C. Building Requirements.*

(1) With the exception of quarries, and exclusive of the arrival, departure, loading, unloading, and parking of permitted vehicles, all business, servicing, manufacturing, or processing of materials, goods, or products shall be conducted within completely enclosed buildings.

(2) All outdoor industrial, manufacturing, or commercial use operations, mechanical equipment, and other functional accessories of each building, such as elevator, penthouses, ventilation pipes, and ducts, water pressure tanks, heating, air conditioning, and power supply units shall have an architectural building material screen or covering that is an integral part of the building envelope and/or that is harmonious with the building design.

*D. Storage.*

(1) Storage shall be permitted outdoors, but the items stored shall not be visible from a public right-of-way.

(2) Outdoor storage within 500 feet of a residential district boundary shall be effectively screened by a solid wall or fence, earthen berm, or planting so that the materials shall not be visible from the residential district. This screening shall be in accordance with the landscape and buffering requirements of the Township's Subdivision and Land Development Ordinance [Chapter 22] and any other applicable ordinances and regulations.

(3) All organic rubbish or storage shall be in airtight, vermin-proof containers.

*E. Certification.*

(1) All applications for industrial, manufacturing, and commercial uses must be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards of the district.

(2) The Zoning Officer, with approval of the Township Board of Supervisors, may employ consultants to evaluate the environmental effects with respect to performance standards.

*F. Noise.*

(1) Noise shall be measured with a sound level meter with an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (A.N.S.I.).

(2) No noise shall be audible beyond the lot line of an abutting zoning district that exceeds the limits set forth in the following table, when measured at or within a lot line of the receiving district boundary:

**Sound Level Limits by Receiving Land Use and Time**

<b>Receiving Land Use</b>	<b>Hours</b>	<b>Maximum Sound Level (dBA)</b>
Residential District	7 a.m. - 9 p.m. other than Sundays	68 (dBA)
	9 p.m. - 7 a.m. plus all day Sunday and Federal Holidays	61 (dBA)
Commercial District	At all times	71 (dBA)
Manufacturing District	At all times	75 (dBA)

(3) The maximum sound levels set forth in subparagraph .2 shall not apply to the following noise sources:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency. This includes “back-up” alarms for motor vehicles and trucks.

(b) Repair or construction activities to provide public utilities between the hours of 7 a.m. and 9 p.m., except for clearly emergency repairs which are not restricted by time.

(c) Household power tools and lawnmowers between the hours of 7 a.m. and 9 p.m.

(d) Private construction operations between the hours of 7 a.m. and 9 p.m.

(e) Motor vehicles traveling on public streets.

(f) Public celebrations, specifically authorized by the Board of Supervisors or a County, State, or Federal government agency or body.

(g) Railroads and aircraft.

(h) Un-amplified human voices.

(i) Routine ringing of bells and chimes by a place of worship or municipal clock.

**G. *Vibration.***

(1) Vibration perceptible beyond the lot line of the industrial or manufacturing use shall not be permitted.

**H. *Dust and Particles.***

(1) The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues, or other opening or any process, operation, or activity within the boundaries of any lot shall not exceed the levels set forth below.

(2) Emissions of dust and particulates shall be in accordance with the Commonwealth of Pennsylvania rules and regulations governing air contamination and air pollution. In case of conflict, the most restrictive shall apply.

(3) The emission rate of any particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous 4-hour period

which will result in the highest average emission rate.

(4) Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc.

(5) The maximum emission rate of dust and particulate matter from all stacks shall be 2.0 pounds per hour per acre of lot areas.

I. *Sulfur Dioxides*. Emission of oxides of sulfur (as sulfur dioxide) from combustion and other processes shall be limited in accordance with the standard of 1.0 pound per hour per acre of lot area and may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.

J. *Smoke*.

(1) For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. However, the Umbrascopes readings of smoke may be used when correlated with Ringelmann's Chart.

(2) The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited. However, smoke of a shade not to exceed Ringelmann No. 3 is permitted for up to 3 minutes total in any one 8-hour period.

K. *Odor*.

(1) Odor thresholds shall be measured in accordance with ASTM d1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.

(2) Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary line measured either at ground level or habitable elevation.

L. *Toxic Matter*.

(1) The ambient air quality standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the Commonwealth of Pennsylvania, the release of such materials shall be in accordance with the fractional quantities permitted for such toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any 24-hour sampling period.

(2) The release of airborne toxic matter shall not exceed  $\frac{1}{30}$  of the threshold limit value beyond the district boundary line.

M. *Detonable Materials*.

(1) Activities involving the storage, utilization, or manufacture of products that decompose by detonation shall include but not be limited to all primary explosives such as TNT, RDX, HMX, PETN, and picric acid;



propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

(2) The storage, utilization, or manufacture of materials or products that decompose by detonation is limited to 5 pounds. Quantities in excess of 5 pounds of such materials may be stored or utilized but not manufactured.

N. *Fire Hazard Solids.* The storage, utilization, or manufacture of solid materials that are active to intense burning shall be conducted within walls having a fire resistance no less than 2 hours or protected by an automatic fire extinguishing system or the building wall shall be no less than 75 feet from all lot lines. The outdoor storage of such materials shall not be closer than 100 feet from all lot lines.

O. *Fire Hazard Liquids and Gases.* The storage, utilization, or manufacture of flammable liquids or gases that produce flammable or explosive vapors shall be permitted only in accordance with this Section exclusive of the storage of finished products in original sealed containers (60 gallons or less); which shall be unrestricted. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following table.

#### Storage Capacity of Flammable Liquids and Gases

Liquids		Gases
ABOVE GROUND FLASH POINT, F		ABOVE GROUND
Less than 70	70 – 200	
7,500 gal.	30,000 gal.	225,000 SCF"
BELOW GROUND FLASH POINT, F		BELOW GROUND
15,000 gal.	60,000 gal.	450,000 SCF"

\*SCF - Standard Cubic Feet at 60 F. and 29.92 inches Hg.

P. *Light/Glare.* All uses shall comply with the lighting provisions of this Chapter.

Q. *Heat.* Heat, for the purpose of this Chapter, is the thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 10° F; whether such change being the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.

R. *Radioactive Radiation.* No activities shall be permitted that emit dangerous radioactivity at any point beyond the property line or that produces emission injurious to humans, animals, or vegetation, or be of an intensity that interferes with the use of any other property. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of

radioactive wastes, shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in 10 CFR, Chapter One, Part 20, "Standards for the Protection Against Radiation," as amended, and all applicable regulations of the Commonwealth of Pennsylvania.

S. *Liquid or Solid Wastes.* No discharge shall be permitted at any point into any sewage disposal system, watercourse, lake, or into or on the ground, except in accord with standards approved by the Department of Environmental Protection or other regulating department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

T. *Electromagnetic Radiation.*

(1) No activities shall be permitted that emit electromagnetic radiation at any point beyond the property line or that produces emissions injurious to humans, animals, or vegetation, or be of an intensity that interferes with the use of any other property.

(2) It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies, and government-owned plants, the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field blanketing, spurious re-radiation, harmonic content, modulation, or energy conducted by power or telephone lines.

(3) The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedents in the interpretation of the standards and principles shall apply: (a) American Institute of Electrical Engineers, (b) Institute of Radio Engineers, and (c) Electronic Industries Association.

U. *Outdoor Activities and Equipment Screening.* All outdoor industrial, manufacturing, and commercial operations (excluding the movement of delivery

vehicles to and from the building), mechanical equipment, and other functional accessories of each building, such as elevator, penthouses, ventilation pipes, and ducts, water pressure tanks, heating, air conditioning, and power supply units should have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

V. *Landscaping.* Any part or portion of a site that is not used for building or other structures, loading, parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all season ground cover. It shall be maintained to provide an attractive appearance and all nonsurviving plants shall be promptly replaced.

[Ord. 061208]

22. *Lighting Standards.*

A. Under canopy lighting, for such applications as gasoline service stations, hotels/motels, fast-food/bank/drug store drive-ups, shall be accomplished using flat lens, full cut-off fixtures aimed straight down and shielded in such a manner that the lowest edge of the fixture shall be below the light source at all lateral angles.

B. Wall-mounted luminaries on commercial, industrial, nonresidential, and multi-family residential buildings and structures shall have fixtures that fully cut off direct light from view. All parking lot and site perimeter lighting shall be located on poles, other architectural features, or at ground level and must be directed towards the property interior.

C. All nonresidential site lighting sources shall be directed away from public streets and private properties.

D. Flagpoles flying the United States and/or Commonwealth of Pennsylvania flag may be illuminated from dusk until dawn. The light source shall have a beam spread no greater than necessary to illuminate the flag.

E. The illumination projected from any use onto a residential use shall at no time exceed 0.1 foot-candles, measured line-of-sight from any point on the receiving residential property.

F. The illumination projected from any use onto a nonresidential use shall at no time exceed 1.0 foot-candles, measured line-of-sight from any point on the receiving property.

G. For all other lighting applications not otherwise specified herein, control of glare leaving a subject property shall be achieved through the use of cutoff fixtures, shields, baffles, and the appropriate fixture mounting height, wattage, aiming angle, and fixture placement. Such devices and techniques shall be used for all lighting applications to achieve the standards in paragraphs .E and .F above and to insure that the subject use's lighting is nonobjectionable and does not constitute a nuisance.

H. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, is exempt from the provisions contained within this Section.

I. Any use proposing to install federal or state required security lighting may, to the minimum extent necessary, apply for a variance from these provisions

before the Zoning Hearing Board.

J. These provisions shall be considered apart from the provisions for lighting of streets and pedestrian ways found in the Bethel Township Subdivision and Land Development Ordinance [Chapter 22].

K. *Exterior Lighting Plan.*

(1) Any applicant for any approval shall submit an exterior lighting plan with the initial application, whether that application be for a special exception use, a use permitted by right requiring a land development or subdivision plan approval, or a use permitted by right that does not require any of the above approvals and only requires a zoning permit.

(2) An exterior lighting plan shall include, but not be limited to, a detailed grid of illumination levels, the number of lighting fixtures, the height and location of the mounting fixtures, including the underside of any canopies, and details as to how lighting will be recessed, how lighting will be shielded, and the angle of shielding.

[Ord. 061208]

23. *Buildings or Structures Exceeding Two and One-Half Stories or 35 Feet.* Buildings or structures exceeding two and one-half stories or 35 feet, except those listed as being exempt from height requirements, shall be subject to the following conditions:

A. Heights to a maximum of 50 feet may be permitted provided that for each 1 foot of height in excess of 35 feet, 1 foot of additional setback from the street right-of-way (front yard) shall be provided.

B. The height limits shall be discussed and approved by the appropriate fire company officials to assure that fire equipment and water pressure is sufficient to adequately handle the situation in the case of fire.

[Ord. 061208]

24. *Home Improvement Building Supply Store.*

A. If the property accommodating such use covers more than 2 acres, it shall front on an arterial or collector road.

B. Gross floor area shall include outside retail sales, display, or storage area whether permanent or temporary in nature.

C. All outside retail sales areas shall have a dust-free surface and a completely enclosed minimum 6 foot high fence and gate.

D. All outside retail sales areas (exclusive of nursery and garden stock) shall be located within a side and/or rear yard, and shall be screened from adjoining roads and properties.

E. All drilling, cutting, sawing, mixing, crushing, or other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely enclosed building.

[Ord. 061208]

25. *Environmentally Sensitive Areas Controls.*

A. In order to protect those parts of the Township that contain environmentally sensitive areas, no development, earth disturbance, changing of existing

grade, construction of buildings, nor any other alterations or construction shall be permitted in the following areas:

- (1) Wetlands nor within 25 feet of wetlands.
- (2) Slopes in excess of 25 percent nor within 10 feet of slopes in excess of 25 percent.
- (3) Natural watercourses nor within 25 feet of natural watercourses.
- (4) Natural drainage ways or areas nor within 10 feet of natural drainage ways or areas.

B. Driveways may be installed and constructed within or across the above areas provided:

- (1) All applicable local, County, State, Federal, and any other regulatory agency approvals have been obtained.
- (2) Approval from the Lebanon County Conservation District has been obtained.
- (3) A driveway permit has been obtained from Bethel Township.
- (4) Cuts and fills shall not exceed 6 feet.
- (5) Slopes created by cutting or filling shall not exceed 3:1 and shall be immediately stabilized upon construction.

C. Routine maintenance of the above areas may be performed provided all applicable regulatory agency approvals are obtained.

D. Improvements or alterations may occur within any of the above areas that are regulated by a state or federal or other regulatory agency provided that all applicable approvals from such agency(ies) are first obtained.

[*Ord. 061208*]

(*Ord. 8/30/1973*, 8/30/1973; as amended by *Ord. 061490*, 6/14/1990; by *Ord. 072095-A*, 7/20/1995, §7; by *Ord. 122704*, 12/27/2004, §§7, 11; and by *Ord. 061208*, 6/12/2008, §3)



**Part 17****Off-Street Parking****§27-1701. Off-Street Parking Facilities, When Required.**

Accessory off-street parking facilities, including access driveways shall be required in accordance with the provisions of this Part as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use:

- A. Whenever a building is constructed or a new use established.
- B. Whenever the use of an existing building is changed to a use requiring more parking facilities.
- C. Whenever an existing building is altered or enlarged so as to increase the amount of parking spaces required under this Chapter.

(Ord. 8/30/1973, 8/30/1973)

**§27-1702. Continuation of Parking Facilities.**

1. All off-street parking facilities, or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation, shall not be used for automobile service or repair and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of spaces is provided for such use in another approved location.

2. In order to insure the continued use for parking purposes of any areas established therefore by persons who are not the owners thereof, the Township Supervisors may require, before approval, evidence in writing that the owner or owners of the land to be included in such parking areas have by covenant agreed to allow the use of such land for the required off-street parking; such covenant to be filed for record with the Recorder of Lebanon County.

(Ord. 8/30/1973, 8/30/1973)

**§27-1703. Standards and Definitions.**

For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

*Accessory parking space* - an open or enclosed area accessible from a street for parking of motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use. Each parking space shall be not less than 10 feet wide and not less than 20 feet long, exclusive of all drives, curbs, and turning space. The number of spaces shall be determined from an accurate plan of the area.

*Floor area* - the total area of all the floors measured from the exterior faces of the building (except the floor area used for storage or packaging of merchandise may be excluded), or, where set forth in the schedule in §27-1704, only the floor area used by a specific use.

*Required minimum parking space* - the minimum number of spaces required by applying the schedule in §27-1704 to a specific building or group of buildings.

*Seat* - the number of seating units installed or indicated, or each 24 lineal

inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be 30 inches on center.

(Ord. 8/30/1973, 8/30/1973)

**§27-1704. Schedule of Required Off-Street Parking Spaces.**

<b>Building or Use</b>	<b>Parking Spaces Required</b>
<b>Institutional</b>	
Civic and educational; primary and secondary school; library; places for public assembly	1 space for each employee plus 1 space for each 6 seats in assembly rooms
Governmental; municipal building used for administrative functions	1 space for each 200 sq. ft. of office floor area plus 1 space for each 4 seats in assembly rooms
Place of worship	1 space for each 3 seats in principal assembly rooms
Welfare: Hospital	1 space per 2 beds plus 1 space for each employee
Health Center	1 space per 150 sq. ft. floor area
Home for the aging, nursing homes	1 space for each 4 guest rooms or apartment units plus 1 space for each employee
<b>Residential</b>	
One, two, and multi-family residences	2 spaces per dwelling unit
<b>Office Building</b>	
Medical and dental offices and clinics	1 space per 150 sq. ft. of floor area plus 1 space for each doctor and dentist
Other offices	1 space per 200 sq. ft. of ground floor area; 1 space per 300 sq. ft. of floor areas of upper floors
Motel, hotel	1 space per quest room or unit
Mortuary	1 space per 30 sq. ft. of assembly rooms, or 1 space for each 4 seats, whichever requires the greater number, but in no case less than 20 spaces
<b>Retail Business</b>	
Retail stores, banks, service establishments	1 space per 200 sq. ft. of ground floor area; 1 space per 300 sq. ft. of floor area of upper floors
Eating places, bars, taverns	1 space per 500 sq. ft. of floor area, or 1 space per 2 seats, whichever requires the greater number of spaces
Club, lodge, or other assembly hall	1 space per 4 seats in building



Building or Use	Parking Spaces Required
<b>Commercial Business</b>	
Indoor theater	1 space per 4 seats in building
Dance hall, skating rink, swimming pool	1 space per 50 sq. ft. of are used for dancing, skating, or swimming
Bowling alley	6 spaces per bowling lane
Service and storage establishments	1 space for every 2 employees on the combined employment of the 2 largest successive shifts
<b>Manufacturing</b>	
Executive offices, sales offices	1 space per 200 sq. ft. of executive and sales office floor area
Service and storage establishments, laboratories, manufacturing plants, and other uses permitted in a manufacturing district	1 space for every 2 employees on the combined employment of the two largest successive shifts

#### Other Buildings or Uses

For a specific building or use not scheduled, the Zoning Officer shall apply the unit measurement of the above schedule deemed to be most similar to the proposed building or use.

(Ord. 8/30/1973, 8/30/1973)

#### §27-1705. Separate or Combined Use of Facilities.

A building containing one use shall provide the off-street parking spaces as required for the specific use. A building or group of buildings containing two or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of the spaces required for each use.

(Ord. 8/30/1973, 8/30/1973)

#### §27-1706. Parking and Garage Facilities for Residences.

Accessory parking facilities shall be located on the same lot as the dwelling served. Each single-family, duplex, two-family, and multi-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least two passenger automobiles for each dwelling unit on the premises.

(Ord. 8/30/1973, 8/30/1973)

#### §27-1707. Access Drives to Parking Areas.

1. The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. The center line of the access driveways on the frontage street shall be at least 35 feet from the right-of-way line of the nearest intersecting street. Where there is more than one driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel

either as an entrance to or exit from the parking area. In no case shall there be more than two driveways for each 100 feet of frontage on any street.

2. Entrances and exits shall be limited to three lanes. The width of such entrances and exits, measured at the street property line, shall conform to the following schedule:

	Width (feet)	
	Minimum	Maximum
One lane	12	14
Two lanes	20	28
Three lanes	30	40

3. In all cases, the radius of the edge of the driveway apron shall be at least 15 feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street.

(Ord. 8/30/1973, 8/30/1973)

#### **§27-1708. Improvements to Parking and Loading Areas.**

All parking areas, loading areas, and access driveways, except for one and two-family dwellings, shall have an asphalt, concrete, or other similar hard surface, approved by the Township Supervisors. Surface water shall not be permitted to discharge over on the public sidewalks or roadways or onto other premises. The maximum grade of the parking area shall not exceed 2 percent. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. The Township Supervisors may require landscape features or a fence between a parking or loading area and a side or rear lot line of a residential use or district. All curbs and bumper guards shall be constructed in accordance with standards established by the Township Supervisors.

(Ord. 8/30/1973, 8/30/1973)

#### **§27-1709. Illumination of Parking and Loading Areas.**

Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets, and shall not be excessive brightness or cause a glare hazardous to pedestrians or drivers.

(Ord. 8/30/1973, 8/30/1973)

#### **§27-1710. Approval of Parking and Loading Plans.**

Detailed drawings of off-street parking and loading areas (except for one and two-family dwellings) shall be submitted to the Zoning Officer for approval prior to their construction. The drawings shall show each space, dimensions of driveways, aisles and other features required under the provisions of this Part. In instances when the drawings do not show full compliance with the requirements of this Part, the Zoning Officer shall reject the plans. The decisions of the Zoning Officer may be appealed to the

Zoning Hearing Board who may, in specific cases, when the size, shape, or location of the parking or loading area is such that it is impractical to meet the strict requirements of this Part, upon proper showing, vary the strict terms hereof in accordance with the powers granted in this Part.

*(Ord. 8/30/1973, 8/30/1973)*



**Part 18****Signs and Advertising Structures****§27-1801. General Authority.**

Signs may be erected and maintained only when in compliance with the provisions of this Chapter and any and all other ordinances and regulations relating to the creation, alteration, or maintenance of signs and similar devices.

*(Ord. 8/30/1973, 8/30/1973)*

**§27-1802. Area of Sign.**

The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols. Double face signs shall be considered one sign.

*(Ord. 8/30/1973, 8/30/1973)*

**§27-1803. General Regulations.**

All signs and/or advertising structures, where permitted in this Chapter, are subject to the following:

A. It shall not contain moving parts or use flashing or intermittent illumination. The source of light shall be steady and stationary.

B. It shall not cast objectionable light upon any dwelling or mixed use dwelling on a separate lot.

C. It shall be no higher than 35 feet from the ground to the highest part of the sign.

D. It shall not be so erected as to obstruct entrance to or exit from a required door, window, fire escape, or other required exitway and shall not project over a public right-of-way.

E. Temporary signs of painters, mechanics, contractors, and the like are permissible in all districts, provided such signs are removed as soon as work is completed on the premises.

F. Temporary signs and banners of a noncommercial nature across the right-of-way are permitted provided permission is obtained from the Township Supervisors, providing it is erected in a location in which it will not cause a traffic hazard, provided it meets safety standards and is maintained, and provided it is removed when its temporary use is completed.

G. Billboards and advertising sign boards may be erected and maintained in commercial and industrial districts, providing that a special exception is obtained, subject to Part 21. In addition, the total display area of all such signs shall not exceed 20 square feet for each 10 feet of lot frontage, and the display area of any

sign shall not exceed 250 square feet in area. In addition to the display area, necessary structural supports and structural margins not exceeding 6 inches in width on each border shall be permitted.

(Ord. 8/30/1973, 8/30/1973)

**§27-1804. Signs in Residential and Agricultural Districts.**

The following types of signs may be permitted in Residential and Agricultural Districts unless otherwise provided:

A. One nameplate and one house sign for each dwelling unit, professional office or home occupation; provided, it does not exceed 2 square feet and it identifies only name and title of occupant. It shall not extend beyond a vertical plane 2 feet inside the lot from the street line. If lighted, it will illuminate without objectionable glare. No displays or change in facade shall indicate from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling.

B. One real estate sign; provided, it is unlighted and is not less than 10 feet back from the front lot line, does not exceed 10 square feet in area and pertains either to the lease, rental, or sale of the premises on which it is maintained.

C. One institutional sign or business identification; provided, it does not exceed 16 square feet in area, is not closer to a right-of-way more than one-half the depth of the existing front yard. If lighted, it will be illuminated without objectionable glare.

D. Signs up to 2 feet square in area on each side, which are necessary for the identification, protection, and operation of public utility facilities, including all directional signs.

E. Signs offering the sale of farm products, nursery products, or livestock raised on the premises; provided, that such sign does not exceed 12 square feet and not more than one such sign shall be permitted on each street frontage.

(Ord. 8/30/1973, 8/30/1973)

**§27-1805. Signs in Commercial and Industrial Districts.**

1. One wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than 12 inches therefrom, is not less than 10 feet above the sidewalk and occupies not more than 20 percent of the total area of the front of the principal building. It shall not project more than 3 feet above the roof line or parapet wall.

2. One projecting sign, provided it shall not project beyond a vertical plane 2 feet inside the lot from the street line.

3. Commercial District identification signs, provided they are separate and are not attached to any building. A maximum of two such signs for any one general area. Heights of signs shall be a maximum of 20 feet, measured from the ground, and the maximum size of the sign portion itself shall not exceed 100 square feet.

(Ord. 8/30/1973, 8/30/1973)

**Part 19****Administration and Enforcement, Building Permits  
and Certificates of Zoning Compliance****§27-1901. Administration and Enforcement.**

1. An Administrative Official designated by the Township Supervisors shall administer and enforce this Chapter. He may be provided with the assistance of such other persons as the Township Supervisors may direct.

2. If the Administrative Official shall find that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.

*(Ord. 8/30/1973, 8/30/1973)*

**§27-1902. Building Permits Required.**

No building or other structure shall be erected, moved, added to, altered or the use therein changed without a permit therefore issued by the Administrative Official. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this Chapter, unless he receives a written order from the Zoning Hearing Board in the form of an administrative review, special exception, or variance as provided by this Chapter.

*(Ord. 8/30/1973, 8/30/1973)*

**§27-1903. Application for Building Permit.**

1. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed building or alteration; existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Chapter.

2. One copy of the plans shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Administrative Official.

3. In addition to the building and zoning permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the entire construction period.

This placard shall show the permit number, the date of issuance and be signed by the Zoning Officer.

4. Furthermore, the Zoning Officer shall issue no zoning permits for the construction of dwelling units or other structures requiring septic systems until the applicant has produced a valid septic tank permit showing approval of the proposed system by the Sewage Disposal Officer. Finally, the applicant must produce an approved encroachment permit secured from the Township officials prior to approval of the building and zoning permits.

(Ord. 8/30/1973, 8/30/1973)

**§27-1904. Certificates of Zoning Compliance for New, Altered, or Nonconforming Uses.**

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance has been issued by the Administrative Official stating that the proposed use of the building or land conforms to this Part 9.

2. No nonconforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Administrative Official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this Chapter. Upon enactment or amendment of this Chapter, owners or occupants of nonconforming uses or structures shall apply for certificates of zoning compliance.

3. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the Certificate shall be issued in conformity with the provisions of this Chapter upon completion of the work.

4. A temporary certificate of zoning compliance may be issued by the Administrative Official for a period not to exceed 6 months during alterations or partial occupancy of a building pending its completion. Such temporary Certificate may include such conditions and safeguards as will protect the occupants and public.

5. The Administrative Official shall maintain a record of all Certificates of Zoning Compliance, and a copy shall be furnished upon request of any person.

6. Failure to obtain a certificate of zoning compliance shall be a violation of this Chapter and punishable under Part 28 of this Chapter.

(Ord. 8/30/1973, 8/30/1973)

**§27-1905. Temporary Use Permits.**

1. It is recognized that it may be in accordance with the purpose of this Chapter to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Chapter, if such uses are of such a nature and are so located that, at the time of petition of special exception, they will:

A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone.

B. Contribute materially to the welfare of the Township, particularly in a



state of emergency, under conditions peculiar to the time and place involved.

2. Then the Zoning Hearing Board may, subject to all regulations for the issuance of special exceptions elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed 6 months. Such permits may be extended not more than once for an additional period of 6 months.

*(Ord. 8/30/1973, 8/30/1973)*

**§27-1906. Expiration of Building Permit.**

1. If the work described in any building permit has not begun within 90 days from the issuance thereof, said permit shall expire; it shall be cancelled by the Administrative Official; and written notice thereof shall be given to the persons affected.

2. If the work described in any building permit has not been substantially completed within 2 years of the date of issuance thereof, said permit shall expire and be cancelled by the Administrative Official, and written notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

*(Ord. 8/30/1973, 8/30/1973)*

**§27-1907. Construction and Use to be Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance.**

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement or construction at variance with that authorized shall be deemed in violation of this Chapter, and punishable as provided by Part 28 of this Chapter.

*(Ord. 8/30/1973, 8/30/1973)*



**Part 20****Zoning Hearing Board; Establishment and Procedure****§27-2001. Zoning Hearing Board.**

1. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*

2. The membership of the Board shall consist of three residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be for 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

3. Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The 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 this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

6. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990*)

**§27-2002. Hearings.**

The Zoning Hearing Board shall conduct hearings and made decisions in accordance with the following requirements:

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided

herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing.

B. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

C. The hearings 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 Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

D. 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 civic or community organizations permitted to appear by the Board. The Board shall have 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.

E. The chairman or acting chairman of the Board or the hearing officer 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.

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 cross-examine adverse witnesses on all relevant issues.

G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

H. 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.

I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

J. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 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 therefor.

Conclusions based on any provisions of this Chapter or of any law, 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 decision or findings are final, the Board shall make his report and recommendations available to the parties within 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 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 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 herein above provided, the Board shall give public notice of the said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in paragraph .A of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

K. 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 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.

L. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990*)

### **§27-2003. Jurisdiction.**

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

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 on the application

therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure, or lot.

D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. 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 stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.*

2. The Board of Supervisors, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 *et seq.*

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.* Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all

appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990*)

**§27-2004. Stay of Proceedings.**

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the 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 thereunder, 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 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 Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990*)

**§27-2005. Parties Appellant Before the Board.**

Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Board of Supervisors pursuant to the Pennsylvania Municipalities Code, 53 P.S. §10101 *et seq.*, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the

registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; 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 stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990*)

**§27-2006. Time Limitations.**

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 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 to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. 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 hereto or map 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.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990*)



**Part 21****Zoning Hearing Board; Powers and Duties****§27-2101. General.**

The Zoning Hearing Board shall have the following powers and duties:

A. *Administrative Review.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this Chapter.

B. *Special Exceptions; Conditions Governing Applications; Procedures.* To hear and decide only such special exceptions as the Zoning Hearing Board is specifically authorized to pass on by the terms of this Chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Chapter, or to deny special exceptions when not in harmony with the purpose and intent of this Chapter. A special exception shall not be granted by the Zoning Hearing Board unless and until:

(1) A written application for a special exception is submitted indicating the Section of this Chapter under which the special exception is sought and stating the grounds on which it is requested.

(2) First notice shall be given at least 14 days, and not more than 30 days, in advance of public hearing. The owner of the property for which special exception is sought, and the Lebanon County City Planning Department shall be notified by mail. Notice of such hearing shall be posted at the Township meeting place and in one newspaper of general circulation in the Township. The news article shall be published once each week for at least 2 successive weeks.

(3) The public hearing shall be held. Any party may appear in person, or by agent or attorney.

(4) The Zoning Hearing Board shall make a finding that it is empowered under the section of this Chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

(5) Before any special exception shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and the access in case of fire or catastrophe.

(b) Off-street parking and loading areas where required, with particular attention to the items in subparagraph (5)(A) above and the economic, noise, glare, or odor effects of the special exception on adjoining

properties generally in the District.

(c) Refuse and service areas, with particular reference to the items in subparagraphs (5)(a) and (5)(b) above.

(d) Utilities, with reference to locations, availability, and compatibility.

(e) Screening and buffering with reference to type, dimensions, and character.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.

(g) Required yards and other open space.

(h) General compatibility with adjacent properties and other properties in the District.

C. *Variances, Conditions Governing Applications, Procedures.* To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. A variance from the terms of this Chapter shall not be granted by the Zoning Hearing Board unless and until:

(1) A written application for a variance is submitted demonstrating:

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same District.

(b) That literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Chapter.

(c) That the special conditions and circumstances do not result from the actions of the applicant.

(d) That granting the variance requested will not confer on the applicant any special privileges that is denied by this Chapter to other lands, structures, or buildings in the same District. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) Notice of public hearing shall be given as in §27-210.B(2).

(3) The public hearing shall be held. Any party may appear in person or by agent, or by attorney.

(4) The Zoning Hearing Board shall make findings that the requirements of §27-2101.C(3) above have been met by the applicant for a variance.

(5) The Zoning Hearing Board shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible the reasonable use of the land, building or structure.

(6) The Zoning Hearing Board shall further make a finding that the granting of a variance will be in harmony with the general purpose and intent of this Chapter, and will not be injurious to the neighborhood, or otherwise

detrimental to the public welfare. In granting any variance, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Chapter and punishable under Part 28 of this Chapter.

*D. The Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official.*

(1) In exercising the above-mentioned powers, the Zoning Hearing Board may, so long as such action is in conformity with the terms of this Chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that and shall have the powers of the Administrative Official from whom the appeal is taken.

(2) The concurring vote of two members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect any variation in the application of this Chapter.

[*Ord. 122704*]

(*Ord. 8/30/1973, 8/30/1973; as amended by Ord. 122704, 12/27/2004, §12*)



**Part 22****Appeals from the Zoning Hearing Board****§27-2201. General.**

Any person or persons, or any board, or bureau of the Township aggrieved by any decision of the Zoning Hearing Board may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Article VI, Pennsylvania Municipalities Planning Code, 53 P.S. §10601 *et seq.*

(*Ord. 8/30/1973, 8/30/1973*)



**Part 23****Duties of Administrative Official, Zoning Hearing Board,  
Township Supervisors, and Courts on Matters of Appeal****§27-2301. Intent.**

1. It is the intent of this Chapter that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that recourse from the decisions of the Zoning Hearing Board shall be to the courts as provided by law and particularly by Article VI, Pennsylvania Municipalities Planning Code, 53 P.S. §10601 *et seq.*

2. It is further the intent of this Chapter that the duties of the Township Supervisors in connection with this Chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Part 23 and this Chapter. Under this Chapter, the Township Supervisors shall have only the duties:

A. Of considering and adopting or rejecting proposed amendments or the repeal of this Chapter, as provided by law.

B. Of establishing a Schedule of Fees and Charges as stated in Part 24.

C. Those duties specifically noted in other Parts of this Chapter.

(*Ord. 8/30/1973, 8/30/1973*)





**Part 24****Schedule of Fees, Charges, and Expenses****§27-2401. General.**

1. The Township Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the Administrative Official, and may be altered or amended only by the Township Supervisors.

2. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

*(Ord. 8/30/1973, 8/30/1973)*



**Part 25****Amendments****§27-2501. Enactment of Zoning Ordinance Amendments.**

1. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

2. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.

3. In the case of an amendment other than that prepared by the Planning Commission the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the County planning agency for recommendations.

6. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

*(Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990)*

**§27-2502. Procedure for Landowner Curative Amendments.**

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a

court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990*)

### **§27-2503. Procedure for Township Amendments.**

1. If the Township determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

A. The Township shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days of such declaration and proposal the Board of Supervisors shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(a) References to specific uses which are either not permitted or not permitted in sufficient quantity.

(b) Reference to a class of use or uses which requires revision.

(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

2. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code

(hereinafter “MPC”), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection .1, the Board of Supervisors shall not be required to entertain or consider any landowner’s curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection .1.A. Upon completion of the procedures set forth in subsections .1 and .2, no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Township, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

*(Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990)*



**Part 26****Provisions of Chapter Declared to Be Minimum Requirements****§27-2601. General.**

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

*(Ord. 8/30/1973, 8/30/1973)*





**Part 27****Complaints Regarding Violations****§27-2701. General.**

Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Chapter.

*(Ord. 8/30/1973, 8/30/1973)*



**Part 28****Penalties for Violations****§27-2801. Enforcement Notice.**

1. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, 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 a period of 10 days.

F. That 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.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990*)

**§27-2802. Causes of Action.**

In case any building, structure, landscaping, 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 of real property who shows that his 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 or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990*)

**§27-2803. 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 therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the 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 such violation until the fifth 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. [*Ord. 120910*]

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.

4. Magisterial district judges shall have initial jurisdiction over proceedings brought under this Section. [*Ord. 120910*]

(*Ord. 8/30/1973, 8/30/1973; as added by Ord. 061490, 6/14/1990; and as amended by Ord. 120910, 12/9/2010*)

# TOWNSHIP OF BETHEL

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## Appendix

The following ordinances and resolutions are no longer of general interest, primarily because their provisions were carried out directly after their enactment. Since they are mainly of historical or administrative interest, it has not been considered necessary to include their entire text. Instead, they are arranged in groups, according to subject matter, and within each group listed by title in chronological order. The content of the ordinances and resolutions is indexed, in all necessary detail, in the general index at the end of this volume. The annual budget and tax ordinances have been listed only in the "Table to Disposition of Ordinances." Any person who desires to read the full text of any of the ordinances or resolutions may do so by consulting the original Ordinance Books on file in the Township offices.

The enactments included in this Appendix are grouped under the following headings:

- A ..... Adjustments to Township Boundaries
- B ..... Debt and Bond Issues
- C ..... Franchises and Services
- D ..... Governmental and Intergovernmental Affairs
- E ..... Plan Approval
- F ..... Public Property
- G ..... Sewers
- H ..... Streets and Sidewalks
- I ..... Water
- J ..... Zoning; Prior Ordinances



## **Appendix A**

### **Adjustments to Township Boundaries**

[Reserved]



## **Appendix B**

### **Debt and Bond Issues**

<b>Ord./Res</b>	<b>Date</b>	<b>Subject</b>
Ord. 5/5/1977A	5/5/1977	Increasing the indebtedness of the Township in the amount of \$75,000 for water project.
Ord. 5/5/1977B	5/5/1977	Approving a report on self-liquidating the net debt of the Township for a sewer and water project.
Ord. 12/27/1980	12/27/1980	Increasing the indebtedness of the Township in the amount of \$100,000 for a sanitary sewage system.
Ord. 12/16/1982	12/16/1982	Increasing the indebtedness of the Township in the amount of \$100,000 for a sanitary sewage system.
Ord. 4/14/1983-1	1/4/1983	Increasing the indebtedness of the Township in the amount of \$850,000 for the purpose of sewer lease rental.
Ord. 040804	4/8/2004	Increasing the indebtedness of the Township in the amount of \$2,130,000 for the purpose of water lease rental.
Ord. 120805	12/8/2005	Increasing the indebtedness of the Township in the amount of \$4,684,686 for the purpose of sewer lease rental.
Ord. 050808	5/8/2008	Authorizing and approving a project of the Authority; authorizing and directing the incurrence of lease rental debt by the Township, in the maximum aggregate principal amount of \$76,062.01.



**Appendix C**  
**Franchises and Services**

[Reserved]





## **Appendix D**

### **Governmental and Intergovernmental Affairs**

<b>Ord./Res</b>	<b>Date</b>	<b>Subject</b>
Ord. 10/13/1983-1	10/13/1983	Property tax abatement for industrial and commercial improvements in deteriorated areas.
Ord. 12/11/1986-3	12/11/1986	Joining with local governmental units in accordance with the Intergovernmental Cooperation Act by becoming a settlor of the Pennsylvania Local Government Investment Trust and entering into a Declaration of Trust.
Res. 71389B	6/13/1989	Authorizing the police department to enforce the health and safety ordinances of the Township.
Ord. 072095	7/20/1995	Intergovernmental cooperation agreement with the County and other municipalities in the Lebanon County Drug Task Force.
Ord. 061208A	6/12/2008	Providing for Bethel Township to enter into an intermunicipal agreement with other municipalities within the Northern Lebanon School District for the purpose of selecting a representative and alternate for the executive committee of the Lebanon County Earned Income Tax Bureau.
Ord. 040909A	4/9/2009	Authorizing Bethel Township's entry into an intergovernmental agreement of cooperation among Bethel Township, East Hanover Township, Jonestown Borough, Northern Lebanon School District, Swatara Township, and Union Township, all of Lebanon County, establishing the Northern Lebanon Recreation and Parks Commission.
Ord. 111110	12/9/2010	Authorizing execution of an intermunicipal agreement by and between municipalities and school districts within Lebanon County, Pennsylvania, and the Lebanon County Earned Income Tax Bureau to settle any and all issues and disputes concerning or arising out of the allocation of earned income tax revenues within Lebanon County during the years 2004, 2005, 2006, and 2007, as well as any years prior to 2004.



## **Appendix E**

### **Plan Approval**

<b>Ord./Res</b>	<b>Date</b>	<b>Subject</b>
Ord. 071003	7/10/2003	Adopting a recreation plan.



**Appendix F**  
**Public Property**

[Reserved]



## **Appendix G**

### **Sewers**

<b>Ord./Res</b>	<b>Date</b>	<b>Subject</b>
R-5/9/1974	5/9/1974	Requiring satisfactory percolation tests that are approved by the Sewerage Disposal Officer prior to issuance of any building permit by the Lebanon County Planning Bureau.
Agr. 3/10/1983	3/10/1983	Entering into an agreement with the Fredericksburg Sewer and Water Authority to acquire and construct sewage system facilities.
Ord. 3/10/1983-2	3/10/1983	Entering into an agreement with the Fredericksburg Sewer and Water Authority to acquire and construct sewage system facilities.
Ord. 3/10/1983-3	3/10/1983	Granting to Fredericksburg Sewer and Water Authority certain rights and privileges along the streets of the Township for sewer system connections.





## **Appendix H**

### **Streets and Sidewalks**

<b>Street</b>	<b>Activity</b>	<b>Description</b>	<b>Ord./Res.</b>	<b>Date</b>
Old State Road (T-473)	vacate	from boundary with Pine Grove Township to boundary with Swatara Township	Ord. 051106	5/11/2006
Poll Street	vacate	between Township road 531 and a 16½ foot unopened alley	Ord. 9/2/1971	9/2/1971



## **Appendix I**

### **Water**

[Reserved]



## **Appendix J**

### **Zoning; Prior Ordinances**

[Reserved]



## Table to Disposition of All Ordinances

<b>Ordinance</b>	<b>Date</b>	<b>Disposition</b>	<b>Subject</b>
5/2/1963-1	5/2/1963	Superseded by 71389	Animals
8/1/1963-2	8/1/1963	Repealed by 71389	Licenses, Permits and General Business Regulations
3/4/1965	3/4/1965	Superseded by 122701	Taxation; Special
4/7/1966	4/7/1966	Repealed by 71389	
4/11/1968-3	4/11/1968	Superseded by 71389	Motor Vehicles and Traffic
4/11/1968-4	4/11/1968	Repealed by 120910	Health and Safety
12/12/1968-5	12/12/1968	§§24-201–24-210	Taxation; Special
9/2/1971	9/2/1971	Appendix H	Streets and Sidewalks
–/–/1973	–/–/1973	§§1-301–1-304	Administration and Government
5/10/1973	5/10/1973	Superseded by 121301	Administration and Government
8/30/1973	8/30/1973	§§27-101– 27-2803	Zoning
5/9/1974	5/9/1974	§§21-101–21-106	Streets and Sidewalks
7/11/1974	7/11/1974	§§21-201–21-206	Streets and Sidewalks
7/18/1975	7/18/1975	§§27-102, 27-703, 27-1301–27-1312, 27-1401, 27-1402	Zoning
12/29/1975	12/29/1975	Repealed by 120910	Streets and Sidewalks
5/5/1977-A	5/5/1977	Appendix B	Bond Issues and Loans
5/5/1977-B	5/5/1977	Appendix B	Bond Issues and Loans
11/10/1977	11/10/1977	Superseded by 120910	Sewers and Sewage Disposal
2/15/1979	2/15/1979	Superseded by 71389	Fire Prevention and Fire Protection
8/14/1980	8/14/1980	Superseded by 120910	Conduct
12/27/1980	12/27/1980	Appendix B	Bond Issues and Loans
9/10/1981-A	9/10/1981	Repealed by 71389	Subdivision and Land Development
5/20/1982	5/20/1982	Superseded by 4/23/1987	Taxation; Special
6/17/1982	6/17/1982	§§13-101–13-112	Licenses, Permits, and General Business Regulations
12/16/1982	12/16/1982	Appendix B	Bond Issues and Loans
3/10/1983-2	3/10/1983	Appendix G	Sewers
3/10/1983-3	3/10/1983	Appendix G	Sewers

<b>Ordinance</b>	<b>Date</b>	<b>Disposition</b>	<b>Subject</b>
3/10/1983-4	3/10/1983	§§18-101–18-106	Sewers and Sewage Disposal
4/14/1983-1	4/14/1983	Appendix B	Bond Issues and Loans
10/13/1983-1	10/13/1983	Appendix D	Governmental and Intergovernmental Affairs
7/11/1985	7/11/1985	Not codified	
11/30/1985	11/30/1985	Superseded by 122895-A	Administration and Government
12/11/1986-1	12/11/1986	Superseded by 71389	Motor Vehicles and Traffic
12/11/1986-3	12/11/1986	Appendix D	Governmental and Intergovernmental Affairs
4/23/1987	5/23/1987	§§24-101–24-118	Taxation; Special
11/25/1987-A	11/25/1987	§§1-621–1-633	Administration and Government
5/12/1988	5/12/1988	Superseded by 121301	Administration and Government
5/12/1988	5/12/1988	Zoning Map Amendments	Zoning
6/23/1988	6/23/1988	§27-703	Zoning
71389	7/13/1989	§§1-501–1-503	Administration and Government
		§§2-101–2-107	Animals
		§§6-301–6-304	Conduct
§§6-103, 6-201, 6-202, 6-401, 6-402		Superseded by 120910	Conduct
		§§7-101–7-107, 7-201–7-205	Fire Prevention and Fire Protection
		§§10-101–10-104, 10-201–10-218, 10-301–10-308	Health and Safety
§10-108		Superseded by 120910	Health and Safety
		§§13-104, 13-112	Licenses, Permits, and General Business Regulations
		§§15-101–15-604	Motor Vehicles and Traffic
§§15-302–15-304		Superseded by 051310	Motor Vehicles and Traffic
§§15-701–15-709		Repealed by 120910	Motor Vehicles and Traffic
		§§18-101–18-105	Sewers and Sewage Disposal
§§18-209, 18-210		Superseded by 120910	Sewers and Sewage Disposal
		§§21-106, 21-206, 21-301–21-305, 21-401–21-403	Streets and Sidewalks
§21-317		Superseded by 120910	Streets and Sidewalks



<b>Ordinance</b>	<b>Date</b>	<b>Disposition</b>	<b>Subject</b>
§§23-101–23-112		Superseded by 120910	Swimming Pools
		§§24-118, 24-202, 24-301–24-305	Taxation; Special
		§§26-101–105	Water
041290A	4/12/1990	§§10-104, 10-216, 10-307	Health and Safety
§10-108		Repealed by 120910	
041290	4/12/1990	§15-310	Motor Vehicles and Traffic
051090	5/10/1990	§§20-101–20-105	Solid Waste
061490	6/14/1990	§§27-102, 27-1403, 27-1404, 27-1601, 27-2001–27-2006, 27-2501–27-2503, 27-2801–27-2803	Zoning
112190	11/21/1990	§§24-401–24-413	Taxation; Special
042591	4/25/1991	Zoning Map Amendments	Zoning
041191	4/11/1991	§§2-103–2-107	Animals
061391	6/13/1991	§§27-102, 27-1301–27-1312	Zoning
071191	7/11/1991	§§1-331–1-343	Administration and Government
082291	8/22/1991	Zoning Map Amendments	Zoning
031292	3/12/1992	Superseded by 120910	Sewers and Sewage Disposal
93-2	7/8/1993	Zoning Map Amendments	Zoning
102494	10/24/1994	Zoning Map Amendments	Zoning
072095-A	7/20/1995	§§27-102, 27-602, 27-702, 27-1002, 27-1102, 27-1203, 27-1304, 27-1601	Zoning
122895-A	12/28/1995	§1-201	Administration and Government
072095	7/20/1995	Appendix D	Governmental and Intergovernmental Affairs
041196	4/11/1996	§§7-301–7-304	Fire Prevention and Fire Protection
042996	6/6/1996	Zoning Map Amendments	Zoning
042996A	6/6/1996	§27-1002	Zoning
080896	8/8/1996	Repealed by 051310	Motor Vehicles and Traffic
12-30-96	12/30/1996	§§1-621, 1-624, 1-626	Administration and Government
3/13/1997	3/13/1997	Superseded by 121301	Administration and Government

<b>Ordinance</b>	<b>Date</b>	<b>Disposition</b>	<b>Subject</b>
7/10/97	7/10/1997	§§1-211, 1-212	Administration and Government
8/14/97	8/14/1997	Zoning Map Amendments	Zoning
051498	5/14/1998	§§15-213, 15-403, 15-409	Motor Vehicles and Traffic
12/29/98	12/29/1998	§§13-201–13-214	License, Permits, and General Business Regulations
081299	8/12/1999	Zoning Map Amendments	Zoning
090999	9/9/1999	Superseded by 121301	Administration and Government
111199	11/11/1999	Superseded by 121301	Administration and Government
21000	2/10/2000	§§4-101–4-104	Buildings
051100	5/11/2000	§§27-102, 27-602, 27-607	Zoning
110900	11/9/2000	§18-105 §26-105	Sewers and Sewage Disposal Water
122700	12/27/2000	Superseded by 010708A	Subdivision and Land Development
061401	6/14/2001	§§1-311–1-320	Administration and Government
121301	12/13/2001	§§1-601–1-612	Administration and Government
122701	12/27/2001	§§24-501–24-508	Taxation; Special
071003	7/10/2003	Appendix E	Plan Approval
081403	8/14/2003	Superseded by 010708A	Subdivision and Land Development
121103	12/11/2003	Void	Zoning
010504	1/5/2004	§§1-401–1-406	Administration and Government
040804	4/8/2004	Appendix B	Bond Issues and Loans
122704	12/27/2004	§§27-102, Zoning Map Amendments, 27-601–27-607, 27-611–27-613, 27-621–27-626, 27-702, 27-802, 27-1502, 27-1601, 27-2101	Zoning
071405	7/14/2005	§15-311	Motor Vehicles and Traffic
120805	12/8/2006	Appendix B	Bond Issues and Loans
051106	5/11/2006	Appendix H	Streets and Sidewalks
060806	6/8/2006	§1-212	Administration and Government
071207	7/12/2007	Zoning Map Amendments	Zoning
091307	9/13/2007	Zoning Map Amendments	Zoning

<b>Ordinance</b>	<b>Date</b>	<b>Disposition</b>	<b>Subject</b>
010708A	1/7/2008	§§22-101–22-705	Subdivision and Land Development
010708B	1/7/2008	§§23-101–23-118	Stormwater Management
041008	4/10/2008	§§5-101–5-106	Code Enforcement
050808	5/8/2005	Appendix B	Bond Issues and Loans
061208	6/12/2008	§§27-102, 27-1001–27-1005, 27-1601	Zoning
061208A	6/12/2008	Appendix D	Governmental and Intergovernmental Affairs
040909A	4/9/2009	Appendix D	Governmental and Intergovernmental Affairs
100809A	10/8/2009	§§7-401–7-4s08	Fire Prevention and Fire Protection
100809B	10/8/2009	§§7-501–7-508	Fire Prevention and Fire Protection
051310	5/13/2010	§§15-301–15-309	Motor Vehicles and Traffic
111110	12/9/2010	Appendix D	Governmental and Intergovernmental Affairs
120910	12/9/2010	Adopting Ordinance	



### Table to Disposition of Significant Resolutions

Resolution	Date	Disposition	Subject
12/14/1972	12/14/1972	Superseded by Ord. 71389	Taxation; Special
R-5/9/1974	5/9/1974	Appendix G	Sewers
Agr. 3/10/1983	3/10/1983	Appendix G	Sewers
71389B	6/13/1989	Appendix D	Governmental and Intergovernmental Affairs
051100	5/11/2000	Superseded by 120910A	Fee Schedule
120910A	12/09/2010	Fee Schedule	

