

CODE OF ORDINANCES
of the
TOWNSHIP OF ALLEN
Northampton County, Pennsylvania

Adopted November 8, 2007, by Ord. 2007-04

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GENERAL CODE
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FOREWORD

Organization

The Code contains four parts which are (1) the valid current ordinances of the Township of Allen 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 Key to the disposition of each ordinance ever enacted by the Township of Allen, 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 Key to disposition indicates what action has been taken by the Township Board of Supervisors with regard to ordinances enacted by the Township. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix.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 Key. The Key is a cross reference to the original ordinance books of the Township of Allen, and to the location within the Code of each ordinance by number.

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PART 1

BOARD OF SUPERVISORS**§ 1-101. Compensation. [Ord. 97-11, 12/11/1997, § 1]**

The annual compensation to be paid to members of the Allen Township Board of Supervisors shall be \$1,200. Said sum shall be payable in monthly installments of \$100 per month. In addition, in the event any special meetings of the Board of Supervisors are held, the members of the Board shall be compensated at \$50 per special meeting which shall be paid monthly as well. Provided that in no event shall the annual compensation paid to a member of the Allen Township Board of Supervisors exceed \$1,875.

PART 2

TOWNSHIP MANAGER

§ 1-201. Creation of Office. [Ord. 2000-07, 12/14/2000, § 1]

The office of Township Manager for the Township of Allen is hereby created by the authority of the Second Class Township Code, § 66301 (53 P.S. § 66301).

§ 1-202. Appointment and Removal. [Ord. 2000-07, 12/14/2000, § 2]

The Township Manager shall be appointed for an indefinite term by a majority of all members of the Allen Township Board of Supervisors. The Township Manager shall serve at the pleasure of the Board of Supervisors, and he/she may be removed at any time by a majority vote of all members. At least 30 days before such removal is to become effective, the Board of Supervisors shall furnish the Township Manager with a written statement setting forth its intention to remove him/her.

§ 1-203. Qualifications. [Ord. 2000-07, 12/14/2000, § 3]

The Township Manager shall be chosen solely on the basis of executive and administrative abilities, with special reference to the duties of the office as herein outlined. The Township Manager need not be a resident of the Township of Allen or the County of Northampton, but must reside within close proximity as to be available to the Township for the performance of usual duties as well as emergency duties.

§ 1-204. Bond. [Ord. 2000-07, 12/14/2000, § 4]

Before entering upon his/her duties, the Township Manager shall give bond, in the sum of \$300,000, with a bonding company as surety, to be posted with and approved by the Board of Supervisors of Allen Township, conditioned upon the faithful performance of the duties as Township Manager, with the premium for said bond to be paid by the Township.

§ 1-205. Township Manager's Compensation. [Ord. 2000-07, 12/14/2000, § 5]

The salary of the Township Manager shall be fixed by the Allen Township Board of Supervisors, from time to time, by Resolution.

§ 1-206. Powers and Duties. [Ord. 2000-07, 12/14/2000, § 6; as amended by Ord. 2008-02, 3/25/2008]

1. The Township Manager shall be the Chief Administrative Officer of Allen Township and shall be responsible to the Board of Supervisors as a whole for the proper and efficient administration of the affairs of Allen Township placed in his/her charge. The powers and duties for administration of all Township business shall be vested in the Township Manager, unless expressly imposed or conferred by statute or ordinance or on the Board of Supervisors or other Township officers.

2. Subject to recall by a resolution of the Board of Supervisors, the powers and duties of the Township Manager shall include the following:
 - A. The Township Manager shall supervise and be responsible for the activities of all departments.
 - B. The Township Manager shall hire, and when necessary, suspend or discharge any employee under his/her supervision. Any action taken by the Township Manager pursuant to this subsection shall be subject to review and ratification by the Allen Board of Supervisors at its next regularly scheduled meeting subsequent to the Manager's action. In the event that the Board of Supervisors ratifies the action taken by the Township Manager, the action shall be effective as of the date the Manager notified the employee of the action.
 - C. Fix wages and salaries, with prior approval of the Board of Supervisors, of all personnel under his/her supervision.
 - D. Prepare and submit to the Board of Supervisors, a budget for the next fiscal year and an explanatory budget message, in such a timely fashion as will enable the Board of Supervisors to consider and adopt the budget and related tax ordinances if necessary, according to the requirements of law. In preparing the budget, the manager, or an officer designated by him/her, shall obtain from the head of each department, agency or board, or any qualified officer thereof, estimates of revenue and expenditures and such other supporting data as is required. The Township Manager shall review such estimates and may revise them before submitting the budget to the Board of Supervisors.
 - E. The Township Manager shall be responsible for the administration of and adherence to the budget after it is adopted by the Board of Supervisors.
 - F. The Township Manager shall develop, in connection with the preparation of the budget, long range fiscal plans for the Township, such plans to be presented annually to the Board of Supervisors for their review and adoption.
 - G. The Township Manager shall hold such Township offices and head such departments as the Board of Supervisors may, from time to time, direct.
 - H. The Township Manager shall attend all meetings of the Board of Supervisors and its committees with the right to take part in discussion. The Township Manager shall receive notice of all special meetings of the Board of Supervisors and its committees.

- I. The Township Manager shall prepare the agenda for each meeting of the Board of Supervisors and supply facts pertinent thereto.
- J. The Township Manager shall keep the Board of Supervisors informed as to the conduct of Township affairs; submit periodic reports on the condition of the Township finances and such other reports as the Board of Supervisors may request; and make such recommendations to the Board of Supervisors as deemed advisable.
- K. The Township Manager shall submit to the Board of Supervisors, as soon as possible after the close of the fiscal year, a complete report on the finances and the administrative activities of the Township for the preceding year.
- L. The Township Manager shall see that the provisions of all franchises, leases, permits and privileges granted by the Township are observed.
- M. The Township Manager shall employ, by and with the approval of the Board of Supervisors, experts and consultants to perform work and to advise.
- N. The Township Manager shall attend to the letting of contracts in due form of law. The Township Manager shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed by statute upon other officers.
- O. The Township Manager shall be responsible for all accounts payable and receivable.
- P. The Township Manager shall serve as purchasing officer of the Township and purchase, in accordance with the provisions of the Second Class Township Code, all supplies and equipment for the agencies, boards, departments and other offices of the Township. The Township Manager shall keep an account of all purchases and shall, from time to time or when directed by the Board of Supervisors, make a full written report thereof. He/She shall also issue rules and regulations, subject to the approval of the Board of Supervisors, governing the procurement of all municipal supplies and equipment.
- Q. The Township Manager shall investigate and dispose of, or designate an officer to investigate and dispose of, all complaints regarding Township services and personnel and to report to the Board of Supervisors thereon. All complaints regarding Township services shall be referred to the office of the Township Manager.
- R. The Township Manager shall enforce the ordinances and regulations of the Township, unless enforcement is otherwise designated to other Township personnel.

§ 1-207. Disability or Absence of Township Manager. [Ord. 2000-07, 12/14/2000, § 7]

If the Township Manager becomes ill or needs to be absent from the Township, the Assistant to the Township Manager, with the prior approval of the Board of Supervisors, shall perform the duties of the Township Manager during his/her absence or disability. The Assistant to the Township Manager shall perform these duties only for the period designated and approved by the Board of Supervisors.

PART 3

PLANNING COMMISSION

§ 1-301. Creation of Commission. [Ord. 6-1966, 10/3/1966, § 1; as amended by Ord. 2014-02, 3/25/2014]

A Township Planning Commission of the Township of Allen is hereby created, which Commission shall consist of five members. All members shall be appointed by the Board of Supervisors of Allen Township. The terms of each of the members of the Commission shall be for four years, except the initial terms shall be fixed so that no more than two shall be reappointed or replaced during any future calendar year. All members of the Commission shall be residents of Allen Township, and at least three members shall be nonemployees or nonofficials of Allen Township. Provided that it is not otherwise precluded by law, elected Supervisors may serve as Commission members in accordance with the provisions of the Pennsylvania Second Class Township Code. The Chairman of the Commission shall immediately notify the Board of Supervisors of any vacancy on the Commission. An appointment to fill a vacancy shall be for the remainder of the unexpired term. Members of the Commission shall serve without compensation but may be reimbursed for eligible expenses. Members of the Commission may be removed from office in accordance with Section 206 of the Pennsylvania Municipalities Planning Code (MPC).¹ The Commission shall conduct its business in accordance with the provisions of Article II of the MPC.

§ 1-302. Duties of Commission. [Ord. 6-1966, 10/3/1966, § 2]

1. The Township Planning Commission shall elect its own Chairman and create and fill such other offices as it may determine. The Commission may make and alter rules for its procedure consistent with the ordinances of the Township and the laws of the Commonwealth. It shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.
2. The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with planners and other consultants for such technical services as it may require.
3. As an aid to coordination of municipal planning and with the consent of the Township Supervisors, the Planning Commission may enter into joint agreements with county, regional or other planning agencies, covering cooperative financing of planning, studies and such other cooperative relationships as are necessary to attain the objectives of this Part.
4. The Planning Commission shall make only such expenditures and shall incur only such obligations as shall be within the amount appropriated for the purpose by the Board of Township Supervisors or placed at the Commission's disposal from other sources.

¹Editor's Note: See 53 P.S. § 10206.

§ 1-303. Powers and Duties of Commission.² [Ord. 6-1966, 10/3/1966, § 3; as amended by Ord. 2009-02, 3/12/2009]

The Planning Commission shall exercise such powers and shall perform such duties and functions as are conferred and imposed upon Township planning commissions by the Pennsylvania Municipalities Planning Code.

²Editor's Note: Former § 1-304, Zoning Commission, which immediately followed this section, was repealed 3/12/2009 by Ord. 2009-02.

PART 4

FIRE INSURANCE ESCROW**§ 1-401. Use of Fire Insurance Proceeds. [Ord. 97-5, 5/28/1997, § 1]**

1. No insurance company, association or exchange (hereinafter "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within Allen Township where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Allen Township Treasurer with a certificate pursuant to 40 P.S. § 638(b), as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the "Act") and unless there is compliance with the procedures set forth in subsections (c) and (d) of the Act.
2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Township has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the Allen Township Secretary 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 and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish, within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice 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 subsection (2)(A) of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named 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, or where the Treasurer has issued a certificate described in 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% 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 the Township, a contractor's signed estimate of the cost 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 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 Allen 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 the Township connection with such removal, repair or securing or any proceedings related thereto; and,
 - (2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Township and that the procedures under this subsection shall be followed.
 - (3) After the transfer, the named insured may submit to the Township a contractor's signed estimate of the cost 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 the Township in excess of that required to pay the municipal expenses; provided, the Township has not commenced to remove, repair or secure the building or other structure, in which case the Township will complete the work.
 - (4) Pay to the Township Treasurer, for reimbursement to the Township general fund, the amount of the municipal expenses paid by the Township.
 - (5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Township that repair, removal or securing of the building or

other structure has been completed in accordance with all applicable codes and regulations of the Township.

- (6) Nothing in this Section shall be construed to limit the ability of the Township to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the codes of the Township or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Township may deem responsible.

§ 1-402. Limits of Liability. [Ord. 97-5, 5/28/1997, § 2]

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this ordinance or to make this Township, any Township official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

§ 1-403. Insurance Company Rights Reserved. [Ord. 97-5, 5/28/1997, § 3]

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structures removal liens or removal expenses incurred by the Township shall have a full benefit of such payment including all rights of subrogation and of assignment.

§ 1-404. Construction. [Ord. 97-5, 5/28/1997, § 4]

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

§ 1-405. Notification of Pennsylvania Department of Community Affairs. [Ord. 97-5, 5/28/1997, § 5]

The Secretary of the Township shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

§ 1-406. Violations and Penalties. [Ord. 97-5, 5/28/1997, § 6; as amended by Ord. 2007-04, 11/8/2007]

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.

PART 5
PENSION PLAN**§ 1-501. Definition of Terms. [Ord. 92-4, 12/31/1992, Art. I; as amended by Ord. 97-10, 11/13/1997]**

ACTUARIAL EQUIVALENT — The equivalent value when computed on the basis of the following actuarial tables:

Mortality — UP 1984 Table.

Interest — 7%.

COMMITTEE — The persons appointed to administer the Nonuniformed Employees Pension Fund established pursuant to this Part.

CONTRIBUTION — The amount of money paid to the Pension Fund Trust by the employer.

CREDITED SERVICE — All periods of service completed by a full-time employee (whether consecutive or not) shall be aggregated in determining a participant's service for purpose of eligibility, vesting, and benefit accrual. Service shall be aggregated on the basis that 12 months of service or 365 days of service equals a year of credit service, and 300 days are deemed to be a month in the case of aggregation of fractional months.

EARLY RETIREMENT BENEFIT — A participant may elect to retire on his early retirement date. In the event that a participant makes such an election, he shall be entitled to receive an early retirement benefit equal to his accrued benefit payable at his normal retirement date. If a participant does elect early retirement, he may receive payment of an early retirement benefit commencing on the first day of the month coinciding with or next following his early retirement date which shall be the actuarial equivalent of his present value of his normal retirement benefit.

EARLY RETIREMENT DATE — The first day of the month following attainment of age 55 and completion of at least five years of service.

EMPLOYER — The Township of Allen, Northampton County, Pennsylvania.

FULL-TIME EMPLOYEE — A person who works for the Township at least 35 hours per week, subject to reasonable vacation and sick leave.

FUND — The Nonuniformed Employees Pension Fund established pursuant to this Part and previous versions of this Part.

MONTHLY COMPENSATION — The amount of compensation (wages) received by a participant in any given month, including overtime, longevity pay and service increments, if any.

MUNICIPALITY — The Township of Allen, Northampton County, Pennsylvania.

NORMAL RETIREMENT BENEFIT — A lifetime monthly pension equal to 1.5% credit for each year of credited service, applied against a participant's average monthly compensation for the three consecutive or non-consecutive calendar years having the highest total wage earnings of the five most recently worked calendar years immediately preceding the Participant's Normal Retirement Date, subject to a maximum of 30%. Such benefit shall be subject to the vesting schedule set forth in 1-503(8) (Vesting) and shall be payable monthly for the participant's life. A participant must have completed at least five years of service to be eligible for the normal retirement benefit.

NORMAL RETIREMENT DATE — The first day of the month following attainment of age 65 and completion of at least five years of service.

PARTICIPANT — Every non-uniformed person duly appointed from time to time by the Municipality as a Full-time Employee. Such person to be included as a Participant six months after date of employment. For purposes of determining Normal Retirement Date, the calculation of benefits and vesting, credit for past service shall be given for all Full-time Employees working at least 35 hours a week as of August 11, 1987, the effective date of Ordinance 87-1 provided that the term for such credit for past service shall be the continuous period of employment immediately prior to their effective date.

PLAN — The Pension Plan for the Nonuniformed Employees of the Township of Allen, as authorized under this Part.

STRAIGHT LIFE ANNUITY — The normal form of benefit as determined by the application of the benefit formula described above (Normal Retirement Benefit). Such annuity shall pay the participant a monthly retirement benefit equal to his accrued benefit beginning with the monthly installment due as of his retirement date and ceasing with the installment due during the month of his death.

SUPERVISORS — The governing body of the Township of Allen.

TERMINATION — The cessation of services by the participant for any reason, including disability, death, resignation and employer termination. Voluntary leaves of absence without pay shall not be a termination for purposes of this Part; but no period of such leave shall be computed in the total Service in the aggregate for pension benefit purposes. Leaves of absence with pay shall not be considered a termination within the meaning of this Part, and such leaves shall be computed in the total service in the aggregate for pension benefit purposes.

TRUSTEE — A corporate trustee appointed by the employer.

§ 1-502. Administration. [Ord. 92-4, 12/31/1992, Art. II]

1. The Township Supervisors shall administer the Nonuniformed Employees Pension Fund established by this Part by such regulations as shall, from time to time, be necessary for the effective maintenance of the Fund. Provided, that no regulation shall be contrary to the statutes of the Commonwealth of Pennsylvania and/or applicable Federal regulations.
2. The Township Supervisors may appoint an Advisory Committee which shall assist the administration of the Pension Fund established by this Part according to the regulations established pursuant to this Section.
3. The Committee shall consist of not less than three members, which shall include one person chosen by a majority of the Supervisors, one person chosen by a majority of the participants in the Fund, and one person chosen by both a majority of the Supervisors and the majority of the participants. All persons so designated shall serve at the pleasure of the Supervisors (for a term of 10 years). Any member may resign upon written notice to the Supervisors and the Committee. Any vacancies in the Committee arising from resignation, death or removal shall be filled by the Supervisors (by the procedure set forth herein for the member of the Committee whose resignation, death or removal has created the vacancy).
4. The Committee shall act by such procedure as the Committee shall establish. Provided that all decisions shall be by majority vote. The Committee may authorize one of its members to execute any document or documents on behalf of the Committee. The Committee may adopt by-laws and regulations as it deems necessary for the conduct of its affairs and may appoint such accountants, counsel, specialists or such other persons as it may deem desirable for the purpose of the proper administration of the Pension Fund. Provided that no such regulation, by-law or appointment shall be effective until such is approved by the Supervisors. The Committee shall be entitled to rely exclusively upon, and shall be fully protected in any action taken by it in good faith in relying on any opinions or reports which shall be furnished to it by any such accountant, counsel, actuary or other consultants.
5. The Committee shall keep a record of all its proceedings and acts, and shall keep all such books of account, records, and other data as may be necessary for the proper administration of the Pension Fund. The Committee shall notify the Trustee and the Employer of any action taken by the Committee, and, when required, shall notify any other interested person or persons.
6. The members of the Committee shall serve without compensation for their services; but all such reasonable expenses incurred in the administration of the Fund, including, but not limited to, fees for the services of specialists, including actuaries, certified public accountants and legal counsel, and reasonable expenses incurred by members of the Committee in the performance of their duties in the administration of the Pension Fund, shall be paid out of the Pension Fund if the Township of Allen does not pay such

expenses directly. Provided that: Such expenses shall be subject to the prior approval of the Supervisors. In estimating costs under the Pension Fund, administrative expenses may be anticipated.

7. The Committee shall adopt, from time to time, tables for use in all actuarial calculations required in connection with the Plan and shall establish, from time to time, the rate or rates of regular interest which shall be used in all actuarial calculations required in connection with the Plan. As an aid to the Committee in adopting tables, the consultant appointed by the Employer shall evaluate the assets of the Pension Fund annually at cost (except in case of bonds not in default which shall be valued at cost or amortized value), shall make such actuarial valuations of the contingent assets and liabilities of the Pension Fund as the Committee may require, and shall certify to the Committee the tables and rates of contributions which such consultants recommend for use by the Employer.
8. No member of the Committee shall incur any liability for any action or failure to act excepting only liability for his own gross negligence or willful misconduct. The Employer shall and does hereby indemnify each member of the Committee against any and all claims, losses, damages, expense and liability arising from any action or failure to act, except when the same is judicially determined to be due to the gross negligence or willful misconduct of such member. In addition, the Committee and any member or agent thereof shall be fully protected in relying upon the advice of any counsel, consultant, or actuary appointed by the Committee or the Employer.

§ 1-503. Retirement Requirements and Benefits. [Ord. 92-4, 12/31/1992, Art. III; as amended by Ord. 99-6, 12/9/1999]

1. Normal Retirement Benefit.
 - A. Date: See § 1-501 (Normal Retirement Date).
 - B. Amount: See § 1-501 (Normal Retirement Benefit).
2. Late Retirement Benefit.
 - A. By mutual consent of a Participant and the Employer, a Participant may defer his retirement and continue in service beyond his normal retirement date, but his retirement benefit shall not begin until he actually retires. The deferred retirement benefit shall be calculated as a Normal Retirement Benefit as defined in § 1-501 (Normal Retirement Date) using service and average monthly compensation to the date of termination of employment.
 - B. Any Participant who elects a deferred retirement benefit and shall thereafter retire from service shall receive a monthly retirement benefit beginning on the first day of the month next following receipt by the Committee of an application for retirement benefits filed by the

Participant. The deferred retirement benefits shall continue for life, ceasing with the installment payable during the month of his death.

3. Early Retirement Benefit.
 - A. Date: See § 1-501 (Early Retirement Date).
 - B. Amount: See § 1-501 (Early Retirement Benefit).
4. Disability Retirement.
 - A. Any Participant in the Pension Plan upon demonstrating to the satisfaction of the Committee that he is receiving a permanent and total disability benefit from the United States government under the provisions of the Federal Old Age and Survivors Insurance Act (generally called the Social Security Act), as said Act is presently constituted and as the same may be hereafter amended, shall be eligible to receive a permanent and total disability benefit under the Plan.
 - B. The amount of such benefit shall be the actuarial equivalent to the Normal Retirement Benefit earned to the date of disability payable in monthly installments as long as such Participant continues to receive the total and permanent disability benefit under the Social Security Act.
 - C. In the event that such disabled Participant shall recover from his disability and return to work with the Employer all disability payments under this Plan shall cease.
5. Benefits Upon Termination of Employment Prior to Normal Retirement Date. The accrued benefit of a Participant shall be determined in accordance with § 1-501 (Normal Retirement Benefit) using service and average monthly compensation to the date of termination of employment. Distribution of benefits to a Participant who terminated with vested benefits prior to becoming eligible for normal, early or disability retirement shall commence as soon as administratively possible on or after the Participant's Normal Retirement Date. If at the time of termination the Participant satisfied all the requirements for early retirement except the age requirement then, upon attaining such required age, the Participant shall be eligible to receive early retirement benefits.
6. Death Benefits.
 - A. Pre-Retirement. If a Participant dies prior to retirement, the Trustee shall pay to his designated beneficiary in a single sum, or in installments not to exceed five years, a death benefit equal to the actuarial equivalent value of the Participant's Accrued Benefit at the date of death.

- B. Post-Retirement. Subject to the provisions of § 1-503(7), if the death of a Participant occurs prior to his receipt of his employee contributions accumulated at 5% interest compounded annually to his Annuity Starting Date, the balance of such accumulated contributions shall be paid to his beneficiary in a lump sum or in installments not to exceed five years.
7. Optional Forms of Benefit Payment. In Lieu of the Straight Life Annuity provided for in § 1-501, a Participant may elect to receive a benefit which is the actuarial equivalent of any of the following forms:
- A. Life Annuity with 60 monthly payments guaranteed.
- B. Life Annuity with 120 monthly payments guaranteed.
- C. Joint and 50% Survivor Annuity for Participant and his spouse, and if no spouse, the participant's beneficiary.
- D. Joint and 100% Survivor Annuity for Participant and his spouse, and if no spouse, the Participant's beneficiary.
8. Vesting.
- A. The vested benefit of any Participant shall be the accrued Normal Retirement Benefit multiplied times the vested percentage below, based on years of service to his date of termination or retirement.
- | Years of Credited Service at Date of Determination | Vested Percent |
|---|-----------------------|
| Less than 5 years | None |
| Five years or more | 100% |
- B. Any terminated Participant not entitled to a vested benefit shall not be entitled to any share of the Fund which have been contributed by the Employer for his benefit and shall have no claims to the assets of the Plan, except for the return of his employee contributions and interest in accordance with § 3.9(b).
9. Commencement of Vested Benefit Payments.
- A. A Participant who terminates employment for any reason other than retirement or death shall have a non-forfeitable right to his vested benefit, which will be payable at the Normal Retirement Date in accordance with § 1.11 and subject to subsections (B) and (C) below.
- B. Cashout of Employee Contributions by Participants Not Vested in Employer Derived Benefits. If a Participant who is not vested in this accrued benefit in accordance with subsection (8)(A) (Vesting)

terminates employment, he shall be paid in a lump sum his accumulated employee contributions with interest credited as follows:

- (1) Interest shall be accumulated and credited to the participant's contributions at the rate of 5% or such rate as is hereinafter set by the resolution of the Municipality.
- (2) Interest should be computed for the full amount on deposit at the beginning of the fiscal year of the Fund, plus 5% (or such rate as set by resolution by the Township) of the current year's total deposit divided by two.

C. Cashout of Employee Contributions by Participants Vested in Employer Derived Benefits. A Participant who terminates employment after having become vested in his accrued benefit in accordance with subsection (8) may elect to withdraw, in a lump sum, his accumulated employee contributions with interest credited in accordance with subsection (B) above. Anything to the contrary notwithstanding, upon such withdrawal of employee contributions, the Participant shall forfeit his rights to any other benefits under the Plan, and no further benefits shall be payable to him under the Plan. Should such individual be subsequently re-employed by the Employer, he shall be treated as a new employee for all purposes of the Plan.

10. Notice of Benefit Options. The Committee shall notify a Participant in writing of the options that are available upon his normal or deferred retirement dates at least 60 days prior to his normal retirement date.

§ 1-504. Contributions. [Ord. 92-4, 12/31/1992, Art. IV; as amended by Ord. 99-6, 12/9/1999]

1. Contributions of the Employer. It shall be the obligation of the Township to fund the past and future service liability as determined by the actuary. The Township obligation to the Fund will be equal to the amount determined by the actuary to fund the past and future service liability reduced by:
 - A. The anticipated state aid for the following Plan year, and
 - B. Participant contributions anticipated as receivable for the following Plan year.
2. Allocation of Assets of Existing Pension Fund(s). Any assets of any existing Pension Fund for the nonuniformed employees of the Employer are hereby transferred to the Fund established by this Part and shall be applied against the unfunded liability.
3. Mandatory Contribution of the Participants. Effective January 1, 1999, participants shall not be required, nor permitted, to make employee contributions to the plan.

4. Procedure for Employee Waiver of Participation.
 - A. It shall remain the right for any employee to waive his participation in the Plan. Any decision to waive participation must be made in writing and presented to the Employer. The decision to waive participation shall have no effect on the employment status of the employee. Waiver of participation by any employee shall preclude the employee from receiving any benefits under this Plan, except for those benefits accumulated under the provisions of this Plan up to the date of waiver by the employee.
 - B. Any time in which an employee has been eligible for participation in this Plan, but in which the mandatory employee contributions by payroll deduction have not been satisfied, shall not be included in the service years for purposes of calculation of Normal Retirement Benefits.

§ 1-505. Credit for Military Service. [Ord. 92-4, 12/31/1992, Art. V]

Any nonuniformed employee of the Township for at least six months, who thereafter shall be drafted into the military services of the United States, shall have credited to his employment record for the pension benefits all of the time spent by him because of his being drafted into such military service, if such person returns to this employment with the Township within six months after his separation from the services.

§ 1-506. Termination of Fund. [Ord. 92-4, 12/31/1992, Art. VI]

1. Upon termination of the Fund, the assets of the Fund shall be distributed as follows:
 - A. Sufficient funds shall be maintained to provide the pension benefits prescribed in § 1-503 for all Participants who have retired prior to termination of the Fund or who are eligible for retirement at the time of the termination of this Fund.
 - B. Of the remaining funds, those which can be identified as municipality contributions or contributions other than from Participants or from the Commonwealth allocation, shall be distributed as the Supervisors see fit.
2. Termination of the Plan. Whereas, the Township intends that this Plan shall continue in existence the Board of Supervisors may by ordinance terminate the Plan for any reason any time. In case of termination of the Plan, the funds of the Plan shall be used for the exclusive benefit of Participants and contingent annuities under the Plan, except that, if the Employer, because of erroneous actuarial calculations, shall have contributed funds in excess of the amount required to satisfy all liabilities of the Plan for benefits, then such excess shall be returned to the employer.

3. Limitations. The establishment of the Plan shall not be construed as conferring any legal rights upon any employee or other person to a continuation of employment nor shall it interfere with the rights of the Employer to discharge any employee or to treat him without regard to the effect which such treatment might have upon him as a Participant in the Plan.

§ 1-507. Participant's Rights and Municipality's Rights to Terminate. [Ord. 92-4, 12/31/1992, Art. VII]

1. Neither the establishment of the Plan hereby created, nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as giving to any Participant or any other person any legal or equitable gift against the Township, or any officer or employee thereof, or the Committee, except as herein provided. Under no circumstances shall the Fund created hereby constitute a contract for continuing employment for any Participant or in any manner obligate the Municipality to continue or discontinue the services of an employee. Notwithstanding any information that is made available by the Employer, Committee or the Trustee to Participants of the Plan through the distribution of description booklets, bulletin board notices, payroll notices, or oral announcements, and Participant of the Plan may examine the Plan Agreement, the Trust Agreement, and all amendments thereto at the main office of the Employer at such mutually convenient time as is arranged by the Participant and a representative of the Employer, the Committee or the Trustee.
2. This Plan has been established and shall be maintained by the Township in accordance with the laws of the Commonwealth of Pennsylvania. The Plan shall continue for such period as may be required by such laws and should such laws provide that the Municipality may, by its own action, discontinue the Plan, the Municipality reserves the right to take such action in its sole and absolute discretion. Upon termination, the Township shall have no liability hereunder other than that imposed by law.

§ 1-508. Trustee and Investments. [Ord. 92-4, 12/31/1992, Art. VIII]

1. The Trustee. All the funds of this Plan shall be held by a corporate trustee appointed by the Employer, in trust, under a Trust Agreement which shall be a part of this Plan for use in providing the benefits of this Plan and paying any expenses not paid directly by the Employer. No part of the corpus or income of the trust shall be used for or diverted to purposes other than the exclusive benefit of the Participants and contingent annuities of this Plan prior to the satisfaction of all liabilities under this Plan with respect to such persons, with the exception that the funds of this Plan may be used for payment of normal expenses as noted in § 1-502(6) of this Part. No person shall have any interest in or right to any part of the earnings of the trust or any part of the assets thereof, except as and to the extent expressly provided

- in this Plan and in the Trust Agreement. Neither the Employer, the Committee, nor the Board of Supervisors shall have any responsibility for the administration of the trust funds or any liability for any loss with respect thereto.
2. The Trust. The Trust Fund to be created pursuant to this Plan is designed to be and shall be the sole source of the benefits provided under the Plan. The Employer does not guarantee such benefits or payments or assume any obligation with respect thereto other than to pay into the trust fund the contributions provided for in § 1-504, subject to the limitations set forth in said Section.
 3. All investments by the Trustee of the assets of this Fund shall comply with the Pennsylvania Fiduciaries Investment Act of 1949, as amended, and such regulations as the Supervisors shall establish for the purpose of investing such funds.

§ 1-509. Amendments. [Ord. 92-4, 12/31/1992, Art. IX]

1. Amendments.
 - A. The Supervisors reserve the right to amend at any time, in whole or in part, any or all of the provisions of this Part. However, no such amendment shall authorize or permit any part of the Fund to be used or diverted to purposes other than for the exclusive benefit of the Participants, their beneficiaries or their estates. Nor shall any amendment divest a Participant of benefits vested by § 1-503(8) (Vesting). All such amendments shall comply with the applicable statutes of the Commonwealth.
 - B. Subject to the provisions hereinafter set forth, the Board of Supervisors may by ordinance at any time, from time to time, modify or amend, in whole or in part, any or all of the provisions of the Plan and/or Trust Agreement, including the method of financing the Plan provided that:
 - (1) No modification of amendment may be made which would have the effect of depriving any retired Participant or contingent annuitant receiving a retirement benefit of any benefits under the Plan to which he would otherwise be entitled by reason of the accumulated funds held under the Plan at any time, unless such Participant or contingent annuitant consents thereto; and
 - (2) No such modification or amendment shall make it possible for any part of the funds of the Plan to be used for or diverted to purposes other than for the exclusive benefit of Participants and contingent annuitants under the Plan prior to the satisfaction of all liabilities with respect to them.

- (3) No such modification or amendment shall make it possible for the Employer to appoint to the position of Trustee anyone other than a corporate trustee.
- C. Notwithstanding the foregoing, any modification or amendments of the Plan may be made by ordinance, retroactively if necessary, which the Board of Supervisors may deem necessary or appropriate to make the Plan conform to the requirements of any law or governmental regulation now or hereafter enacted or promulgated or to qualify such Plan and the Trust forming a part thereof as exempt under existing or future Federal, State or local income tax or estate tax laws and regulations.

§ 1-510. Nonalienation of Benefits. [Ord. 92-4, 12/31/1992, Art. X]

Spendthrift Provisions. No benefit under the Plan shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge, and any attempt so to do shall be void, except as specifically provided in the Plan, nor shall any such benefits be in any manner liable for or subject to garnishment, attachment, execution, levy, or other legal process for the collection of debts or liable for or subject to the debts, contracts, liabilities, engagements, or torts of the person entitled to such benefit. In the event the Committee shall find that any Participant or contingent annuitant under the Plan has become incompetent, bankrupt, or insolvent or that any attempt has been made to anticipate, alienate, sell, transfer, assign, pledge, encumber, or charge any of his benefits under the Plan, except as specifically provided in the Plan, then such benefit shall cease and terminate and in such event the Trustee shall hold or apply the same to or for the benefit of such Participant or contingent annuitant, his spouse, children, or other dependents, or any of them, in such manner as the Committee may find proper, from time to time.

§ 1-511. Construction of Plan. [Ord. 92-4, 12/31/1992, Art. XI]

1. This Plan shall be construed according to the laws of the Commonwealth of Pennsylvania and all provisions shall be administered according to the laws of such Commonwealth.
2. Whenever any words are used herein in the masculine gender, they shall be construed as though they were also used in the feminine gender in all cases where they would so apply, and whenever any words are used herein in the singular form, they shall be construed as though they were also used in the plural form in all cases where they would so apply.
3. Headings of Sections and paragraphs of this instrument are inserted for convenience of reference. They constitute no part of this Plan and are not to be considered in the construction hereof.

PART 6

ATTORNEY FEES

§ 1-601. Schedule of Fees. [Ord. 97-9, 9/11/1997, § 1; as amended by Ord. 2007-04, 11/8/2007]

A schedule of attorney fees to be assessed, imposed and collected in actions involving collection of municipal claims, reflecting consideration of those factors enumerated in 53 P.S. § 7106(a.1) as amended by Act 1 of 1996, is hereby established, as follows:

- A. No attorney fees shall be assessed, imposed or collected by Allen Township in connection with the preparation, filing or satisfaction of municipal liens which involve no contested or litigated proceedings in any court of competent jurisdiction;
- B. In actions under the general municipal law, including 53 P.S. § 7187 as amended by Act 1 of 1996, for the collection of municipal claims and liens under civil proceedings or a scire facias sur municipal lien proceeding, attorney fees shall be assessed, imposed and collected as follows:
 - (1) In an action brought by the Township seeking judgment upon a lien in which no affidavit of defense is filed by the property owner or otherwise and judgment is obtained without contested proceedings, attorney fees shall be assessed, imposed and collected at an hourly rate to be established, from time to time, by resolution of the Board of Supervisors for all legal services performed, fees in an uncontested proceeding and execution action not to exceed an amount to be established by resolution of the Board of Supervisors, this maximum based upon services involved therein;
 - (2) In a civil or scire facias sur municipal lien proceeding brought by a property owner or party other than the Township in which the property owner or other party asserts a defense to the Township's lien or otherwise challenges or seeks to avoid collection of a municipal claim by the Township, attorney fees shall be assessed, imposed and collected at an hourly rate to be established, from time to time, by resolution of the Board of Supervisors for all legal services performed on behalf of the Township in said proceeding;
 - (3) In a civil or scire facias sur municipal lien proceeding brought by the Township in which the property owner or other party asserts a defense to the Township's lien or otherwise challenges or seeks to avoid collection of a municipal claim by the Township, attorney fees shall be assessed, imposed and collected at an hourly rate to be established by resolution of the Board of Supervisors for all services rendered for the Township in said proceeding;

- (4) In any proceeding at law or in equity brought by a property owner or other third party against the Township seeking to enjoin or avoid a liability to the Township or any of its departments which by law constitutes a municipal lien under 53 P.S. § 7102, et seq., attorney fees shall be assessed, imposed and collected at an hourly rate to be established by resolution of the Board of Supervisors for all legal services performed on behalf of the Township in said proceeding;
- (5) Attorney fees under this schedule shall be assessed and imposed for all legal services provided to and on behalf of the Township in all of the above proceedings in any court, and shall continue to be earned, assessed imposed as to all legal services provided for and on behalf of the Township in any appeal filed by the other party which results in a verdict, award or other resolution more favorable to the Township than that claimed by the property owner or other party to be due;
- (6) This schedule is not intended to establish any duplication in recovery of attorney's fees and reflects a consideration of the time and nature of legal services involved, the skill requisite to properly represent the Township and an hourly rate for services lower than that customarily charged by members of the local bar but which is commensurate with rates paid by the Township for services. In that the Township does not institute scire facias sur municipal liens unless the delinquent sum warrants such an action and the services involved in proceedings to obtain judgment and execution are mandated by statute and rules of procedure without regard to the amount in controversy, the Board of Supervisors finds that the contingency or certainty of compensation is irrelevant to determining a proper fee.

§ 1-602. Collection of Municipal Claims. [Ord. 97-9, 9/11/1997, § 2; as amended by Ord. 2007-04, 11/8/2007]

Where in actions of scire facias sur municipal lien, execution upon judgments or otherwise applicable rules of civil procedure require that all sums sought by the Township be set forth with particularity, sums assessed with regard to collection of municipal claims as attorney fees shall be stated in an amount to be established by resolution of the Board of Supervisors in accordance with § 1-601(B)(1) of this Part, subject and without prejudice to an increase in said attorney fees in the event of contested proceedings subject to § 1-601(B)(2)-(5) of this Part. In all taxes and prior to actual collection of sums for attorney fees, the Township Solicitor or other attorney retained to represent the Township in such matter shall prepare and file with the Township Secretary and the court having jurisdiction over the matter a verified certification which shall describe the services performed, state the time devoted to representation of the Township in the matter and the fees due at the specified approved hourly rate therefore. Upon filing of such certification, the Township by its counsel in the matter shall file in the court having jurisdiction over the matter such documents as may be required to establish the specific sum due for attorney fees, which sum shall be prima facie evidence of the facts averred therein, constitute a lien upon the subject property as provided in amended 53 P.S. § 7106(a)

and be subject to collection together with the municipal claim and other charges, expenses and fees incurred as a result of nonpayment thereof.

PART 7

OPEN RECORDS POLICY

§ 1-701. Open Records Officer. [Res. 2008-011, 12/23/2008]

The Township hereby designates Ilene Eckhart as the Township Open Records Officer. The Open Records Officer may be reached at: Allen Township, 4714 Indian Trail Road, Northampton, PA 18067. Phone: (610) 262-7012; Fax: (610) 262-7364.

§ 1-702. Requests. [Res. 2008-011, 12/23/2008]

Your request should be made in writing addressed to the Open Records Officer on the Standard Right To Know Request Form. This form is available from the Township, or online at the Pennsylvania Right to Know website under "Forms," where the form can be printed. Please mail or drop off your request form. At this time, the Township will not be accepting requests by email.

§ 1-703. Township Grant or Denial of Request. [Res. 2008-011, 12/23/2008]

Some documents contain protected information under the Right to Know Law,³ and these documents, or portions of them, may not be considered public records. The Open Records Officer will send a response to you, in writing, explaining the information required under the law, including any special measure that may be required to protect the Township documents from the possibility of theft, damage, and/or modification; if a denial, the reason for the denial; if more time is required, then the Township shall follow the procedures set forth under the Right to Know Law. You may be required to pay a fee or fees as set forth here below.

§ 1-704. Fees. [Res. 2008-011, 12/23/2008]

You will be required to remit fees to the Township for the costs of your requests. These may include \$0.25 per copy per page per side. The certification of a record cost is \$1 per record. Specialized documents such as blue prints, color copies, nonstandard sized documents, and the like, shall cost the actual amount for the reproduction. If you would like to have documents mailed to you, the cost of postage will also be assessed. If your request will amount to \$100 or more, you will be required to remit the fees in advance. For a list of all other fees, visit online at the Pennsylvania Right to Know website under "Fees."

§ 1-705. Inspection, Retrieval and Duplication. [Res. 2008-011, 12/23/2008]

After the Open Records Officer has communicated to you with regard to your request and fees, you can make arrangements with regard to inspection, retrieval and duplication of any and all documents that are deemed to be public records. If your request does not require any special handling, then the documents can be viewed and/or duplicated at the Municipal Building during established business days and hours, with the exception of any days that the building may be closed. The Open Records Officer will work with you concerning any request that may require

³Editor's Note: See 65 P.S. § 67.101 et seq.

special viewing and/or duplication for any reason, including but not necessarily limited to the size and/or volume of the documents requested.

§ 1-706. Information Regarding Appeals. [Res. 2008-011, 12/23/2008]

1. You must file an appeal within 15 business days of the Township's response or within 15 business days of a deemed denial.
2. You may file an appeal in writing if your written request is denied or deemed denied by the Township.
3. Send the appeal to: Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225.
4. Your written appeal must state the grounds upon which you, the requester, assert that the record(s) requested is/are a public record(s), and you shall state the grounds that the Township has stated for delaying or denying your request.

§ 1-707. Enactment. [Res. 2008-011, 12/23/2008]

The Township intends that this Policy shall implement the Pennsylvania Right to Know Law and if any aspect of the Policy is not consistent or is not included herein, then the Pennsylvania Right to Know Law controls. This policy has been duly enacted by the Board of Supervisors of Allen Township by means of Resolution 2008-011.

PART 8
(RESERVED)⁴

⁴Editor's Note: Former Part 8, Roadway Improvement Fund, adopted by Ord. 2003-03, 3/13/2003, was repealed by Ord. 2016-02, 5/24/2016.

PART 9

OFFICIAL MAP

§ 1-901. Official Map. [Ord. 2000-02, 5/24/2000, § 1]

The map entitled "Official Map of Allen Township, Northampton County, Pennsylvania" which is attached hereto and incorporated herein as Exhibit A⁵ is hereby adopted as the Official Map of Allen Township pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

§ 1-902. Public Roadway Classifications. [Ord. 2000-02, 5/24/2000, § 2]

The Official Map contains certain roadway classifications (arterial, collector, and local), and also reflects corresponding right-of-way widths. All existing roadways, shown on the Official Map, shall be considered public roadways with the delineated public ultimate right-of-way width (unless otherwise specifically indicated).

§ 1-903. Amendments to Official Map. [Ord. 2000-02, 5/24/2000, § 3]

Subsequent to the adoption of this Part and corresponding "Official Map", any roadways, streets, watercourses, public grounds, and additional elements listed in § 401 of the Pennsylvania Municipalities Planning Code, which are a part of a subdivision or land development plan receiving final approval from the Board of Supervisors shall be deemed to be amendments to the Official Map.

§ 1-904. Dedication of Roadways. [Ord. 2000-02, 5/24/2000, § 4]

Any amendment to the Official Map shall not be deemed, in and of itself, to constitute the opening or establishment of any street or roadway nor the taking or acceptance of any land by the Township unless and until the Board of Supervisors specifically accepts dedication of the same. The amendment of the "Official Map" shall not obligate Allen Township to improve or maintain and street or land shown on such amendment. Any roadway or street shown on an amendment to the Official Map and accepted for dedication by the Township shall become a public road with the corresponding right-of-way width as shown thereon.

§ 1-905. Public Roads. [Ord. 2000-02, 5/24/2000, § 5]

The Official Map specifically identifies several future public road rights-of-way. Any land development or subdivision proposed for these properties must provide for the construction of the future public roads as shown on the Official Map, unless an alternate alignment is approved by the Allen Township Board of Supervisors.

§ 1-906. Right-of-Way Widths. [Ord. 2000-02, 5/24/2000, § 6]

Subsequent to the adoption of this Part and Official Map, any subdivision or land development plan submitted to the Township must provide for the right-of-way widths shown on the Official Map. The provided right-of-way widths shall be

⁵Editor's Note: The Official Map of Allen Township is on file in the Township offices.

utilized to calculate yard setbacks, lot sizes, and other dimensional requirements set forth in the applicable Township Ordinances. The Board of Supervisors may, in its sole discretion, reduce the right-of-way width along any road after receiving a written request from the property owner, and determining that unique physical characteristics necessitate such a reduction.

§ 1-907. Pedestrian Trails. [Ord. 2000-02, 5/24/2000, § 7]

The Official Map identifies various pedestrian trails located throughout the Township. Any future subdivision or land development plans submitted to the Township must incorporate the identified pedestrian trails into said plans.

§ 1-908. Public Recreational Uses. [Ord. 2000-02, 5/24/2000, § 8]

The Official Map identifies certain areas of the Township to be reserved for future public recreational uses. Any future subdivision or land development plans submitted to the Township must incorporate the identified recreation areas into said plans.

§ 1-909. Public Water and Sewer. [Ord. 2000-02, 5/24/2000, § 9]

The Official Map identifies future easements and lands required for use by the Allen Township Authority to provide public water and sewer within the Township. Any future subdivision or land development plans submitted to the Township must incorporate the identified easement areas into said plans.

§ 1-910. Stormwater Control. [Ord. 2000-02, 5/24/2000, § 10]

The Official Map identifies certain stormwater control areas located within Allen Township. Any future subdivision or land development plans submitted to the Township must incorporate the identified stormwater control areas into said plans.

§ 1-911. Building Permits. [Ord. 2000-02, 5/24/2000, § 11]

Allen Township shall not issue a permit for any building within the lines of any street, watercourse or public ground shown or laid out on the Official Map or an amendment thereto. Any person who constructs a building or improvements within the lines of any street, watercourse, or public ground identified on the Official Map or an amendment thereto shall be responsible for the removal of the same and shall further not be entitled to any damages whatsoever for the taking of said building or improvements for public use.

§ 1-912. Violations and Penalties. [Ord. 2000-02, 5/24/2000, § 12; as amended by Ord. 2007-04, 11/8/2007]

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.

PART 10

FIRST REGIONAL COMPOST AUTHORITY**§ 1-1001. Creation of Authority. [Ord. 2006-03, 5/23/2006]**

The Supervisors of the Township of Allen hereby signify its intention and desire to organize an Authority under the provisions of the Municipality Authorities Act of 1945 (the Act of May 1945, P.L. 382), as amended, and to do so in allegiance with five municipalities, those of Allen, East Allen, Lehigh, Moore and Bushkill.

§ 1-1002. Articles of Incorporation. [Ord. 2006-03, 5/23/2006]

The Chairman of the Board of Supervisors of Allen Township and the Secretary of the Board of Supervisors are hereby authorized and directed to execute, on behalf of the Township of Allen, Articles of Incorporation for said Authority substantially in the following form:

Articles of Incorporation**To the Secretary of the
Commonwealth of Pennsylvania:**

In compliance with the requirements of the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945," as amended, the governing bodies of the Municipalities of the Townships of Allen, East Allen, Lehigh, Moore and Bushkill, all of Northampton County, Pennsylvania, desiring to incorporate an Authority thereunder, do hereby certify: (a) the name of the Authority is "First Regional Compost Authority"; (b) said Authority is formed under the provisions of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended; (c) no other Authority has been organized under the said Municipality Authorities Act of 1945, or under the Act of June 28, 1935 (Pt 463), and is in existence in or for the Townships of Allen, East Allen, Bushkill, Lehigh and Moore, incorporating Municipalities herein, with the exception of East Allen Township Municipal Authority operating in East Allen Township; (d) names of the incorporating Municipalities and names and addresses of their respective Municipal Authorities are as follows:

- (i) Allen Township, 4714 Indian Trail Road, Northampton, PA 18067.
- (ii) East Allen Township, 5344 Nor-Bath Boulevard., Northampton, PA 18067;
East Allen Township Authority, 5344 Nor-Bath Boulevard., Northampton, PA 18067
- (iii) Lehigh Township, 1069 Municipal Road, Walnutport, PA 18088.
- (iv) Moore Township, 2491 Community Drive, Bath, PA 18014.
- (v) Bushkill Township, 1114 Bushkill Center Road, Nazareth, PA 18064.

All of the above Townships and their respective Authorities are located in the County of Northampton and State of Pennsylvania; (e) the names and addresses and terms of office of the first Members of the Board of said Authority are as follows:

	Name/Address	Term Years
Allen Township	Anthony Czonstak 3550 Howertown Road, Northampton, PA 18067	4
East Allen Township	Deborah A. Seiple 7739 Airport Road, Bath, PA 18014	4
Lehigh Township	Alice Rehrig 1069 Municipal Road, Walnutport, PA 18088	2
Moore Township	Dave Lack 2491 Community Drive, Bath, PA 18014	2
Bushkill Township	Aaron Hook 1114 Bushkill Center Road, Nazareth, PA 18064	1

The terms of office of each of the first Members of the Board of said Authority shall commence on the date of his or her appointment and shall be computed from June 1, 2006; (f) said Authority is organized for the purpose of implementing a regional yard waste recycling program and to create a yard waste facility to provide yard waste recycling to the member Municipalities, and for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, all the land and/or equipment used in and necessary for the yard waste recycling facility, and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, pursuant to the Municipality Authorities Act of 1945, as amended; (g) the Ordinance authorizing the creating of said Authority, certified from the record of the incorporating Municipality, together with proofs of publication of notice of intention to file these Articles of Incorporation with the Secretary of the Commonwealth of Pennsylvania, are each submitted herewith.

In witness whereof, the undersigned have executed these Articles of Incorporation on behalf of the Township respectively set by its officers, and have caused to be affixed hereto the seals hereof this 23rd day of May, 2006.

§ 1-1003. Purpose. [Ord. 2006-03, 5/23/2006]

The Authority shall be for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning or leasing, either in the capacity of lessor or lessee, land, facilities and equipment necessary to implement a regional yard waste recycling program and to create a yard waste facility to provide yard waste recycling to the member Municipalities.

§ 1-1004. Members. [Ord. 2006-03, 5/23/2006]

The first member of the Board of said Authority named to represent this Township in the Articles of Incorporation set forth above is hereby specifically appointed a member of said Board on behalf of this Township for the term of office set after his/her respective name, which term shall commence on the date of appointment as shall be computed from June 1, 2006.

§ 1-1005. Publication. [Ord. 2006-03, 5/23/2006]

The proper officers of this Township are hereby directed, as required by the said Municipality Authorities Act of 1945, as amended, to cause a notice of adoption of this Part and of the intention to file with the Secretary of the Commonwealth said Articles of Incorporation to be published one time in the Northampton County Reporter, a legal periodical at Northampton County, Pennsylvania, and one time in a newspaper published and of general circulation in Northampton County, Pennsylvania, to file with the Secretary of the Commonwealth the Articles of Incorporation, together with the required proofs of publication of notice of this Part and notice of intention to file the Articles of Incorporation, together with a certified copy of this Part, and to execute and perform any and all official acts and to pay the fees and costs necessary and appropriate to effect the Incorporation of the Authority.

ADMINISTRATION AND GOVERNMENT

1 Attachment 1

Township of Allen

**Public Record Request Form
Exhibit A**

Upon receipt of a written request for access to a record, the Township of Allen shall make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request, but shall not exceed five business days from the date the written request is received. If the Township fails to send the response within five business days of receipt of the request for access, the written request for access shall be deemed denied.

Exceptions to the five-day response period will be made, up to 30 additional days, for the following reasons:

- A. Redaction of a public record is requested.
- B. Retrieval of a record stored in a remote location.
- C. Bona fide and specified staffing limitations.
- D. A legal review is necessary to determine whether the record is a public record subject to access under 65 P.S. §66.1 et seq.
- E. Requestor has not complied with policy regarding access to records.
- F. Requestor refuses to pay applicable fees set forth. (Cost per copy \$ ____)

Please print or write legibly (use back if more room is needed).

Date of Request _____ Phone/Fax # _____

Name of Requestor _____

Address _____

Records requested: _____

CHAPTER 2

ANIMALS

PART 1

KEEPING OF DOGS

- §2-101. Running at Large**
- §2-102. Barking Dogs**
- §2-103. Defecation on Public or Private Property**
- §2-104. Accumulation of Excreta**
- §2-105. Violations and Penalties**

PART 1
KEEPING OF DOGS

§2-101. Running at Large.

It shall be unlawful for the owner of any dog or any other person responsible to said owner, whether the dog bears a proper license tag or not, to permit such dog to run at large upon the outdoor area of any public or private property in Allen Township.

(Ord. 2005-04, 2/10/2005)

§2-102. Barking Dogs.

1. It shall be unlawful for any person to confine a dog in an open air enclosure, including a fenced yard, where its barking may disturb the quiet of the neighborhood after 10:00 p.m. or before 6:00 a.m., prevailing time. Said dog shall be confined within a relatively soundproof building with closed doors and windows during those hours.
2. It shall be unlawful for any owner or persons responsible to said owner to permit the continual daylight barking of any dog or dogs. Continued daylight barking shall mean the barking of any dog for a continuing period of 30 seconds or more on three or more occasions during any twenty-minute period.

(Ord. 2005-04, 2/10/2005)

§2-103. Defecation on Public or Private Property.

It shall be unlawful for any person owning, keeping or walking any dog to permit his or her dog to discharge such animal's excreta upon any public or private property within Allen Township, other than the property of the owner of such dog, if such person does not immediately thereafter remove and clean up such animal's excreta from the public or private property.

(Ord. 2005-04, 2/10/2005)

§2-104. Accumulation of Excreta.

It shall be unlawful for the owner of any dog to permit the accumulation of excreta from such dog in a pen or enclosure, including a yard or at any place within Allen Township where such accumulation creates a threat to the health of any person or the odor therefrom pollutes the air inhaled by any neighbor or other person.

ANIMALS

(Ord. 2005-04, 2/10/2005)

§2-105. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 2005-04, 2/10/2005)

CHAPTER 3
RESERVED

CHAPTER 4
RESERVED

CHAPTER 5
CODE ENFORCEMENT

PART 1

INTERNATIONAL PROPERTY MAINTENANCE CODE

- §5-101. Adoption of Property Maintenance Code**
- §5-102. Amendments, Additions and Deletions**
- §5-103. Repealer**
- §5-104. Construal of Provisions**
- §5-105. Violations and Penalties**

PART 2

UNIFORM CONSTRUCTION CODE

- §5-201. Local Enforcement Option**
- §5-202. Adoption of Standards**
- §5-203. Administration and Enforcement**
- §5-204. Board of Appeals**
- §5-205. Effect on Prior Provisions**
- §5-206. Effect on Prior Fire Codes**
- §5-207. Other Provisions**
- §5-208. Fees**

PART 1

INTERNATIONAL PROPERTY MAINTENANCE CODE

§5-101. Adoption of Property Maintenance Code.

A certain document, three copies of which are on file in the office of the Zoning Officer of Allen Township, being marked and designated as the International Property Maintenance Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Allen, in the Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township of Allen are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-102 of this Part.

(Ord. 2009-01, 2/24/2009)

§5-102. Amendments, Additions and Deletions.

The following sections of the International Property Maintenance Code of 2006 are hereby revised:

Section 101.1.	Insert "Township of Allen, Northampton County"
Section 103.5.	Delete in its entirety
Section 302.4.	Insert "12 inches"
Section 304.14.	Insert "April 1st to November 1st"
Section 602.3.	Insert "September 15th to May 15th"
Section 602.4.	Insert "September 15th to May 15th"

(Ord. 2009-01, 2/24/2009)

§5-103. Repealer.

Ordinance No. 2002-04 of Allen Township entitled "Property Maintenance Code" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Ord. 2009-01, 2/24/2009)

CODE ENFORCEMENT

§5-104. Construal of Provisions.

Nothing in this Part or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 5-103 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 2009-01, 2/24/2009)

§5-105. Violations and Penalties.

1. Any person, partnership, or corporation who or which has violated any of the provisions of this Part, upon being found liable therefor in a criminal enforcement proceeding commenced by the Township, in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall pay a judgment of not more than \$1,000 plus all court costs plus 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 separation 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 the violation continues shall constitute a separate violation.
2. The Court of Common Pleas, upon petition of the violator, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained herein 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. 2009-01, 2/24/2009)

PART 2

UNIFORM CONSTRUCTION CODE

§5-201. Local Enforcement Option.

Allen Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101 to 7210.1103, as amended from time to time, and the regulations promulgated thereunder.

(Ord. 2004-08, 6/24/2004)

§5-202. Adoption of Standards.

The Uniform Construction Code, contained in 34 PaCode, Chapters 401 to 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of Allen Township.

(Ord. 2004-08, 6/24/2004)

§5-203. Administration and Enforcement.

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

- A. By the designation of an employee of Allen Township to serve as the municipal code official to act on behalf of Allen Township.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Allen 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 Allen 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. 2004-08, 6/24/2004)

CODE ENFORCEMENT

§5-204. Board of Appeals.

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

(Ord. 2004-08, 6/24/2004)

§5-205. Effect on Prior Provisions.

All building codes or portions of codes previously adopted are hereby repealed except that the following provisions which were adopted by Allen Township prior to July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

(Ord. 2004-08, 6/24/2004)

§5-206. Effect on Prior Fire Codes.

Concerning the Fire Code portion of the Uniform Construction Code, all code ordinances or portions of ordinances which were adopted by Allen Township on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time. Any ordinances or portions of ordinances currently in effect whose requirements are less than the minimum requirements of the Code are hereby amended to conform to the comparable provisions of the Code.

(Ord. 2004-08, 6/24/2004)

§5-207. Other Provisions.

All relevant ordinances, regulations and policies of Allen Township not governed by the Code shall remain in full force and effect.

(Ord. 2004-08, 6/24/2004)

§5-208. Fees.

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

(Ord. 2004-08, 6/24/2004)

CHAPTER 6

RESERVED

CHAPTER 7
FIRE PREVENTION AND FIRE PROTECTION

PART 1

FIRES AND OPEN BURNING

- §7-101. Title**
- §7-102. Purpose**
- §7-103. Definitions**
- §7-104. Prohibition**
- §7-105. Allowable Open Burning**
- §7-106. Sundays and Commercial Burning**
- §7-107. Open Burning Bans**
- §7-108. Offensive Burning**
- §7-109. Burning of Waste**
- §7-110. Attendance**
- §7-111. Additional Regulations**
- §7-112. Violations and Penalties**

PART 2

EMERGENCY ACCESS LOCK BOXES

- §7-201. Requirements and Recommendations**
- §7-202. Approval and Inspection of Lock Boxes**
- §7-203. Lock Box Location and Contents**
- §7-204. Violations and Penalties; Severability; Repealer; Administrative Liability**

PART 1

FIRES AND OPEN BURNING

§7-101. Title.

This Part shall be known and may be referred to as the “Allen Township Open Burning Ordinance.”

(Ord. 2000-01, 4/13/2000, §1)

§7-102. Purpose.

This Part is being adopted to promote the public health, safety and welfare within Allen Township; and to secure the safety of persons and property within the Township by regulating open burning and providing penalties for the violation of such regulations.

(Ord. 2000-01, 4/13/2000, §2)

§7-103. Definitions.

BONFIRE — an outdoor fire utilized for ceremonial purposes.

COMMERCIAL BURNING — the burning of any materials for profit, or the burning of any materials, at a commercial site, associated with the business, trade, or profession being conducted on that site.

OPEN BURNING — the burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

PERSON — any individual, organization, corporation, partnership, government, agency, association or other legal or commercial entity.

RECREATIONAL FIRE — an outdoor fire utilized to cook food for human consumption.

(Ord. 2000-01, 4/13/2000, §3)

FIRE PREVENTION AND FIRE PROTECTION

§7-104. Prohibition.

It shall be unlawful for any person to cause or allow open burning within the municipal boundaries of Allen Township except as is provided for in this Part.

(Ord. 2000-01, 4/13/2000, §4)

§7-105. Allowable Open Burning.

1. Open burning shall be allowed in the following instances without obtaining a permit from the Allen Township Fire Company:
 - A. Burning of house hold papers or paper in a contained container no larger than a 55-gallon drum or a three by three foot by three foot pit.
 - B. Any recreational fire, the sole purpose of which is to cook or prepare food, provided that said fire is confined in a fireproof container.
 - C. Any fire maintained solely for the purpose of firefighter training by the Allen Township Volunteer Fire Company, Allen Township, it's successors and assigns, provided however, that said burning shall not be permitted after sunset.
2. Open burning shall be allowed in the following instances only after a permit is obtained from the Allen Township. No fee shall be charged for the issuance of a permit.
 - A. Open burning for recognized silvicultural or range or wildlife management practices.
 - B. Open burning for prevention or control of disease or pests.
 - C. Bonfires for ceremonial purposes, provided that the Board of Supervisors receives written notice and issues an approval at least three days prior to the date of the bonfire. [Ord. 2000-4]

(Ord. 2000-01, 4/13/2000, §5; as amended by Ord. 2000-04, 9/14/2000, §1)

§7-106. Sundays and Commercial Burning.

No open burning requiring a permit shall be permitted on Sundays unless specific permission is obtained from the Township. Open burning for profit, commonly known as "commercial burning," shall not be permitted.

(Ord. 2000-01, 4/13/2000, §6)

§7-107. Open Burning Bans.

At the order of the Township, with the recommendation of the fire company, all open burning shall cease immediately due to dry conditions which could cause a threat to the community. Any such prohibition will be published in a newspaper of local circulation. In addition, any open burning ban instituted by the County of Northampton shall supersede the provisions of this Part.

(Ord. 2000-01, 4/13/2000, §7)

§7-108. Offensive Burning.

The fire company shall prohibit open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The fire company shall order the extinguishment, by the permit holder or the fire company, of any open burning which creates or adds to a hazardous or objectionable situation.

(Ord. 2000-01, 4/13/2000, §8)

§7-109. Burning of Waste.

Open burning shall not be utilized for waste disposal purposes, shall be of the minimum size for the intended purpose, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

(Ord. 2000-01, 4/13/2000, §9)

§7-110. Attendance.

Any open burning shall be constantly attended until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two portable fire extinguishers with a minimum 2-A rating each, or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

(Ord. 2000-01, 4/13/2000, §10)

§7-111. Additional Regulations.

In addition to the regulations and conditions for burning contained herein: the Air Pollution Control Act of the Commonwealth of Pennsylvania, P.L. 2119 and the provisions and conditions contained therein as well as regulations of the Department of Environ-

FIRE PREVENTION AND FIRE PROTECTION

mental Protection of the Commonwealth of Pennsylvania, as they pertain to said act, are incorporated in this Part as if the same were set forth here in length.

(Ord. 2000-01, 4/13/2000, §11; as amended by Ord. 2007-04, 11/8/2007)

§7-112. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 2000-01, 4/13/2000, §12; as amended by Ord. 2007-04, 11/8/2007)

PART 2

EMERGENCY ACCESS LOCK BOXES

§7-201. Requirements and Recommendations.

1. General Requirement. An approved emergency access lock box shall be installed on the outside of all new buildings in the Township. However, a lock box is not required to be installed on single-family and two-family dwellings, or multifamily dwellings which have no enclosed common areas (i.e., no lock box is required for a multifamily dwelling which consists entirely of individual dwellings), or agricultural buildings, or on accessory buildings related to those dwellings or buildings.
2. Renovated or Expanded Buildings. If a building would be required by subsection (1) to have an approved emergency access lock box but for the fact that the building is not new, and if the building is thereafter expanded or otherwise renovated or repaired in a way which requires a building permit from the Township, the building shall at that time be equipped with an approved emergency access lock box.
3. Recommendation for Existing Buildings. An approved emergency access lock box is recommended for all existing buildings in the Township which are equipped with an automatic fire suppression system, an automatic fire detection system, or a medical emergency alarm system.
4. Recommendation for Additional Buildings and Structures. An approved emergency access lock box is recommended for all buildings and structures in the Township that will require access with a key during a fire or medical emergency or any other emergency situation.

(Ord. 2005-11, 6/28/2005)

§7-202. Approval and Inspection of Lock Boxes.

1. Written Approval. Whenever this Part would require the installation of an approved emergency access lock box, written approval of a proposed emergency access lock box shall be obtained from the Department's Fire Chief or the Fire Chief's designee before an emergency access lock box is installed.
2. Occupancy Permit. No occupancy permit shall be issued for any building in the Township which is required to have an approved emergency access lock box until such a lock box has been installed for that building.
3. Responsibility. It shall be the responsibility of the owner, lessee, tenant, occupant or other party in control of a building, jointly or severally, to assume all costs and obligations associated with the purchase and installation of an approved emer-

FIRE PREVENTION AND FIRE PROTECTION

agency access lock box required by this Part. Further, they shall all, jointly or severally, be responsible to maintain the lock box in good condition, and to ensure that all keys and information in the lock box are correct.

4. Inspection. The Department will have the right to periodically inspect property in the Township for:
 - A. Proper maintenance of the lock box.
 - B. Visibility of the lock box.
 - C. Accessibility of the lock box.
 - D. Proper contents of the lock box.

(Ord. 2005-11, 6/28/2005)

§7-203. Lock Box Location and Contents.

1. Location. An approved emergency access lock box required by this Part shall be installed on the outside of the building or structure, in a location approved by the Department's Fire Chief or the Fire Chief's designee. Written approval of a proposed location for a lock box shall be obtained from the Fire Chief or the Fire Chief's designee before a lock box is installed.
2. Contents. The contents of an approved emergency access lock box shall include all of the following, unless any of the items are deemed unnecessary by the Department's Fire Chief or the Fire Chief's designee:
 - A. Keys to the building or structure, including keys to the exterior and interior doors, except for the doors to individual residences within a multifamily building (if a master key is available, then it shall be provided to eliminate multiple keys);
 - B. Keys to mechanical and equipment rooms;
 - C. Keys to elevator controls;
 - D. Keys to specific areas as required and deemed necessary by the Fire Chief or the Fire Chief's designee;
 - E. Keys necessary for the control of a fire protection system; and
 - F. A list of names and contact numbers of three people familiar with the building or structure who may be contacted in an emergency.

(Ord. 2005-11, 6/28/2005)

§7-204. Violations and Penalties; Severability; Repealer; Administrative Liability.

1. **Penalty.** Any person who violates a provision of this Part or fails to comply with any of its requirements shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and subject to a written warning for a person's first infraction. Each day during which any violation continues after a written warning has been served shall be deemed a separate offense. Increased civil fines may be imposed for repeat violations of this Part; a "repeat violation" means a municipal civil infraction violation committed by a person within any twelve-month period after the issuance of a written warning to that person and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:
 - A. The fine for any offense which is a first repeat offense shall be \$25, plus costs and other sanctions; and
 - B. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$50, plus costs and other sanctions. The Township Manager is designated as the authorized Township official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction notices (directing alleged violators to appear at the Township offices).
2. **Severability and Captions.** This Part and its various parts, sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Part shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Part.
3. **Repeal.** All resolutions, ordinances or orders in conflict in whole or in part with any of the provisions of this Part are, to the extent of such conflict, repealed.
4. **Administrative Liability.** No officer, agent, employer or Board member of the Township shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Part.

(Ord. 2005-11, 6/28/2005; as amended by Ord. 2009-02, 3/12/2009)

CHAPTER 8
STORMWATER MANAGEMENT

PART 1
FLOODPLAIN MANAGEMENT

- A. General Provisions.**
- § 8-100. Statutory Authorization.
- § 8-101. Intent.
- § 8-102. Applicability.
- § 8-103. Abrogation and Greater Restrictions.
- § 8-104. Severability.
- § 8-105. Warning and Disclaimer of Liability.
- B. Administration.**
- § 8-111. Designation of Floodplain Administrator.
- § 8-112. Permits Required.
- § 8-113. Duties and Responsibilities of the Floodplain Administrator.
- § 8-114. Application Procedures and Requirements.
- § 8-115. Review by County Conservation District.
- § 8-116. Review of Application by Others.
- § 8-117. Changes.
- § 8-118. Placards.
- § 8-119. Start of Construction.
- § 8-120. Enforcement; Violations and Penalties.
- § 8-121. Appeals.
- C. Identification of Floodplain Areas.**
- § 8-131. Identification.
- § 8-132. Description and Special Requirements of Identified Floodplain Areas.
- § 8-133. Changes in Identification of Area.
- § 8-134. Boundary Disputes.
- § 8-135. Jurisdictional Boundary Changes.
- D. Technical Provisions.**
- § 8-141. General.
- § 8-142. Elevation and Floodproofing Requirements.
- § 8-143. Design and Construction Standards.

- § 8-144. Development Which May Endanger Human Life.
- § 8-145. Special Requirements for Subdivisions and Development.
- § 8-146. Special Requirements for Manufactured Homes.
- § 8-147. Special Requirements for Recreational Vehicles.
- E. Prohibited Activities.
 - § 8-151. General.
- F. Existing Structures in Identified Floodplain Areas.
 - § 8-161. Existing Structures.
 - § 8-162. Improvements.
- G. Variances.
 - § 8-171. General.
 - § 8-172. Variance Procedures and Conditions.
- H. Definitions.
 - § 8-181. General.
 - § 8-182. Specific Definitions.

PART 2

STORMWATER MANAGEMENT AND TECHNICAL PROVISIONS

- A. General Provisions.
 - § 8-201. Statement of Findings.
 - § 8-202. Purpose.
 - § 8-203. Statutory Authority.
 - § 8-204. Applicability.
 - § 8-205. Exemptions.
 - § 8-206. Severability.
 - § 8-207. Compatibility With Other Ordinance Requirements.
 - § 8-208. Duty of Persons Engaged in Development of Land.
- B. Definitions.
 - § 8-209. Definitions.
- C. Stormwater Management Requirements.
 - § 8-221. General Requirements.
 - § 8-222. Stormwater Management Districts.

- § 8-223. Stormwater Management District Implementation Provisions.
- § 8-223.1. Natural or Man-made Channels or Swales.
- § 8-224. Calculation Methodology.
- § 8-225. Permit Requirements by Other Government Agencies.
- § 8-226. Erosion and Sediment Control During Regulated Earth Disturbance Activities.
- § 8-227. Water Quality Requirements.
- § 8-228. Post Construction Recharge Volume Criteria.
- § 8-229. Stormwater Infiltration Requirements.
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- D. Storm Drainage System Requirements.
- § 8-231. General Requirements.
- § 8-232. Collection System Design.
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- E. Drainage Plan Requirements.
- § 8-241. General Requirements.
- § 8-242. Exemptions.
- § 8-243. Drainage Plan Contents.
- § 8-244. Plan Submission.
- § 8-245. Drainage Plan Review.
- § 8-246. Modification of Plans.
- § 8-247. Hardship Waiver Procedure.
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- F. Inspections.
- § 8-251. Schedule of Inspections.
-
- G. Fees and Expenses.
- § 8-261. General.
- § 8-262. Expenses Covered by Fees.
- § 8-263. Duplication of Fees.
-
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PART 1
FLOODPLAIN MANAGEMENT

A. General Provisions.

§ 8-100. Statutory Authorization. [Ord. 2014-03, 6/12/2014]

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978,¹ delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizens.

§ 8-101. Intent. [Ord. 2014-03, 6/12/2014]

The intent of this Part is to:

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

§ 8-102. Applicability. [Ord. 2014-03, 6/12/2014]

- 1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Allen Township unless a permit has been obtained from the floodplain administrator.
- 2. A permit shall not be required for minor repairs to existing buildings or structures.

§ 8-103. Abrogation and Greater Restrictions. [Ord. 2014-03, 6/12/2014]

This Part supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions or regulations shall remain in full force and effect to the extent that those provisions are more

¹Editor's Note: See 32 P.S. § 679.101 et seq.

restrictive. If there is any conflict between any of the provisions of this Part and other regulations, the more restrictive shall apply.

§ 8-104. Severability. [Ord. 2014-03, 6/12/2014]

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

§ 8-105. Warning and Disclaimer of Liability. [Ord. 2014-03, 6/12/2014]

1. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.
2. This Part shall not create liability on the part of Allen Township or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

B. Administration.

§ 8-111. Designation of Floodplain Administrator. [Ord. 2014-03, 6/12/2014]

1. The Zoning Officer is hereby appointed to administer and enforce this Part and is referred to herein as the "floodplain administrator." The floodplain administrator may A) fulfill the duties and responsibilities set forth in these regulations, B) delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or C) enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.
2. In the absence of a designated floodplain administrator, the floodplain administrator duties are to be fulfilled by the Allen Township Chair of the Board of Supervisors.

§ 8-112. Permits Required. [Ord. 2014-03, 6/12/2014]

A permit shall be required before any construction or development is undertaken within any area of Allen Township.

§ 8-113. Duties and Responsibilities of the Floodplain Administrator. [Ord. 2014-03, 6/12/2014]

1. The floodplain administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
2. Prior to the issuance of any permit, the floodplain administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended);² the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended);³ the Pennsylvania Clean Streams Act (Act 1937-394, as amended);⁴ and the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.
3. In the case of existing structures, prior to the issuance of any development permit, the floodplain administrator shall review the history of repairs to the subject building, so that any repetitive loss concerns can be addressed before the permit is issued.
4. During the construction period, the floodplain administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
5. In the discharge of his/her duties, the floodplain administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Part.
6. In the event the floodplain administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the floodplain administrator shall revoke the permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
7. The floodplain administrator shall maintain in perpetuity all records associated with the requirements of this Part, including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
8. The floodplain administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.

²Editor's Note: See 35 P.S. § 750.1 et seq.

³Editor's Note: See 32 P.S. § 693.1 et seq.

⁴Editor's Note: See 35 P.S. § 691.1 et seq.

9. The responsibility, authority and means to implement the commitments of the floodplain administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the Floodplain Ordinance as the floodplain administrator/manager.
10. The floodplain administrator shall consider the requirements of the 34 Pa. Code and the 2009 International Building Code and the 2009 International Residential Code or latest revisions thereof.

§ 8-114. Application Procedures and Requirements. [Ord. 2014-03, 6/12/2014]

1. Application for such a permit shall be made, in writing, to the floodplain administrator on forms supplied by Allen Township. Such application shall contain the following:
 - A. The name and address of the applicant.
 - B. The name and address of the owner of the land on which proposed construction is to occur.
 - C. The name and address of the contractor.
 - D. The site location, including address.
 - E. A listing of other permits required.
 - F. A brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the floodplain administrator to determine that:
 - A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this Part and all other applicable codes and ordinances;
 - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards;

- D. Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - E. Building materials are flood-resistant;
 - F. Appropriate practices that minimize flood damage have been used; and
 - G. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the floodplain administrator to make the above determination:
- A. A completed permit application form.
 - B. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale, and date;
 - (2) Topographic contour lines, if available;
 - (3) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - (4) The location of all existing streets, drives, and other accessways; and
 - (5) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.
 - C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale, showing the following:
 - (1) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
 - (2) The elevation of the base flood.
 - (3) Supplemental information as may be necessary under 34 Pa. Code, the 2009 International Building Code or the 2009 International Residential Code.
 - D. The following data and documentation:

- (1) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
- (2) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and floodway area (see § 8-132A), when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.
- (3) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (see § 8-132B), when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point within the community.
- (4) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
- (5) Detailed information needed to determine compliance with § 8-143F, Storage, and § 8-144, Development Which May Endanger Human Life, including:
 - (a) The amount, location and purpose of any materials or substances referred to in §§ 8-143F and 8-144 which are intended to be used, produced, stored or otherwise maintained on site.
 - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 8-144 during a base flood.
- (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

4. Applications for permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the floodplain administrator.

§ 8-115. Review by County Conservation District. [Ord. 2014-03, 6/12/2014]

A copy of all applications and plans for any proposed construction or development in any identified floodplain area 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 permit. The recommendations of the Conservation District shall be considered by the floodplain administrator for possible incorporation into the proposed plan.

§ 8-116. Review of Application by Others. [Ord. 2014-03, 6/12/2014]

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the floodplain administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.

§ 8-117. Changes. [Ord. 2014-03, 6/12/2014]

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

§ 8-118. Placards. [Ord. 2014-03, 6/12/2014]

In addition to the permit, the floodplain administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit and the date of its issuance and be signed by the floodplain administrator.

§ 8-119. Start of Construction. [Ord. 2014-03, 6/12/2014]

1. Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the floodplain administrator.
2. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of

streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

§ 8-120. Enforcement; Violations and Penalties. [Ord. 2014-03, 6/12/2014]

1. Notices. Whenever the floodplain administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part or of any regulations adopted pursuant thereto, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - A. Be in writing.
 - B. Include a statement of the reasons for its issuance.
 - C. Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires.
 - D. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state.
 - E. Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Part.
2. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the floodplain administrator or any other authorized employee of the municipality shall be guilty of a summary offense and upon conviction shall pay a fine to Allen Township of not less than \$25 nor more than \$600, plus costs of prosecution. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of or noncompliance with this Part shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to

correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this Part may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

§ 8-121. Appeals. [Ord. 2014-03, 6/12/2014]

1. Any person aggrieved by any action or decision of the floodplain administrator concerning the administration of the provisions of this Part, may appeal to the Allen Township Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the floodplain administrator.
2. Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the Pennsylvania Municipalities Planning Code and any other appropriate local ordinance.
3. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.

(NOTE: Granting of a municipal appeal will not relieve a landowner or a municipality from the obligation to comply with the minimum requirements of the National Flood Insurance Program. Landowners and municipalities that fail to meet the program's minimum requirements, notwithstanding any appellate decision to the contrary, are in violation of the National Flood Insurance Program and remain subject to the accompanying penalties.)

C. Identification of Floodplain Areas.

§ 8-131. Identification. [Ord. 2014-03, 6/12/2014]

1. The identified floodplain area shall be:
 - A. Any areas of Allen Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated July 16, 2014, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study; and
 - B. Any community-identified flood hazard areas.
2. The above-referenced FIS and FIRMs and any subsequent revisions and amendments are hereby adopted by Allen Township and are incorporated by reference into this Part.

§ 8-132. Description and Special Requirements of Identified Floodplain Areas. [Ord. 2014-03, 6/12/2014]

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

- A. The floodway area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.
 - (1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
 - (1) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

- D. Community-identified flood hazard areas shall be those areas where Allen Township has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

(NOTE: While the floodplain ordinance regulations will apply to all development proposed within a community-identified flood hazard area, only those areas identified as special flood hazard area on the FIRM will require mandatory flood insurance.)

§ 8-133. Changes in Identification of Area. [Ord. 2014-03, 6/12/2014]

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the special flood hazard area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See § 8-141, Subsection 2, for situations where FEMA notification is required.

§ 8-134. Boundary Disputes. [Ord. 2014-03, 6/12/2014]

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

§ 8-135. Jurisdictional Boundary Changes. [Ord. 2014-03, 6/12/2014]

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

D. Technical Provisions.

§ 8-141. General. [Ord. 2014-03, 6/12/2014]

1. Alteration or Relocation of Watercourse.
 - A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.

- B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.
 - C. In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
2. When a community proposes to permit the following encroachments: any development that causes a rise in the base flood elevations within the floodway; or any development occurring in Zone A and Zone AE without a designated floodway which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the applicant shall (as per 44 CFR 65.12):
- A. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
 - B. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.
 - C. Upon completion of the proposed encroachments, a community shall provide as-built certifications (provided by the applicant). FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
3. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances and regulations.
4. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.

§ 8-142. Elevation and Floodproofing Requirements. [Ord. 2014-03, 6/12/2014]

1. Residential Structures. Within any identified floodplain area, any new construction or substantial improvements shall be prohibited. If a variance is obtained for new construction or substantial improvements in the identified floodplain area in accordance with the criteria in Subpart G of this Part, then the following provisions apply:

- A. In AE Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to the regulatory flood elevation (e.g., base flood elevation plus 1 1/2 feet of freeboard).
 - B. In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to the base flood elevation plus 1 1/2 feet of freeboard, determined in accordance with § 8-132C of this Part.
 - C. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code Chapters 401 through 405, as amended, shall be utilized, where they are more restrictive.
2. Nonresidential Structures.
- A. In AE Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - (1) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - (2) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - B. In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to or above the regulatory flood elevation determined in accordance with § 8-132C of this Part.
 - C. Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

- D. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code Chapters 401 through 405, as amended, shall be utilized, where they are more restrictive.
3. Space Below the Lowest Floor.
- A. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - B. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
4. Historic Structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement, as defined in this Part, must comply with all within requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific within requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the within requirements will be the minimum necessary to preserve the historic character and design of the structure.
5. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry but shall comply, at a minimum, with the following requirements:
- A. The structure shall not be designed or used for human habitation but shall be limited to the parking of vehicles or to the storage of tools, material, and equipment related to the principal use or activity.
 - B. Floor area shall not exceed 200 square feet.

- C. The structure will have a low damage potential.
- D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- E. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation plus 1 1/2 feet.
- F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
- G. Sanitary facilities are prohibited.
- H. The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 8-143. Design and Construction Standards. [Ord. 2014-03, 6/12/2014]

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

- A. Fill. If fill is used, it shall:
 - (1) Extend laterally at least 15 feet beyond the building line from all points;
 - (2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;
 - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - (4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the floodplain administrator; and

- (5) Be used to the extent to which it does not adversely affect adjacent properties.
- B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Water and Sanitary Sewer Facilities and Systems.
 - (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - (3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - (4) The design and construction provisions of the UCC and FEMA No. 348, "Protecting Building Utilities From Flood Damages," and "The International Private Sewage Disposal Code" shall be utilized.
- D. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in § 8-144, Development Which May Endanger Human Life, shall be stored at or above the regulatory flood elevation plus 1 1/2 feet and/or floodproofed to the maximum extent possible.
- G. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below 1 1/2 feet above the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings.

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

J. Paints and Adhesives.

- (1) Paints and other finishes used at or below 1 1/2 feet above the regulatory flood elevation shall be of marine or water-resistant quality.
- (2) Adhesives used at or below 1 1/2 feet above the regulatory flood elevation shall be of a marine or water-resistant variety.
- (3) All wooden components (doors, trim, cabinets, etc.) used at or below 1 1/2 feet above the regulatory flood elevation shall be finished with a marine or water-resistant paint or other finishing material.

K. Electrical Components.

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

L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

- M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- N. Uniform Construction Code Coordination. The standards and specifications contained in 34 Pa. Code Chapters 401 through 405, as amended, and not limited to the following provisions shall apply to the above and other sections and subsections of this Part, to the extent that they are more restrictive and supplement the requirements of this Part:
- (1) International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612 and 3402 and Appendix G.
 - (2) International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109 and R322, Appendix E, and Appendix J.

§ 8-144. Development Which May Endanger Human Life. [Ord. 2014-03, 6/12/2014]

1. In accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage, or use of any amount of radioactive substances shall be prohibited. If a variance is obtained, the development shall be subject to the provisions of this section, in addition to all other applicable provisions. The following is a list of materials and substances that are considered dangerous to human life:

Acetone
Ammonia
Benzene
Calcium carbide
Carbon disulfide
Celluloid
Chlorine
Hydrochloric acid
Hydrocyanic acid
Magnesium
Nitric acid and oxides of nitrogen
Pesticides (including insecticides, fungicides, and rodenticides)

Petroleum products (gasoline, fuel oil, etc.)

Phosphorus

Potassium

Radioactive substances, insofar as such substances are not otherwise regulated

Sodium

Sulphur and sulphur products

2. Within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection 1 above shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
3. Within any floodway area, any structure of the kind described in Subsection 1 above shall be prohibited. Where permitted within any identified floodplain area, any new or substantially improved residential structure of the kind described in Subsection 1 above shall be elevated to remain completely dry up to at least 1 1/2 feet above base flood elevation and built in accordance with §§ 8-141, 8-142 and 8-143.
4. New or substantially improved nonresidential structures.
 - A. Where permitted within any identified floodplain area, any new or substantially improved nonresidential structure of the kind described in Subsection 1 above shall be built in accordance with §§ 8-141, 8-142 and 8-143, including:
 - (1) Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above base flood elevation; and
 - (2) Designed to prevent pollution from the structure or activity during the course of a flood up to the base flood elevation.
 - B. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972, as amended March 1992) or with some other equivalent watertight standard.

§ 8-145. Special Requirements for Subdivisions and Development. [Ord. 2014-03, 6/12/2014]

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in identified floodplain areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a

format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§ 8-146. Special Requirements for Manufactured Homes. [Ord. 2014-03, 6/12/2014]

1. Within any identified floodplain area, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Subpart G, then the following provisions apply:
 - A. Placed on a permanent foundation;
 - B. Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation; and
 - C. Anchored to resist flotation, collapse, or lateral movement; and
 - D. Have all ductwork and utilities including HVAC/heat pump elevated to the regulatory flood elevation.
2. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's "Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto, and 34 Pa. Code Chapters 401 through 405 shall apply.
3. Consideration shall be given to the installation requirements of the 2009 IBC and the 2009 IRC or the most recent revisions thereto and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturer's standards for anchoring cannot be provided or were not established for the proposed units' installation.

§ 8-147. Special Requirements for Recreational Vehicles. [Ord. 2014-03, 6/12/2014]

Recreational vehicles in Zones A and AE must either a) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or b) meet the permit requirements for manufactured homes in § 8-146.

E. Prohibited Activities.

§ 8-151. General. [Ord. 2014-03, 6/12/2014]

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood

Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

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

F. Existing Structures in Identified Floodplain Areas.

§ 8-161. Existing Structures. [Ord. 2014-03, 6/12/2014]

The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 8-162 shall apply.

§ 8-162. Improvements. [Ord. 2014-03, 6/12/2014]

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area/district that would cause any increase in base flood elevation.
- B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the base flood elevation more than one foot at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.
- D. The above activity shall also address the requirements of the 34 Pa. Code, as amended, and the 2009 IBC and the 2009 IRC.

- E. Within any floodway area/district (see § 8-132A), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- F. Within any AE Area/District without floodway (see § 8-132B), no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- G. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- H. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Part.

G. Variances.

§ 8-171. General. [Ord. 2014-03, 6/12/2014]

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

§ 8-172. Variance Procedures and Conditions. [Ord. 2014-03, 6/12/2014]

- 1. Requests for variances shall be considered by the Allen Township Zoning Hearing Board in accordance with the procedures contained in § 8-121 and the following:
 - A. No variance shall be granted for any construction, development, use, or activity within any floodway area/district that would cause any increase in the base flood elevation.
 - B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the base flood elevation more than one foot at any point.
 - C. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by prohibited activities (Subpart E) or to development which may endanger human life (§ 8-144).

- D. If granted, a variance shall involve only the least modification necessary to provide relief.
 - E. In granting any variance, the Allen Township Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare and to achieve the objectives of this Part.
 - F. Whenever a variance is granted, the Allen Township Zoning Hearing Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - G. In reviewing any request for a variance, the Allen Township Zoning Hearing Board shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense nor create nuisances, cause fraud on, or victimize the public or conflict with any other applicable state or local ordinances and regulations.
 - H. A complete record of all variance requests and related actions shall be maintained by Allen Township. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.
2. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of withstanding the one-percent-annual-chance flood.

H. Definitions.

§ 8-181. General. [Ord. 2014-03, 6/12/2014]

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

§ 8-182. Specific Definitions. [Ord. 2014-03, 6/12/2014]

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

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

BASE FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood" or one-percent-annual-chance flood).

BASE FLOOD DISCHARGE — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zone AE that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor below ground level on all sides.

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

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

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

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

FLOOD — A temporary inundation of normally dry land areas.

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

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

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

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

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

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

HISTORIC STRUCTURES — Any structure that is:

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

IDENTIFIED FLOODPLAIN AREA — This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the special flood hazard area on the Flood Insurance Rate Maps and Flood Insurance Study but may include additional areas identified by the community. See §§ 8-131 and 8-132 for the specifics on what areas the community has included in the identified floodplain area.

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

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

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

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective start date of this Floodplain Management Ordinance and includes any subsequent improvements to such structures. Any construction started after May 19, 1981, and before the effective start date of this Floodplain Management Ordinance is subject to the ordinance in effect at the time the permit was issued, provided that the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is

completed on or after the effective date of floodplain management regulations adopted by a community.

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

POST-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM) dated 5/19/1981, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated 5/19/1981, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck;
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet.

REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zones A and AE.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within 12 months

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

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

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.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

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

TOP-OF-BANK — The water surface elevation of a stream or water body above which water flows over the (terrestrial) land and into the floodplain, normally characterized by a consistent inflection in the average slope of the stream bank/shoreline of greater than 10 degrees along a given reach or section.

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

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

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

PART 2**STORMWATER MANAGEMENT AND TECHNICAL PROVISIONS****A. General Provisions.****§ 8-201. Statement of Findings. [Ord. 98-3, 2/25/1998, Art. I, § 101; as amended by Ord. 2007-03, 7/12/2007]**

The Board of Supervisors of Allen 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, changes the natural hydrologic patterns, destroys aquatic habitat, elevates aquatic pollutant concentrations and loadings, 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 and loss of natural infiltration, is fundamental to the public health, safety and welfare and the protection of the residents of the Township and all of the residents of the Commonwealth, their resources and the environment.
- C. Stormwater can be an important resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- D. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- E. Federal and State regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).
- F. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Township.

§ 8-202. Purpose. [Ord. 98-3, 2/25/1998, Art. I, § 102; as amended by Ord. 2007-03, 7/12/2007]

The purpose of this Part is to promote the public health, safety and welfare within the Township by minimizing the damages and maximizing the benefits described in § 8-201 of this Part by provisions designed to:

- A. Manage stormwater runoff impacts at their source by regulating activities which cause such problems.
- B. Utilize and preserve the desirable existing natural drainage systems.
- C. Encourage infiltration of stormwater, where appropriate, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources.
- D. Maintain the existing flows and quality of streams and watercourses in the Township and the Commonwealth.
- E. Preserve and restore the flood-carrying capacity of streams.
- F. Provide for proper maintenance of all permanent stormwater management BMPs that are implemented in the Township.
- G. Provide review procedures and performance standards for stormwater planning, design and management.
- H. Manage stormwater impacts close to the runoff source which requires a minimum of structures and relies on natural processes.
- I. Meet legal water quality requirements under State law, including regulations at 25 PA Code Chapter 93.4a to protect and maintain "existing uses" and maintain the level of water quality to support those uses in all streams and to protect and maintain water quality in "special protection" streams.
- J. Prevent scour and erosion of stream banks and streambeds.
- K. Provide standards to meet the NPDES permit requirements.

§ 8-203. Statutory Authority. [Ord. 98-3, 2/25/1998, Art. I, § 103]

The Allen Township is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), the "Stormwater Management Act" and the Act of the 1968 General Assembly No. 247, the "Pennsylvania Municipalities Planning Code."

§ 8-204. Applicability. [Ord. 98-3, 2/25/1998, Art. I, § 104; as amended by Ord. 2005-06, 3/22/2005; and by Ord. 2007-03, 7/12/2007]

1. This Part shall apply to the entire Township, with the exception of work performed by Allen Township and to property owned by Allen Township.
2. The following activities are defined as regulated activities and shall be governed by this Part:
 - A. Land development.
 - B. Subdivision.
 - C. Construction of new or additional impervious surfaces (driveways, parking lots, etc.)
 - D. Construction of new buildings or additions to existing buildings.
 - E. Diversion or piping of any natural or man-made stream channel.
 - F. Installation of stormwater systems or appurtenances thereto.
 - G. Regulated earth disturbance activities.

§ 8-205. Exemptions. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

1. Impervious Cover. Any proposed regulated activity, except those defined in § 8-204(2)(E), (F), and (G), which would create 10,000 square feet or less of additional impervious cover, is exempt from the drainage plan preparation provisions of this Part. All of the impervious cover added incrementally to a site above the initial 10,000 square feet shall be subject to the drainage plan preparation provisions of this Part. If a site has previously received an exemption and is proposing additional development such that the total impervious cover on the site exceeds 10,000 square feet, the total impervious cover on the site proposed since the original Part date must meet the provisions of this Part.
 - A. The date of the adoption of the original Act 167 Stormwater Management Ordinance, February 28, 1998, shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered.
 - B. For development taking place in stages, the entire development plan must be used in determining conformance with these criteria.
 - C. Additional impervious cover shall include, but not be limited to, additional indoor living spaces, decks, patios, garages, driveways, storage sheds and similar structures, any roof, parking or driveway

areas and any new streets and sidewalks constructed as part of or for the proposed regulated activity.

- D. Any additional areas proposed to initially be gravel, crushed stone, porous pavement, etc., shall be assumed to be impervious for the purposes of comparison to the exemption criteria. Any existing gravel, crushed stone, or hard-packed soil areas on a site shall be considered as pervious cover for the purpose of exemption evaluation.
2. **Prior Drainage Plan Approval.** Any regulated activity for which a drainage plan was previously prepared as part of a subdivision or land development proposal that received preliminary plan approval from the Township prior to the effective date of this Part is exempt from the drainage plan preparation provisions of this Part, except as cited in Subsection (3), provided that the approved drainage plan included design of stormwater facilities to control runoff from the site currently proposed for regulated activities consistent with ordinance provisions in effect at the time of approval and the approval has not lapsed under the Municipalities Planning Code. If significant revisions are made to the drainage plan after both the preliminary plan approval and the effective date of this Part, preparation of a new drainage plan, subject to the provisions of this Part, shall be required. Significant revisions would include a change in control methods or techniques, relocation or redesign of control measures or changes necessary because soil or other conditions are not as stated on the original drainage plan.
3. These exemptions shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, property and state water quality requirements. These measures include adequate and safe conveyance of stormwater on the site and as it leaves the site. These exemptions do not relieve the applicant from the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.
4. No exemptions shall be provided for regulated activities as defined in § 8-204(2)(E), (F), and (G).

§ 8-206. Severability. [Ord. 98-3, 2/25/1998, Art. I, § 106]

Should any Section or provision of this Part be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Part.

§ 8-207. Compatibility With Other Ordinance Requirements. [Ord. 98-3, 2/25/1998, Art. I, § 107]

Approvals issued pursuant to this Part do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.

§ 8-208. Duty of Persons Engaged in Development of Land. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

Notwithstanding any provisions of this Part, including exemption and waiver provisions, any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required to manage the rate, volume, direction and quality of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

B. Definitions.

§ 8-209. Definitions. [Ord. 98-3, 2/25/1998, Art. II; as amended by Ord. 2005-06, 3/22/2005]

ACCELERATED EROSION — The removal of the surface of the land through the combined action of human activities and natural processes, at a rate greater than would occur because of the natural process alone.

BEST MANAGEMENT PRACTICE (BMP) — Activities, facilities, measures or procedures used to manage stormwater quantity and quality impacts from the regulated activities listed in § 8-204, to meet State water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this Part.

BEST MANAGEMENT PRACTICE OPERATIONS AND MAINTENANCE PLAN — Documentation, included as part of a drainage plan, detailing the proposed BMPs, how they will be operated and maintained and who will be responsible.

BIORETENTION — Densely vegetated, depressed features that store stormwater and filter it through vegetation, mulch, planting soil, etc. Ultimately stormwater is evapotranspired, infiltrated or discharged. Optimal bioretention areas mimic natural forest ecosystems in terms of species diversity, density, distribution, use of native plants, etc.

BOARD OF SUPERVISORS — The Board of Supervisors (BOS) of the Township of Allen, Northampton County.

BUFFER —

- A. **STREAMSIDE BUFFER** — A zone of variable width located along a stream that is vegetated and is designed to filter pollutants from runoff.
- B. **SPECIAL GEOLOGIC FEATURE BUFFER** — A required isolation distance from a special geologic feature to a proposed BMP needed to reduce the risk of sinkhole formation due to stormwater management activities.

CAPTURE/REUSE — Stormwater management techniques such as cisterns and rain barrels which direct runoff into storage devices, surface or subsurface, for later re-use, such as for irrigation of gardens and other planted areas. Because this stormwater is utilized and no pollutant discharge results, water quality performance is superior to other non-infiltration BMPs.

CARBONATE BEDROCK — Rock consisting chiefly of carbonate minerals, such as limestone and dolomite; specifically a sedimentary rock composed of more than 50% by weight of carbonate minerals that underlies soil or other unconsolidated, superficial material.

CISTERN — An underground reservoir or tank for storing rainwater.

CLOSED DEPRESSION — A distinctive bowl-shaped depression in the land surface. It is characterized by internal drainage, varying magnitude and an unbroken ground surface.

CONSERVATION DISTRICT — The Lehigh or Berks County Conservation District, as applicable.

CONSTRUCTED WETLANDS — Constructed wetlands are similar to wet ponds (see below) and consist of a basin which provides for necessary stormwater storage as well as a permanent pool or water level, planted with wetland vegetation. To be successful, constructed wetlands must have adequate natural hydrology (both runoff inputs as well as soils and water table which allow for maintenance of a permanent pool of water). In these cases, the permanent pool must be designed carefully, usually with shallow edge benches, so that water levels are appropriate to support carefully selected wetland vegetation.

CULVERT — A pipe, conduit or similar structure, including appurtenant works which carries surface water.

DAM — An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

DEP — The Pennsylvania Department of Environmental Protection (formerly the Pennsylvania Department of Environmental Resources).

DESIGN STORM — The depth and time distribution of precipitation from a storm event measured in probability of occurrence (e.g., fifty-year storm) and duration (e.g., twenty-four-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/APPLICANT — A person, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity as defined in § 8-204 of this Part.

DEVELOPMENT SITE — The specific tract of land for which a regulated activity is proposed.

DIFFUSE DRAINAGE — See "Sheet flow."

DRAINAGE EASEMENT — A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

DRAINAGE PLAN — The documentation of the proposed stormwater quantity and quality management controls to be used for a given development site, including a BMP Operations and Maintenance Plan, the contents of which are established in § 8-232.

EARTH DISTURBANCE ACTIVITY — A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling or storing of soil, rock or earth materials.

EXISTING USES — Those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards. (25 Pa. Code Chapter 93.1)

FILL — Man-made deposits of natural soils or rock products and waste materials.

FILTER STRIPS — See "Vegetated Buffers."

EROSION — The removal of soil particles by the action of water, wind, ice, or other geological agents.

FREEBOARD — The incremental depth of a stormwater management structure, provided as a safety factor of design, above that required to control or convey the design runoff event.

GROUNDWATER RECHARGE — Replenishment of existing natural underground water supplies.

HARDSHIP WAIVER REQUEST — A written request for a waiver alleging that the provisions of this Part inflict unnecessary hardship upon the applicant. Waivers from the water quality provisions of this Part shall not be granted.

HOT SPOT LAND USES — A land use or activity that generates higher concentrations of hydrocarbons, trace metals or other toxic substances than typically found in stormwater runoff. These land uses are listed in § 8-224(16).

IMPERVIOUS SURFACE (IMPERVIOUS COVER) — A surface which prevents the percolation of water into the ground.

INFILTRATION PRACTICE — A practice designed to direct runoff into the ground, e.g. French drain, seepage pit, seepage trench or bioretention area.

INFILTRATION STRUCTURE — A structure designed to direct runoff into the ground, e.g., French drain, seepage pit or seepage trench.

KARST — A type of topography or landscape characterized by depressions, sinkholes, limestone towers and steep-sided hills, underground drainage and caves. Karst is usually formed on carbonate rocks, such as limestones or dolomites and sometimes gypsum.

LAND DEVELOPMENT — The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings, or the division or allocation of land or space 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; a subdivision of land.

LOADING RATE — The ratio of the land area draining to the system, as modified by the weighting factors in § 8-227(2), compared to the base area of the infiltration system.

LOCAL RUNOFF CONVEYANCE FACILITIES — Any natural channel or man-made conveyance system which has the purpose of transporting runoff from the site to the mainstem.

LOW-IMPACT DEVELOPMENT — A development approach that promotes practices that will minimize post-development runoff rates and volumes thereby minimizing needs for artificial conveyance and storage facilities. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces and protecting natural depression storage.

MAINSTEM (MAIN CHANNEL) — Any stream segment or other conveyance in a Single Release Rate, Dual Release Rate or Conditional No Detention I subarea used as a reach in any D.E.P. approved Act 167 study area hydrologic model. In Conditional No Detention II subareas the main channel is the Lehigh River.

MANNING EQUATION (MANNING FORMULA) — A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow

and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

MARYLAND STORMWATER DESIGN MANUAL — A stormwater design manual written by the Maryland Department of the Environment and the Center for Watershed Protection. As of January 2004, the manual can be obtained through the following web site: www.mde.state.md.us.

MINIMUM DISTURBANCE/MINIMUM MAINTENANCE PRACTICES (MD/MM) — A site design practice in which careful limits are placed on site clearance prior to development allowing for maximum retention of existing vegetation (woodlands and other), minimum disturbance and compaction of existing soil mantle and minimum site application of chemicals post-development. Typically, MD/MM includes disturbance setback criteria from buildings as well as related site improvements such as walkways, driveways, roadways and any other improvements. These criteria may vary by community context as well as by type of development being proposed. Additionally, MD/MM also shall include provisions (e.g., deed restrictions, conservation easements) to protect these areas from future disturbance and from application of fertilizers, pesticides and herbicides.

MUNICIPALITY — Allen Township, Northampton County, Pennsylvania.

NO-HARM OPTION — The option of using a less-restrictive runoff quantity control if it can be shown that adequate and safe runoff conveyance exists and that the less-restrictive control would not adversely affect health, safety and property.

NPDES — National Pollutant Discharge Elimination System.

NRCS — Natural Resource Conservation Service - U.S. Department of Agriculture. (Formerly the Soil Conservation Service.)

OIL/WATER SEPARATOR — A structural mechanism designed to remove free oil and grease (and possibly solids) from stormwater runoff.

OUTFALL — "Point source" as described in 40 CFR § 122.2 at the point where the municipality's storm sewer system discharges to surface waters of the Commonwealth.

PEAK DISCHARGE — The maximum rate of flow of storm runoff at a given point and time resulting from a specified storm event.

PENN STATE RUNOFF MODEL (PSRM) — The computer-based hydrologic modeling technique used in previous Act 167 Plans. PSRM was also updated to include water quality modeling capabilities and renamed PSRM-QUAL. The PSRM and PSRM-QUAL calculation methodologies were used as the basis for writing the WATERSHED model.

PERSON — An individual, partnership, public or private association or corporation, or a governmental unit, public utility or other for or not-for-profit statutory entity or other legal entity whatsoever which is recognized by law as the subject of rights and duties.

POINT SOURCE — Any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pa. Code § 92.1.

PRELIMINARY SITE INVESTIGATION — The determination of the depth to bedrock, the depth to the seasonal high water table and the soil permeability for a possible infiltration location on a site through the use of published data and onsite surveys. In carbonate bedrock areas, the location of special geologic features must also be determined along with the associated buffer distance to the possible infiltration area. See Appendix G.⁵

PUBLIC WATER SUPPLIER — A person who owns or operates a public water system.

PUBLIC WATER SYSTEM — A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. (See 25 Pa. Code Chapter 109)

QUALIFIED GEOTECHNICAL PROFESSIONAL — A licensed professional geologist or a licensed professional engineer who has a background or expertise in geology or hydrogeology.

RATIONAL METHOD — A method of peak runoff calculation using a standardized runoff coefficient (rational "c"), acreage of tract and rainfall intensity determined by return period and by the time necessary for the entire tract to contribute runoff. The rational formula is stated as follows: $Q = ciA$, where "Q" is the calculated peak flow rate in cubic feet per second, "c" is the dimension less runoff coefficient (see Appendix C⁶), "i" is the rainfall intensity in inches per hour, and "A" is the area of the tract in acres.

REACH — Any natural or man-made runoff conveyance channels used for modeling purposes to connect subareas and transport flows downstream.

REGULATED ACTIVITIES — Actions or proposed actions which impact upon proper management of stormwater runoff and which are governed by this Part as specified in § 8-204.

REGULATED EARTH DISTURBANCE ACTIVITIES — Earth disturbance activity other than agricultural plowing or tilling of one acre or more with a point source discharge to surface waters or to the municipality's storm sewer

⁵Editor's Note: Appendix G is included at the end of this Chapter.

⁶Editor's Note: Appendix C is included at the end of this Chapter.

system or earth disturbance activity of five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part or during any stage of a larger common plan of development.

RELEASE RATE — The percentage of the pre-development peak rate of runoff for a development site to which the post-development peak rate of runoff must be controlled to avoid peak flow increases throughout the watershed.

RETURN PERIOD — The average interval in years over which an event of a given magnitude can be expected to recur. For example, the twenty-five-year return period rainfall or runoff event would be expected to recur on the average once every 25 years.

ROAD MAINTENANCE — Earth disturbance activities within the existing road cross-section such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

RUNOFF — That part of precipitation which flows over the land.

SCS — The former Soil Conservation Service, U.S. Department of Agriculture now known as the NRCS.

SEDIMENT TRAPS/CATCH BASIN SUMPS — A chamber which provides storage below the outlet in a storm inlet to collect sediment, debris and associated pollutants, typically requiring periodic clean out.

SEEPAGE PIT/SEEPAGE METHOD — An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

SHEET FLOW — Stormwater runoff flowing in a thin layer over the ground surface.

SOIL-COVER-COMPLEX METHOD — A method of runoff computation developed by NRCS which is based upon relating soil type and land use/cover to a runoff parameter called a Curve Number.

SPECIAL GEOLOGIC FEATURES — Carbonate bedrock features, including but not limited to closed depressions, existing sinkholes, fracture traces, lineaments, joints, faults, caves and pinnacles, which may exist and must be identified on a site when stormwater management BMPs are being considered.

SPILL PREVENTION AND RESPONSE PROGRAM — A program that identifies procedures for preventing and, as needed, cleaning up potential spills and makes such procedures known and the necessary equipment available to appropriate personnel.

STATE WATER QUALITY REQUIREMENTS — As defined under State regulations, protection of designated and existing uses (see 25 Pa. Code Chapters 93 and 96), including:

- A. Each stream segment in Pennsylvania has a designated use, such as "cold water fishes" or "potable water supply," which are listed in Chapter 93. These uses must be protected and maintained, under State regulations.
- B. Existing uses are those attained as of November 1975, regardless of whether they have been designated in Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams and to protect and maintain water quality in special protection streams.
- C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

STORAGE INDICATION METHOD — A method of routing or moving an inflow hydrograph through a reservoir or detention structure. The method solves the mass conservation equation to determine an outflow hydrograph as it leaves the storage facility.

STORM DRAINAGE PROBLEM AREAS — Areas which lack adequate stormwater collection and/or conveyance facilities and which present a hazard to persons or property. These areas are either documented in Appendix B⁷ of this Part or identified by the Township or Township engineer.

STORM SEWER — A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

STORMWATER — The surface runoff generated by precipitation reaching the ground surface.

⁷Editor's Note: Appendix C is included at the end of this Chapter.

STORMWATER FILTERS — Any number of structural mechanisms such as multi-chamber catch basins, sand/peat filters, sand filters and so forth which are installed to intercept stormwater flow and remove pollutants prior to discharge. Typically, these systems require periodic maintenance and clean out.

STORMWATER MANAGEMENT PLAN — Any plan for managing stormwater runoff adopted by Northampton County for a Watershed as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Stormwater Management Act."

STREAM — A watercourse.

SUBAREA — The smallest unit of watershed breakdown for hydrologic modeling purposes for which the runoff control criteria have been established in the Stormwater Management Plan.

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, transfer of ownership or building or lot development.

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

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

TECHNICAL BEST MANAGEMENT PRACTICE MANUAL AND INFILTRATION FEASIBILITY REPORT, NOVEMBER 2002 — The report written by Cahill Associates that addresses the feasibility of infiltration in carbonate bedrock areas in the Little Lehigh Creek Watershed. The report is available at the LVPC offices.

TOWNSHIP — Allen Township, Northampton County.

TRASH/DEBRIS COLLECTORS — Racks, screens or other similar devices installed in a storm drainage system to capture coarse pollutants (trash, leaves, etc.).

VEGETATED BUFFERS — Gently sloping areas that convey stormwater as sheet flow over a broad, densely vegetated earthen area, possibly coupled with the use of level spreading devices. Vegetated buffers should be situated on minimally disturbed soils, have low-flow velocities and extended residence times.

VEGETATED ROOFS — Vegetated systems installed on roofs that generally consist of a waterproof layer, a root-barrier, drainage layer (optional), growth media, and suitable vegetation. Vegetated roofs store and eventually evapotranspire the collected rooftop rainfall; overflows may be provided for larger storms.

VEGETATED SWALES — Broad, shallow, densely vegetated, earthen channels designed to treat stormwater while slowly infiltrating, evapotranspiring, and conveying it. Swales should be gently sloping with low flow velocities to prevent erosion. Check dams may be added to enhance performance.

WATERCOURSE — Any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER QUALITY INSERTS — Any number of commercially available devices that are inserted into storm inlets to capture sediment, oil, grease, metals, trash, debris, etc.

WATERSHED — The entire region or area drained by a river or other body of water, whether natural or artificial.

WATERSHED — The computer-based hydrologic modeling technique adapted to the Little Lehigh Creek Watershed for the Act 167 Plan. This model was written by Tarsi Software Laboratories and uses the same algorithms found in the Penn State Runoff Quality Model (PSRM-QUAL). The model has been calibrated to reflect actual flow values by adjusting key model input parameters.

WET DETENTION PONDS — A basin that provides for necessary stormwater storage as well as a permanent pool of water. To be successful, wet ponds must have adequate natural hydrology (both runoff inputs as well as soils and water table which allow for maintenance of a permanent pool of water) and must be able to support a healthy aquatic community so as to avoid creation of mosquito and other health and nuisance problems.

C. Stormwater Management Requirements.

§ 8-221. General Requirements. [Ord. 98-3, 2/25/1998, Art. III, § 301; as amended by 2005-06, 3/22/2005; and by Ord. 2007-03, 7/12/2007]

1. All regulated activities in the Township shall be subject to the stormwater management requirements of this Part.
2. Storm drainage systems shall be provided to permit unobstructed flow in natural watercourses except as modified by stormwater detention facilities,

- recharge facilities, water quality facilities, pipe systems or open channels consistent with this Part.
3. The existing locations of concentrated drainage discharge onto adjacent property shall not be altered without written approval of the affected property owner(s).
 4. Areas of existing diffused drainage discharge onto adjacent property shall be managed such that, at minimum, the peak diffused flow does not increase in the general direction of discharge, except as otherwise provided in this Part. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that there are adequate downstream conveyance facilities to safely transport the concentrated discharge to the point of predevelopment flow concentration, to the stream reach or otherwise prove that no harm will result from the concentrated discharge. Areas of existing diffused drainage discharge shall be subject to any applicable release rate criteria in the general direction of existing discharge whether they are proposed to be concentrated or maintained as diffused drainage areas.
 5. Where a site is traversed by watercourses other than those for which a one-hundred-year floodplain is defined by the Township, there shall be provided drainage easements conforming substantially with the line of such watercourses. The width of any easement shall be adequate to provide for unobstructed flow of storm runoff based on calculations made in conformance with § 8-224 for the one-hundred-year return period runoff and to provide a freeboard allowance of 0.5 foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic maintenance of the easement to ensure proper runoff conveyance shall be required. Watercourses for which the one-hundred-year floodplain is formally defined are subject to the applicable Township floodplain regulations.
 6. When it can be shown that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning Equation.
 7. Post construction BMPs shall be designed, installed, operated, and maintained to meet the requirements of the Clean Streams Law and implementing regulations, including the established practices in 25 Pa. Code Chapter 102 and the specifications of this Part as to prevent accelerated erosion in watercourse channels and at all points of discharge.
 8. No earth disturbance activities associated with any regulated activities shall commence until approval by the Township of a plan which demonstrates compliance with the requirements of this Part.

9. Techniques described in Appendix F⁸ (Low Impact Development) of this Chapter are encouraged because they reduce the costs of complying with the requirements of this Part and the State Water Quality Requirements.
10. Infiltration for stormwater management is required where soils and geology permit, consistent with the provisions of this Part and, where appropriate, the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D.⁹

§ 8-222. Stormwater Management Districts. [Ord. 98-3, 2/25/1998, Art. III, § 302; as amended by Ord. 2007-03, 7/12/2007]

1. Mapping of Stormwater Management Districts. To implement the provisions of the Pennsylvania Department of Environmental Protection approved Stormwater Management Plans (and plan update), the Township is hereby divided into Stormwater Management Districts consistent with the Release Rate Maps presented in the plan update. The boundaries of the Stormwater Management Districts are shown on official maps which are available for inspection at the Township office. Copies of the official maps at a reduced scale are included in Appendix A¹⁰ for general reference.
2. Description of Stormwater Management Districts. Two types of Stormwater Management Districts may be applicable to the Township, namely Conditional/Provisional No Detention Districts and Dual Release Rate Districts as described below.
 - A. Conditional/Provisional No Detention Districts. Within these districts, the capacity of the local runoff conveyance facilities (as defined in § 8-211) must be calculated to determine if adequate capacity exists. For this determination, the developer must calculate peak flows assuming that the site is developed as proposed and that the remainder of the local watershed is in the existing condition. The developer must also calculate peak flows assuming that the entire local watershed is developed per current zoning and that all new development would use the runoff controls specified by this Part. The larger of the two peak flows calculated will be used in determining if adequate capacity exists. If adequate capacity exists to safely transport runoff from the site to the main channel (as defined in § 8-211), these watershed areas may discharge post-development peak runoff without detention facilities. If the capacity calculations show that the local runoff conveyance facilities lack adequate capacity, the developer shall either use a 100% release rate control or provide increased capacity of downstream elements to convey increased peak flows consistent with § 8-223(13). Any capacity improvements must be designed to convey runoff from development of all areas tributary to the improvement

⁸Editor's Note: Appendix F is included at the end of this Chapter.

⁹Editor's Note: Appendix D is included at the end of this Chapter.

¹⁰Editor's Note: Appendix A is included at the end of this Chapter.

consistent with the capacity criteria specified in § 8-223(3). By definition, a storm drainage problem area associated with the local runoff conveyance facilities indicates that adequate capacity does not exist. Sites in these districts are still required to meet all of the water quality requirements in § 8-227, § 8-228 and § 8-229.

- B. Dual Release Rate Districts. Within these districts, the two-year post-development peak discharge must be controlled to 30% of the predevelopment two-year runoff peak. Further, the ten-, twenty-five-, and one-hundred-year post-development peak runoff must be controlled to 100% of the pre-development peak.

§ 8-223. Stormwater Management District Implementation Provisions.
[Ord. 98-3, 2/25/1998, Art. III, § 303; as amended by Ord. 2005-06, 3/22/2005;
and by Ord. 2007-03, 7/12/2007]

1. Any stormwater management controls required by this Part and subject to single release rate criteria shall meet the applicable release rate criteria for each of the two-, ten-, twenty-five-, and one-hundred-year return period runoff events consistent with the calculation methodology specified in § 8-224. Stormwater management controls intended to meet the Dual Release Rate (30%/100%) criteria shall also be designed consistent with § 8-224.
2. The exact location of the Stormwater Management District boundaries as they apply to a given development site shall be determined by mapping the boundaries using the two-foot topographic contours provided as part of the drainage plan. The district boundaries as originally drawn coincide with topographic divides or, in certain instances, are drawn from the intersection of the watercourse and a physical feature such as the confluence with another watercourse or a potential flow obstruction (e.g., road, culvert, bridge, etc.). The physical feature is the downstream limit of the subarea and the subarea boundary is drawn from that point upslope to each topographic divide along the path perpendicular to the contour lines.
3. Any downstream capacity analysis conducted in accordance with this Part shall use the following criteria for determining adequacy for accepting increased peak flow rates:
 - A. Natural or man-made channels or swales must be able to convey the increased runoff associated with a two-year return period event within their banks at velocities consistent with protection of the channels from erosion.
 - B. Natural or man-made channels or swales must be able to convey the increased twenty-five-year return period runoff peak within their banks or otherwise not create any hazard to persons or property.
 - C. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must have sufficient

capacity to pass or convey the increased flows associated with the twenty-five-year return period runoff event, except for facilities located within a designated floodplain area which must be capable of passing or conveying the one-hundred-year return period runoff. Any facilities which constitute stream enclosures per D.E.P.'s Chapter 105 regulations shall be designed to convey the one-hundred-year return period runoff.

4. For a proposed development site located within only one release rate category subarea, the total runoff from the site shall meet the applicable release rate criteria. For development sites with multiple directions of runoff discharge, individual drainage directions may be designed for up to a 100% release rate so long as the total runoff from the site is controlled to the applicable release rate.
5. For a proposed development site located within two or more release category subareas, the peak discharge rate from any subarea shall be the pre-development peak discharge for that subarea multiplied by the applicable release rate. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea. An exception to the above may be granted if discharges from multiple subareas re-combine in proximity to the site. In this case, peak discharge in any direction may be a 100% release rate provided that the overall site discharge meets the weighted average release rate.
6. For proposed development sites located partially within a release rate category area and partially within a provisional or conditional no detention area, in no event shall a significant portion of the site area subject to the release rate control be drained to the discharge point(s) located in the no detention area.
7. Within a release rate category area, for a proposed development site which has areas which drain to a closed depression(s), the design release from the site will be the lesser of (a) the applicable release rate flow assuming no closed depression(s) or (b) the existing peak flow actually leaving the site. In cases where (b) would result in an unreasonably small design release, the design discharge of less than or equal to the release rate will be determined by the available downstream main channel calculated using § 8-223 criteria.
8. Off-site areas which drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site site drainage facilities shall be designed to safely convey off-site flows through the development site, and provide easements for this flow.
9. Where the area to be impacted by a proposed development activity differs significantly from the total development area, only the proposed impact area shall be subject to the release rate criteria.

10. Development proposals which, through groundwater recharge or other means, do not increase the rate or volume of runoff discharged from the site are not subject to the release rate provisions of the Part.
11. No-Harm Water Quantity Option.
 - A. For any proposed development site not located in a Conditional/Provisional No Detention District, the developer has the option of using a less restrictive runoff control (including no detention) if the developer can prove that special circumstances exist for the proposed development site and that "no harm" would be caused by discharging at a higher runoff rate than that specified by the plan. Special circumstances are defined as any hydrologic or hydraulic aspects of the development itself not specifically considered in the development of the plan runoff control strategy. Proof of "no harm" would have to be shown from the development site through the remainder of the downstream drainage network to the confluence of the creek with the Lehigh River. Proof of "no harm" must be shown using the capacity criteria specified in § 8-223(3) if downstream capacity analysis is a part of the "no harm" justification. Attempts to prove "no harm" based upon downstream peak flow versus capacity analysis shall be governed by the following provisions:
 - (1) The peak flow values to be used for downstream areas for the design return period storms (two-, ten-, twenty-five-, and one-hundred-year) shall be the values from the calibrated PSRM Model for the Watershed or as calculated by an applicant using an alternate method acceptable to the Township. The flow values from the PSRM Model would be supplied to the developer by the Township upon request.
 - (2) Any available capacity in the downstream conveyance system as documented by a developer may be used by the developer only in proportion to his development site acreage relative to the total upstream undeveloped acreage from the identified capacity (i.e., if his site is 10% of the upstream undeveloped acreage, he may use up to 10% of the documented downstream available capacity).
 - (3) Developer-proposed runoff controls which would generate increased peak flow rates at storm drainage problem areas would, by definition, be precluded from successful attempts to prove "no harm", except in conjunction with proposed capacity improvements for the problem areas consistent with § 8-223(13).
 - B. Any "no harm" justifications shall be submitted by the developer as part of the Drainage Plan submission per Subpart E. Developers

submitting "no harm" justifications must still meet all of the water quality requirements in § 8-227, § 8-228 and § 8-229.

12. Regional Detention Alternatives. For certain areas within the study area, it may be more cost-effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of prospective developers. The design of any regional control basins must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined on a case-by-case basis using the hydrologic model of the watershed consistent with protection of the downstream watershed areas. "Hydrologic model" refers to the calibrated version of the Penn State Runoff Model as developed for the Stormwater Management Plan.
13. Capacity Improvements. In certain instances, primarily within the provisional or conditional no detention areas, local drainage conditions may dictate more stringent levels of runoff control than those based upon protection of the entire watershed. In these instances, if the developer could prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the local drainage network, then the capacity improvements could be provided by the developer in lieu of runoff controls on the development site. Peak flow calculations are to be done assuming that the local watershed is in the existing condition and then assuming that the local watershed is developed per current zoning and using the specified runoff controls. Any capacity improvements would be designed using the larger of the above peak flows and the capacity criteria specified in Subsection (3). All new development in the entire subarea(s) within which the proposed development site is located shall be assumed to implement the developer's proposed discharge control, if any. Capacity improvements may also be provided as necessary to implement any regional detention alternatives or to implement a modified "no harm" option which proposes specific capacity improvements to provide that a less stringent discharge control would not create any harm downstream.
14. (Reserved)
15. (Reserved)
16. No portion of a site may be regraded between the Catasauqua or Hokendauqua Watershed and any adjacent watershed except as part of a no-harm or hardship waiver procedure.
17. For development sites proposed to take place in phases, all detention ponds shall be designed to meet the applicable release rate(s) applied to all site areas tributary to the proposed pond discharge direction. All site tributary areas will be assumed as developed, regardless of whether all site tributary acres are proposed for development at that time. An exception shall be sites

with multiple detention ponds in series where only the downstream pond must be designed to the stated release rate.

§ 8-223.1. Natural or Man-made Channels or Swales. [Ord. 98-3, 2/25/1998; as added by Ord. 2005-06, 3/22/2005]

Applicants shall provide a comparative pre- and post-construction stormwater management hydrograph analysis for each direction of discharge and for the site overall to demonstrate compliance with the provisions of this Chapter.

§ 8-224. Calculation Methodology. [Ord. 98-3, 2/25/1998, Art. III, § 304; as amended by Ord. 2005-06, 3/22/2005; and by Ord. 2007-03, 7/12/2007]

1. Stormwater runoff from all development sites shall be calculated using either the rational method or a soil-cover-complex methodology.
2. The design of any detention basin intended to meet the requirements of this Chapter shall be verified by routing the design storm hydrograph through the proposed basin using the storage indication method or other methodology demonstrated to be more appropriate. For basins designed using the rational method technique, the design hydrograph for routing shall be either the Universal Rational Hydrograph or the modified rational method trapezoidal hydrograph which maximizes detention volume. Use of the modified rational hydrograph shall be consistent with the procedure described in Section "PIPE.RAT" of the Users' Manual for the Penn State Urban Hydrograph Method (1987).
3. All stormwater detention facilities shall provide a minimum 1.0 foot freeboard above the maximum pool elevation associated with the two-through twenty-five-year runoff events. A 0.5 foot freeboard shall be provided above the maximum pool elevation of the one-hundred-year runoff event. The freeboard shall be measured from the maximum pool elevation to the invert of the emergency spillway. The two- through one-hundred-year storm events shall be controlled by the primary outlet structure. An emergency spillway for each basin shall be designed to pass the one-hundred-year return frequency storm peak basin inflow rate with a minimum 0.5 foot freeboard measured to the top of basin. The freeboard criteria shall be met considering any offsite areas tributary to the basin as developed, as applicable. If this detention facility is considered to be a dam as per DEP Chapter 105, the design of the facility must be consistent with the Chapter 105 regulations, and may be required to pass a storm greater than the one-hundred-year event.
4. The minimum circular orifice diameter for controlling discharge rates from detention facilities shall be three inches. Designs where a lesser size orifice would be required to fully meet release rates shall be acceptable with a three-inch orifice, provided that as much of the site runoff as practical is directed to the detention facilities. The minimum three-inch diameter does not apply to the control of the WQv.

5. Runoff calculations using the soil-cover-complex method shall use the Natural Resources Conservation Service Type II twenty-four-hour rainfall distribution. The twenty-four-hour rainfall depths for the various return periods to be used consistent with this Part may be taken from NOAA Atlas 14, Volume 2, Version 2.1, 2004, or the PennDOT Intensity — Duration — Frequency Field Manual (PDT-IDF) (May 1986) for Region 4. The following values are taken from the PDT-IDF Field Manual:

Return Period	24-Hour Rainfall Depth
1-year	2.40 inches
2-year	3.00 inches
5-year	3.60 inches
10-year	4.56 inches
25-year	5.52 inches
50-year	6.48 inches
100-year	7.44 inches

A graphical and tabular presentation of the Type II 24-hour distribution is included in Appendix C.¹¹

6. Runoff calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration and return periods and NOAA Atlas 14, Volume 2, Version 2.1, 2004, or the Intensity-Duration-Frequency Curves as presented in Appendix C.
7. Runoff Curve Numbers (CNs) to be used in the soil-cover-complex method shall be based upon the matrix presented in Appendix C.
8. Runoff coefficients for use in the Rational Method shall be based upon the table presented in Appendix C.
9. (Reserved)
10. All pre-development calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas. All post-development calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas.
11. The Manning Equation shall be used to calculate the capacity of regular engineered watercourses. Standard engineering practice shall be used to calculate the capacity of irregular channels or watercourses. Manning "n" values used in the calculations shall be consistent with the table presented in Appendix C. Pipe capacities shall be determined by methods acceptable to the Township Engineer.

¹¹Editor's Note: Appendix C is included at the end of this Chapter.

12. The Pennsylvania D.E.P., Chapter 105, Rules and Regulations, apply to the construction, modification, operation or maintenance of both existing and proposed dams, water obstructions and encroachments throughout the watershed. Criteria for design and construction of stormwater management facilities according to this Part may not be the same criteria that are used in the permitting of dams under the Dam Safety Program. The designer shall meet the requirements of this Part and Chapter 105.
13. All time of concentration calculations shall use a segmental approach which may include one or all of the flow types below:
 - A. Sheet Flow (overland flow) calculations shall use either the NRCS average velocity chart (Figure 3-1, Technical Release-55, 1975) or the modified kinematic wave travel time equation (equation 3-3, NRCS TR-55, June 1986). If using the modified kinematic wave travel time equation, the sheet flow length shall be limited to 50 feet for designs using the Rational Method and limited to 150 feet for designs using the Soil-Cover-Complex method.
 - B. Shallow Concentrated Flow travel times shall be determined from the watercourse slope, type of surface and the velocity from Figure 3-1 of TR-55, June 1986.
 - C. Open Channel Flow travel times shall be determined from velocities calculated by the Manning Equation. Bankfull flows shall be used for determining velocities. Manning 'n' values shall be based on the table presented in Appendix C.¹²
 - D. Pipe Flow travel times shall be determined from velocities calculated using the Manning Equation assuming full flow and the Manning 'n' values from Appendix C.
14. If using the Rational Method, all pre-development calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas. If using the Rational Method, all post-development calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas.

¹²Editor's Note: Appendix C is included at the end of this Chapter.

§ 8-225. Permit Requirements by Other Government Agencies. [Ord. 98-3, 2/25/1998; as added by 2005-06, 3/22/2005; as amended by Ord. 2007-03, 7/12/2007]

The following permit requirements apply to certain regulated and earth disturbance activities and must be met prior to commencement of regulated and earth disturbance activities, as applicable:

- A. All regulated and earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.
- B. Work within natural drainageways subject to permit by DEP under 25 Pa. Code Chapter 102.
- C. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.
- D. Any stormwater management facility that would be located on a State highway right-of-way or require access from a State highway shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

§ 8-226. Erosion and Sediment Control During Regulated Earth Disturbance Activities. [Ord. 98-3, 2/25/1998; as added by 2005-06, 3/22/2005; as amended by Ord. 2007-03, 7/12/2007]

- 1. No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of an Erosion and Sediment Control Plan for construction activities. Written approval by DEP or a delegated County Conservation District shall satisfy this requirement.
- 2. An Erosion and Sediment Control Plan is required by DEP regulations for any earth disturbance activity of 5,000 square feet or more under Pa. Code § 102.4(b).
- 3. A DEP NPDES Stormwater Discharges Associated with Construction Activities Permit is required for regulated earth disturbance activities under Pa. Code Chapter 92.
- 4. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the municipality before the commencement of an earth disturbance activity.

5. A copy of the Erosion and Sediment Control Plan and any permit, as required by DEP regulations, shall be available at the project site at all times.

§ 8-227. Water Quality Requirements. [Ord. 98-3, 2/25/1998; as added by Ord. 2005-06, 3/22/2005; as amended by Ord. 2006-07, 8/22/2006; and by Ord. 2007-03, 7/12/2007]

1. No regulated earth disturbance activities within the Township shall commence until approval by the Township of a Drainage Plan which demonstrates that the earth disturbance will be done in compliance with this Part.
2. The Water Quality Volume (WQ_v) shall be captured and treated. The WQ_v shall be calculated two ways. First, WQ_v shall be calculated using the following formula:

$$WQ_v = \frac{(C)(P)(A)}{12}$$

Where

- | | | |
|-----------------|---|--|
| WQ _v | = | Water Quality Volume in acre-feet |
| C | = | Rational Method post-development runoff coefficient for the 2-year storm |
| P | = | 1.25 inches |
| A | = | Area in acres of proposed regulated activity |

3. The WQ_v shall be calculated for each post-development drainage direction on a site for sizing BMPs. Areas of the site having no impervious cover and no proposed earth disturbance activity during development may be excluded from the WQ_v calculations and do not require treatment.
 - A. Second, the WQ_v shall be calculated as the difference in runoff volume from pre-development to post-development (without taking into consideration engineered infiltration volumes) for the two-year twenty-four-hour return period storm using TR-55 methodology (based on CN, S, and P values). The effect of closed depressions on the site shall be considered in this calculation. The larger of these two calculated volumes shall be used as the WQ_v to be captured and treated, except that in no case shall the WQ_v be permitted to exceed 1.25 inches of runoff over the site area. This standard does not limit the volume of infiltration a developer may propose for purposes of water quantity/peak rate control.
4. If a developer is proposing to use a dry extended detention facility, wet pond, constructed wetland, or other BMP that ponds water on the land surface and may receive direct sunlight, the discharge from that BMP must be treated by

- infiltration, a vegetated buffer, filter strip, bioretention, vegetated swale or other BMP that provides a thermal benefit to protect the high quality waters of the Commonwealth from thermal impacts.
5. The WQv for a site as a result of the regulated activities must either be treated with infiltration or two acceptable BMPs such as those listed in Subsection (6), except for minor areas on the periphery of the site that cannot reasonably be drained to an infiltration facility or other BMP.
 6. If infiltration of the entire WQv is not proposed, the remainder of the WQv shall be treated by two acceptable BMPs in series for each discharge location. Sheet flow draining across a pervious area can be considered as one BMP. Sheet flow across impervious areas and concentrated flow shall flow through two BMPs. If sheet flow from an impervious area is to be drained across a pervious area as one BMP, the length of the pervious area must be equal to or greater than the length of impervious area. Acceptable BMPs are listed below along with the recommended reference for design.

Best Management Practice	Design Reference Number^C
Bioretention ^A	4, 5, 11, 16
Capture reuse ^B	4, 14
Constructed wetlands	4, 5, 8, 10, 16
Dry extended detention ponds	4, 5, 8, 12, 18
Minimum disturbance/minimum maintenance practices	1, 9
Significant reduction of existing impervious cover	N/A
Stormwater filters ^A (sand, peat, compost, etc.)	4, 5, 10, 16
Vegetated buffers/filter strips	2, 3, 5, 11, 16, 17
Vegetated roofs	4, 13
Vegetated swales ^A	2, 3, 5, 11, 16, 17
Water quality inlets ^D	4, 7, 15, 16, 19
Wet detention ponds	4, 5, 6, 8

NOTES:

^A This BMP could be designed with or without an infiltration component. If infiltration is proposed, the site and BMP will be subject to the testing and other infiltration requirements in this Part.

^B If this BMP is used to treat the entire WQv then it is the only BMP required, because of this BMPs superior water quality performance.

^C See table below.

NOTES:

- ^D Water quality inlets include such BMPs as oil/water separators, sediment traps/catch basin sumps, and trash/debris collectors in catch basins.

Number	Design Reference Title
1	"Conservation Design For Stormwater Management — A Design Approach to Reduce Stormwater Impacts From Land Development and Achieve Multiple Objectives Related to Land Use," Delaware Department of Natural Resources and Environmental Control, The Environmental Management Center of the Brandywine Conservancy, September 1997.
2	"A Current Assessment of Urban Best Management Practices: Techniques for Reducing Nonpoint Source Pollution in the Coastal Zone," Schueler, T. R., Kumble, P., and Heraty, M., Metropolitan Washington Council of Governments, 1992.
3	"Design of Roadside Channels with Flexible Linings," Federal Highway Administration, Chen, Y. H., and Cotton, G. K., Hydraulic Engineering Circular 15, FHWA-IP-87-7, McLean Virginia, 1988.
4	"Draft Stormwater Best Management Practices Manual," Pennsylvania Department of Environmental Protection, April 2006.
5	"Evaluation and Management of Highway Runoff Water Quality," Federal Highway Administration, FHWA-PD-96-032, Washington, D.C., 1996.
6	"Evaporation Maps of the United States," U.S. Weather Bureau (now NOAA/National Weather Service) Technical Paper 37, Published by Department of Commerce, Washington D.C., 1959.
7	"Georgia Stormwater Manual", AMEC Earth and Environmental, Center for Watershed Protection, Debo and Associates, Jordan Jones and Goulding, Atlanta Regional Commission, Atlanta, Georgia, 2001.
8	"Hydraulic Design of Highway Culverts," Federal Highway Administration, FHWA HDS 5, Washington, D. C., 1985 (revised May 2005).
9	"Low Impact Development Design Strategies, An Integrated Design Approach, Prince Georges County, Maryland Department of Environmental Resources, June 1999.
10	"Maryland Stormwater Design Manual," Maryland Department of the Environment, Baltimore, Maryland, 2000.
11	"Pennsylvania Handbook of Best Management Practices for Developing Areas," Pennsylvania Department of Environmental Protection, 1998.

Number	Design Reference Title
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|----|---|
| 12 | "Recommended Procedures for Act 167 Drainage Plan Design," LVPC, Revised 1997. |
| 13 | "Roof Gardens History, Design, and Construction," Osmundson, Theodore. New York: W.W. Norton & Company, 1999. |
| 14 | "The Texas Manual on Rainwater Harvesting," Texas Water Development Board, Austin, Texas, Third Edition, 2005. |
| 15 | "VDOT Manual of Practice for Stormwater Management," Virginia Transportation Research Council, Charlottesville, Virginia, 2004. |
| 16 | "Virginia Stormwater Management Handbook," Virginia Department of Conservation and Recreation, Richmond, Virginia, 1999. |
| 17 | "Water Resources Engineering," Mays, L. W., John Wiley & Sons, Inc., 2005. |
| 18 | "Urban Hydrology for Small Watersheds," Technical Report 55, US Department of Agriculture, Natural Resources Conservation Service, 1986. |
| 19 | US EPA, Region 1 New England website (as of August 2005)
http://www.epa.gov/NE/assistance/ceitts/stormwater/techs/html . |

7. BMPs designed to store or infiltrate runoff and discharge to surface runoff or pipe flow shall provide storage volume for the full WQv below the lowest outlet invert.
8. In no case shall the same BMP be employed consecutively to meet the requirements of this Part.
9. Stormwater runoff from hot spot land uses shall be pre-treated prior to discharge, and/or receiving treatment for WQv as required by other sections of this Part. Acceptable methods of pretreatment are listed below.

Hot Spot Land Use**Pretreatment Method(s)**

Vehicle maintenance and repair facilities including auto parts stores

Water quality inlets

Use of drip pans and/or dry sweep material under vehicles/equipment

Use of absorbent devices to reduce liquid releases

Spill prevention and response program

Vehicle fueling stations

Water quality inlets

Spill prevention and response program

Hot Spot Land Use	Pretreatment Method(s)
Storage areas for public works	Water quality inlets Use of drip pans and/or dry sweep material under vehicles/equipment Use of absorbent devices to reduce liquid releases Spill prevention and response program Diversion of stormwater away from potential contamination areas
Outdoor storage of liquids Commercial nursery operations	Spill prevention and response program Vegetated swales/filter strips Constructed wetlands Stormwater collection and reuse
Salvage yards and recycling facilities*	BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES permit
Fleet storage yards and vehicle cleaning facilities*	BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES permit
Facilities that store or generate regulated substances*	BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES permit
Marinas*	BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES permit
Certain industrial uses (listed under NPDES)*	BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES permit

NOTES:

- * Regulated under the NPDES Stormwater Program Design references for the pretreatment methods, as necessary, are listed below. If the developer can demonstrate to the satisfaction of the Township that the proposed land use is not a hot spot, then the pretreatment requirement would not apply.

Pretreatment Method	Design Reference^A
Constructed wetlands	4, 5, 8, 10, 16
Diversion of stormwater away from potential contamination areas	4, 11

Pretreatment Method	Design Reference^A
Stormwater collection and reuse (especially for irrigation)	4, 14
Stormwater filters (sand, peat, compost, etc.)	4, 5, 10, 16
Vegetated swales	2, 3, 5, 11, 16, 17
Water quality inlets	4, 7, 15, 16, 19

NOTES:

^A These numbers refer to the Design Reference Title Chart in § 8-227(6) above.

10. The use of infiltration BMPs is prohibited on hot spot land use areas.
11. The Township may, after consultation with DEP, approve alternative methods for meeting the state water quality requirements other than those in this Section, provided that they meet the minimum requirements of and do not conflict with State law including but not limited to the Clean Streams Law.
12. Any amount of volume infiltrated can be subtracted from the WQv to be treated by non-infiltration BMPs.

§ 8-228. Post Construction Recharge Volume Criteria. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

1. The Recharge Volume (REv) for each subarea shall be captured and treated during the two-year, five-minute storm event. This treatment is required regardless of the site's stormwater management district or the developer's proposed means of stormwater control (infiltration, detention or "no harm").
2. If a site has both carbonate and non-carbonate areas, the developer shall investigate the ability of the non-carbonate portion of the site to fully meet the requirements for REv for the whole site through infiltration. If that proves infeasible, or if the site is entirely composed of carbonate areas, infiltration in the carbonate area or two other noninfiltration BMPs must be used. No infiltration practice in the noncarbonate area shall be located within 50 feet of a boundary with carbonate bedrock, except when a preliminary site investigation has been done showing the absence of special geologic features within 50 feet of the proposed infiltration practice.
3. For entirely non-carbonate sites, the Recharge Volume (REv) shall be infiltrated unless the developer demonstrates that it is infeasible to infiltrate the REv for reasons of seasonal high water table, permeability rate, soil depth or isolation distances; or except as provided in § 8-227(1).

A. The Recharge Volume (Rev) shall be calculated as follows:

$$REv = (0.25)*(I)/12$$

Where

REv = Recharge Volume in acre-feet

I = Impervious area in acres

- B. Any amount of the REv infiltrated can be subtracted from the WQv to be treated by non-infiltration BMPs.
- C. If it is not feasible to infiltrate the full REv, the developer shall infiltrate the maximum portion of the REv that is feasible based on the site characteristics. Whatever portion of the REv is not infiltrated shall be captured and treated as WQv, as calculated elsewhere in this Part.

§ 8-229. Stormwater Infiltration Requirements. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

- 1. Stormwater Runoff Volume Control Facilities. Where the geology, soils and site constraints (isolation distances, etc.) of a development site are suitable, the Recharge Volume (REv) shall be infiltrated. Site suitability shall be determined by the following requirements:
 - A. Geologic Features.
 - (1) For each proposed regulated activity in the watershed, the developer shall conduct and document a preliminary site investigation on the site for possible infiltration practices, including gathering data on the soil and bedrock type(s) present on the site from published sources, a field inspection of the site, a minimum of one test pit and a minimum of two percolation tests, as outlined in this Part. This investigation will determine depth to bedrock, depth to the seasonal high water table, soil permeability, and location of special geologic features, if applicable. This study and any recommendations therefrom shall be prepared by a qualified geotechnical professional. This study is subject to review by the Township.
 - (2) The location(s) of special geologic features, including any apparent boundaries between carbonate and noncarbonate bedrock, shall be verified by a qualified geotechnical professional.
 - (3) The qualified geotechnical professional shall issue his/her opinion on:
 - (a) The suitability of the individual infiltration practices to infiltrate.

- (b) The limiting zone of each infiltration practice.
 - (c) The infiltration rate of each infiltration practice.
 - (d) The presence of all special geologic features.
- B. For entirely non-carbonate sites, the REv shall be infiltrated unless the developer demonstrates that it is infeasible to infiltrate for reasons of seasonal high water table, permeability rate, soil depth, or isolation distances. If it is not feasible to infiltrate the full REv, the applicant shall infiltrate that portion of the REv that is feasible based on the site characteristics. If none of the REv can be infiltrated, REv shall be considered as part of the WQv and shall be captured and treated as described in § 8-227(6).
- C. Infiltration.
 - (1) In carbonate areas, in addition to the testing required in § 8-229(1)(A), the preliminary site investigation shall include an assessment of the remainder of the site for possible infiltration based on required isolation distances from special geologic features and the likely soil depth and permeability based on published data or other site data available. The soil depth, percolation rate and proposed loading rate, each determined as described in this Part, along with the buffer from special geologic features shall be compared to the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D¹³ to determine if the site is recommended for infiltration.
 - (2) Developers are encouraged to infiltrate the stormwater runoff, as calculated in this Part, but are not required to use infiltration BMPs on a carbonate site even if the site falls in the "recommended" range on the chart in Appendix D, if the entire site is deemed unsuitable for infiltration based upon the site evaluation described in this Part.
 - (3) If it is not feasible to infiltrate the full REv, the developer shall infiltrate that portion of the REv that is feasible based on the site characteristics.
- D. Sites with Carbonate and Non-Carbonate Areas.
 - (1) If a site has both carbonate and non-carbonate areas, the developer shall investigate the ability of the non-carbonate portion of the site to fully meet the requirements of this Part for infiltration of the REv for the whole site. If that proves infeasible, the developer shall perform the preliminary site

¹³Editor's Note: Appendix D is included at the end of this Chapter.

investigation for the carbonate area to determine the appropriate design strategy.

- (2) If it is not feasible to infiltrate the full REv, the developer shall infiltrate that portion of the REv that is feasible based on the site characteristics.
 - E. The preliminary site investigation shall continue on different areas of the site until a suitable infiltration location is found or the entire site is determined to be unsuitable for infiltration.
 - F. For proposed infiltration practices:
 - (1) The additional site investigation and testing, as outlined in Appendix G,¹⁴ shall be completed.
 - (2) The site must meet all required vertical and horizontal isolation distances.
 - G. The Township may determine infiltration to be infeasible if there are known existing conditions or problems that may be worsened by the use of infiltration.
2. For proposed infiltration practices that appear feasible based on the preliminary site investigation, the developer shall conduct the additional site investigation and testing as outlined in Appendix G¹⁵ [see also § 8-229(9)(C)]. This testing must be performed and evaluated by the developer's qualified geotechnical professional and be field verified by the Township Engineer or their designee. The qualified geotechnical professional will provide a report to the Township documenting his findings. This report is subject to review by the Township. The soil depth, percolation rate and proposed loading rate, each weighted as described in § 8-229(9)(I), along with the buffer from special geologic features shall be provided; if the infiltration practice is proposed in an area of carbonate geology, these volumes shall be compared to the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D¹⁶ to determine if the site is recommended for infiltration. The location of each soil probe and a description of the soil profile and characteristics shall be provided on the preliminary subdivision or land development plans, or final plans and/or site plans.
 3. If a site has both carbonate and non-carbonate areas, no infiltration practice in the non-carbonate area shall be located within 50 feet of a boundary with carbonate bedrock, except when a preliminary site investigation has been done showing the absence of special geologic features within 50 feet of the proposed infiltration practice.

¹⁴Editor's Note: Appendix G is included at the end of this Chapter.

¹⁵Editor's Note: Appendix G is included at the end of this Chapter.

¹⁶Editor's Note: Appendix D is included at the end of this Chapter.

4. If infiltration is proposed in carbonate areas, the post-development two-year run-off volume leaving the site shall be 80% or more of the predevelopment runoff volume for the carbonate portion of the site to prevent infiltration of volumes far in excess of the pre-development infiltration volume.
5. Site areas proposed for infiltration shall be protected from disturbance and compaction except as necessary for construction of infiltration practices.
6. Stormwater infiltration practices shall not be placed in or on a special geologic feature(s). Additionally, stormwater runoff shall not be discharged into existing on-site sinkholes.
7. Developers shall request, in writing, public water suppliers to provide the Zone I Wellhead Protection radius, as calculated by the method outlined in the Pennsylvania Department of Environmental Protection Wellhead Protection regulations, for any public water supply well within 400 feet of the site. Infiltration is prohibited in the Zone I radius as defined and substantiated by the public water supplier in writing. If the developer does not receive a response from the public water supplier, the Zone I radius is assumed to be 400 feet.
8. Soil.

- A. Soil thickness is to be measured from the bottom of any infiltration system proposed in an area of carbonate geology. The effective soil thickness in the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D is the measured soil thickness multiplied by the thickness factor based on soil permeability (as measured by the adapted 25 PA Code § 73.15 percolation test in Appendix G), as follows:

Permeability Range*	Thickness Factor
6.0 to 12.0 inches/hour	0.8
2.0 to 6.0 inches/hour	1.0
1.0 to 2.0 inches/hour	1.4
0.75 to 1.0 inches/hour	1.2
0.5 to 0.75 inches/hour	1.0

NOTES:

- * If the permeability rate (as measured by the adapted 25 PA Code § 73.15 percolation test in Appendix G) falls on a break between two thickness factors, the smaller thickness factor shall be used.

- B. Soil permeability of infiltration practices shall be measured by the adapted 25 PA Code § 73.15 percolation test in Appendix G.

9. The requirements and standards for these infiltration practices are as follows:

- A. All infiltration designs shall be subject to review by the Township Engineer.
- B. The following minimum vertical and horizontal isolation distances shall be maintained from the edge of an infiltration practice to the following items:

(1) Vertical Isolation Distance:

- (a) Depth to bedrock below the invert of the infiltration practice shall be greater than or equal to 24 inches.
- (b) Depth to seasonal high water table below the invert of the infiltration practice shall be greater than or equal to 36 inches; except for infiltration of residential roof runoff where the seasonal high water table must be below the invert of the infiltration practice. (If the depth to bedrock is between two and three feet and the evidence of the seasonal high water table is not found in the soil, no further testing to locate the depth to seasonal high water table is required.)

(2) Horizontal Isolation Distance:

Minimum Separation — Distances (feet)		
Improvement or Boundary or Feature	For Runoff From Any Other Source Such as Public Roads, Multifamily Developments and Nonresidential Developments	
	For Runoff From Single- Family Detached Dwelling Roofs and Driveways	
a. Property line	40*	100*
b. Building foundation if system is downgradient or sidegradient	15	20***
c. Building foundation if system is upgradient	50	50***

Improvement or Boundary or Feature	Minimum Separation — Distances (feet)	
	For Runoff From Single- Family Detached Dwelling Roofs and Driveways	For Runoff From Any Other Source Such as Public Roads, Multifamily Developments and Nonresidential Developments
d. Onlot sewage disposal drainfield	25	50
e. Private water supply well	100	100
f. Public water supply well	400	400
g. Geologic contact with carbonate bedrock**	50	50
h. Road right-of-way line	20****	50****

NOTES:

* This setback may be reduced to 10 feet if documentation is provided to show that all setbacks from wells, foundations and drainfields on neighboring properties can be met.

** Unless a preliminary site investigation is done in the carbonate bedrock to show the absence of special geologic features within 50 feet of the proposed infiltration use.

*** Where the building setbacks from a public infiltrator are more restrictive than the zoning setback, the new setback line shall be shown, with an appropriate dimension provided from the infiltration practice, on any plan which shows zoning setbacks.

**** No setback is required from right-of-way on a newly proposed road where infiltration practices are proposed to be designed in accordance with the design standards of this Part and it can be shown that no other required setbacks are violated.

C. Soil Permeability.

- (1) Soil permeability (as measured by the adapted 25 Pa. Code § 73.15 percolation test in Appendix G) in the area of the infiltration practice (for areas other than runoff from single-family dwelling roofs) must be greater than or equal to 0.5 inches/hour and less than or equal to 12 inches per hour, except where a soil permeability greater than 12.0 inches/hour is allowed as indicated in Appendix G.
 - (2) Specific soil permeability testing is not required for each infiltration practice if the developer's qualified geotechnical professional, after consultation with the Township Engineer, has determined that the soils are sufficiently homogenous to allow the use of results from adjacent septic system percolation tests which were performed by the developer's qualified geotechnical professional.
- D. The contact area between the infiltration practice and the soil shall be level.
- E. Infiltration practices shall not be constructed on fill unless the applicant demonstrates that the fill is stable and otherwise meets the infiltration BMP standards of this Part.
- F. No infiltration practice shall be designed to recharge stormwater runoff from a contributing watershed larger than two acres.
- G. The capture and conveyance of stormwater to an infiltration structure shall meet the following minimum standards:
 - (1) For stormwater runoff from a single lot and infiltrated on the same lot:
 - (a) From buildings: Gutters, downspouts, four-inch minimum diameter PVC pipe. (Schedule 40 PVC, or equal, under drive-ways.)
 - (b) From driveways: Trench grate (Poly-drain, manufactured by ABT, Inc., or equal) or a yard catch basin may be utilized to capture driveway runoff and four-inch diameter PVC conveyance pipe. (Schedule 40 PVC, or equal, under driveway.) Both trench grates and yard inlets must be located beyond the ultimate road rights-of-way.
 - (c) Underground conveyance pipe shall have a minimum pitch of 1/4 inch per foot.
 - (2) For stormwater runoff from a public road and/or from one lot and being infiltrated on another lot for facilities that will be privately owned and maintained:

- (a) Capture stormwater by way of standard Type C or Type M inlets or by way of manholes designed and constructed in accordance with PennDOT Specifications and Standard Drawings, with bicycle safe grates.
 - (b) Each inlet shall be provided with a sump under the lowest outlet pipe invert of 24 inches or more in depth, depending on the solids capacity required. This inlet may have a perforated design if the inlet is designed to be part of an infiltration structure.
 - (c) Each inlet shall be provided with a removable hood (also known as a "snout") designed to help retain floatables. This hood and slide rail system shall be constructed of stainless steel or cast iron, or an alternate material, if approved by the Township. For inlets intended to be "perforated," no removable hood is necessary.
- (3) For stormwater runoff from a public road and adjacent private property, for facilities that will be dedicated to and accepted by the Township:
 - (a) Capture stormwater by way of standard Type C or Type M inlets designed and constructed in accordance with PennDOT Specifications, with bicycle safe grates. For the capture of stormwater in grass or paved swale conditions, there shall be one Type M inlet and one Type C inlet at each point of capture.
 - (b) Each inlet shall be provided with a sump under the lowest outlet pipe invert of 24 inches or more in depth, depending on the solids capacity required. This inlet shall not have perforated sides and shall not be used as part of an infiltration structure.
 - (c) Each inlet shall be provided with a removable hood (also known as a "snout") designated to help retain floatables. This hood and slide rail system shall be constructed of stainless steel or cast iron or alternate material, if approved by the Township.
 - (d) The capture inlets shall be connected to one or more infiltration manholes with standard cast iron manhole frames and covers located five feet outside the public road right-of-way in a designated drainage easement. The infiltration manholes shall be designed and constructed in accordance with PennDOT Specifications and standard drawings. These manholes shall not be perforated but shall be connected to storm sewer piping

which is perforated. Each manhole shall be provided with a sump (under the lowest outlet pipe invert) of 24 inches or more in depth, depending on the solids capacity required.

- (e) The required design layout is shown in Appendix D-2 and Appendix D-3, as attached hereto and made a part thereof.¹⁷
- H. For stormwater infiltration systems proposed along existing or proposed roads, the maximum spacing between separate inlets shall be 400 feet along the shoulder or curbline. Each such inlet shall be provided with its own separate infiltration structure to provide a distributed method of stormwater recharge.
- I. Infiltration Structures.
 - (1) All infiltration area loading rates (the ratio of the land area draining to the infiltration area, as modified below, compared to the area of contact between the infiltration area storm and soil) shall not exceed 500% calculated as follows, unless a faster absorption rate is proven by percolation testing, conducted at the location and elevation of the proposed contact area:
$$\frac{[\text{Area Tributary to the Infiltration Structure}] \times 100\%}{[\text{Absorption Area of below the Infiltration Structure}]}$$
 - (2) The area tributary to the infiltration structure shall be weighted as follows:
 - (a) All disturbed areas to be made impervious: weight at 100%.
 - (b) All disturbed areas to be made pervious: weight at 50%.
 - (c) All undisturbed pervious areas: weight at 0%.
 - (d) All existing impervious areas: weight at 100%.
 - (3) Any percolation testing conducted to prove a faster percolation rate must be conducted by the developer's geologist, soil scientist or engineer and shall be subject to the review of the Township Engineer.
- J. All infiltration structures shall be provided with spillover points and/or design features in case of clogging or overcapacity of the infiltration structure. This spillover water shall be directed away from any structures and directed in a safe manner toward areas designed

¹⁷Editor's Note: Appendixes D-2 and D-3 are included at the end of this Chapter.

or recognized for a one-hundred-year stormwater conveyance. The conveyance and distribution of spillover stormwater shall be designed in accordance with all stormwater management regulations of the Township. If the resulting design includes provisions for standing water in a sump condition, the design criteria for detention basins, including safety provisions associated with detention basins, as described in § 8-231 of this Part shall be followed.

K. A plot plan prepared to an accurate engineer's or surveyor's scale, suitable for an onlot sewage disposal system design or suitable for the building permit application shall be provided to the Township Engineer and Zoning Officer for review of each application for a building permit, driveway permit, or land development for any applicant proposing to utilize infiltration structures for stormwater management. The infiltration structure design can be incorporated into the Onlot Sewage Disposal System Design Plot Plan.

- (1) The plot plan shall show the following existing and/or proposed features: all soil trench and test locations and soil trench and test results, building(s), storm drainage facilities, sewage disposal systems, alternate sewage disposal system test site, well, driveway, accessory buildings, and contours, etc. This plan shall be accompanied by design calculations and construction details for any proposed infiltration structure. The design of the infiltration structure shall be reviewed by the Township Engineer.
- (2) The plot plan shall also contain: lot lines with dimensions, easements, North arrow, street(s) with name(s), waterways, springs, creeks, ponds, floodplain, wetlands and all features applicable to any required isolation distance.

L. Construction of Infiltration Structures.

- (1) The Township Engineer shall be notified 72 hours prior to the excavation of an infiltration structure so the Engineer (or its designee) can schedule an on-site visit to verify the size of the excavation in accordance with the plan and calculations.
- (2) Excavation of the infiltration structure shall be the size and depth as shown on the above-mentioned plot plan.
- (3) The drainage portion of the excavation shall be filled with AASHTO No. 3 Crushed Aggregate (equivalent to 40% voids volume). Slag shall not be permitted as aggregate for infiltration structures.
- (4) For single-family detached lot infiltration structures, a four-inch perforated vertical inspection standpipe shall be installed

in the drainage aggregate for the full depth of the pit and connected to the inlet pipe(s). A cap shall be placed on the standpipe at finished grade.

- (5) For single-family detached lot infiltration structures, precast seepage pit rings with the Department of Environmental Protection (DEP) approved precast lids may be utilized to obtain required storage volume. A vertical inspection standpipe shall be installed full depth in the aggregate outside the seepage ring or from the precast lid if the inlet pipe penetrates the seepage ring. The area between the precast seepage ring and the excavated sidewalls shall be backfilled with AASHTO No. 3 Crushed Aggregate.
 - (6) All infiltration structure aggregate shall be encapsulated in a layer of geotextile fabric meeting the requirements of the PennDOT Publication 408, Section 735, Construction Class 1.
 - (7) All infiltration structures shall be covered with at least one foot of cover material, except for those components of the structure that extend to the surface of the ground.
- M. Inspection and certification for infiltration structures receiving runoff from one lot and infiltrating stormwater on the same lot:
- (1) The Township Engineer, as directed by the Allen Township Board of Supervisors, shall perform the inspection of the infiltration structure excavation for size, depth and location requirements.
 - (2) The lot owner shall provide the Township Engineer with a Certification of Completion stating the infiltration structure and stormwater collection system(s) was installed in accordance with the approved plot plan and this Part. The certification shall be signed by the owner and the contractor who installed the infiltration structure(s) and collection and conveyance system. A copy of the delivery receipt for the crushed aggregate and seepage ring(s) or other type of structure shall be attached to the certification.
- N. Inspection for Infiltration Structures receiving stormwater runoff from a public road and/or from one lot and being infiltrated on another lot:
- (1) The Township Engineer shall inspect these structures and their associated capture and conveyance system in accordance with the requirements of a developer's improvements agreement and procedures established for land development improvements.
- O. Fees.

- (1) The fee for infiltration structure design review and inspection shall be established by the Township, by resolution, for each infiltration structure proposed.
 - (2) The fees are required to be paid prior to the issuance of a permit for any driveway, parking area, building or land development proposal using one or more infiltration structures for stormwater management.
- P. A Certificate of Occupancy for a new driveway, parking area, building or land development on a lot planned for use of one or more infiltration structures as part of the stormwater management for that lot or designed to service that lot shall not be issued until the Township Engineer determines the infiltration structure size and location has been verified and the Township Engineer has received the Certification of Completion, as set forth in Subsection M(2) above, and/or determines that the off-site stormwater collection and conveyance system and infiltration structure(s) is (are) complete and operational.

D. Storm Drainage System Requirements.

§ 8-231. General Requirements. [Ord. 98-3, 2/25/1998, Art. IV, § 401; as amended by Ord. 2007-03, 7/12/2007]

1. Any proposed storm drainage plans which affect the drainage basin of any river, or stream shall be approved by the Division of Dams and Waterway Management of the Pennsylvania Department of Environmental Protection if the affected drainage area is more than 100 acres.
2. Easements shall be dedicated to the Township along all natural or man-made streams and watercourses [as described in § 8-223(3)] within a subdivision or land development. These easements should be of sufficient width to convey a one-hundred-year design storm, assuming the upstream drainage basin to be fully developed. Easements shall also be provided where storm drainage swales, culverts or other structures traverse, enter or discharge onto private property. On private property the entire easement area and fencing and landscaping (if any) shall be maintained by the property owner and the Township shall not maintain and/or repair any improvements within that easement unless stormwater runoff from public roads or public park land crosses through the easement. If stormwater runoff from public roads or public lands crosses through the easement the Township shall, upon satisfactory installation of improvements as specified in a developer's Improvement Agreement and Maintenance Agreement, maintain and repair only the structural stormwater management improvements within the easement such as:
 - A. Piping.

- B. Inlets.
 - C. Outlet, headwalls.
 - D. Energy dissipation structures or facilities.
 - E. Detention basin control structures.
 - F. The landowner shall be responsible for all other maintenance and repairs within this easement. For example the landowner must:
 - (1) Mow the lawn.
 - (2) Repair or replace fencing.
 - (3) Repair or replace landscaping.
 - (4) Repair sinkholes that may develop in the easement.
 - (5) Keep the area free of obstructions, structures, vegetation or accumulated sediment that may block or hinder the function and purpose of the easement.
 - (6) Keep the area free of litter or garbage.
3. Storm sewers, culverts and related installations shall be provided to permit the flow of natural watercourses, to ensure the drainage of all low points on the subdivided lots or developed land areas and along the line of streets, and to intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained. The system shall also be designed to accommodate or receive and discharge all runoff from adjacent upstream properties, as if the upstream properties were developed. Where adequate existing storm sewers are readily accessible, the developer must connect new stormwater facilities to the existing system.
4. Flood Protection. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without proper and approved provisions being made for taking care of these conditions.
5. Scour and Erosion Prevention. In areas in which street curbs are not required by any ordinance of the Township, drainage may be accomplished by natural or artificial swales and culverts. Special structures such as check dams, drop-outlets, or other energy dissipating structures or riprap may be required to prevent scour or erosion in locations with large runoff quantities or steep slopes. In no case may a change be made in the existing topography which would result in a slope exceeding the normal angle of slippage of the material involved. No paved swales will be allowed without the approval of the Township.

6. Fixed Pipe Collection System. The Township may require a fixed pipe collection system with catch basins. Such fixed pipe collection system with catch basins shall be used in all areas with street curbs and gutters, when required. The Township may require foundation pipe underdrains.
7. Low Point Drainage. Developer shall grade and install all necessary drainage facilities to insure the drainage of all low points on subdivided lots or within the subdivision or developed land areas. Underdrains are required at a minimum for 50 feet upward from a road low point along each approach road to the low point.
8. Storm Runoff Detention Facilities. Where the topography of the tract being developed or the character of the downstream storm sewer indicate, as determined by the Township, storm sewer detention facilities shall be provided within the subdivision proposed. Such detention facility shall be designed in accordance with the following requirements:
 - A. The detention facilities shall be designed to retard stormwater runoff rates after development to the peak runoff rate established for each district in Subpart C, § 8-222.
 - B. Spillways shall be provided for possible overflows, and such spillways shall be protected from erosion. Spillways shall be designed for the one-hundred-year storm.
 - C. Pipe outlet arrangements shall provide complete outletting of all detained water, unless provisions for permanent ponding have been approved.
 - D. A detention basin, if utilized in an area of limestone geology, shall be lined with a synthetic impervious liner as more specifically described in Subsection (J).
 - E. The detention facility shall be planted with low maintenance grass or a substitute satisfactory to the Township. Detention basins shall be planted with ground cover in accordance with Township Standards.
 - F. To minimize the negative visual impact of detention basins, and avoid the need for fencing, the basins shall be designed to the following specifications:
 - (1) Maximum depth of detained runoff shall be 24 inches for a ten-year storm event, and
 - (2) Maximum depth of detained runoff shall be 36 inches for a one-hundred-year storm event, and
 - (3) Interior slopes shall not be steeper than a ratio of 4:1 horizontal to vertical;

- (4) A water surface limit shall be no closer than 100 feet to any residential building and no closer.
 - (5) A water surface limit shall be no closer than 100 feet to any residential building and no closer than 25 feet to any other type of building.
- G. These depths may be exceeded by permission of the Board of Supervisors of the Township, on a case-by-case basis if lot runoff, topography and/or existing downstream systems make the required pond area unreasonably large. In such a case a deeper depth may be allowed if the basin is designed to the following specifications:
 - (1) A maximum depth of detained runoff shall be 24 inches for a two-year storm event, and
 - (2) A maximum depth of detained runoff shall be 36 inches for a ten-year storm event, and
 - (3) A maximum depth of detained runoff shall be 48 inches for a one-hundred-year storm event, and
 - (4) Interior side slopes shall not be steeper than a ratio of 5:1, horizontal to vertical, and
 - (5) A water surface limit no closer than 100 feet to any residential building and no closer than 25 feet to any other type building.
- H. If the maximum water depths as stipulated in Subsections (F) and (G) above are exceeded, a four-foot high chain link fence is required around the detention ponds. The fence shall be landscaped from adjacent streets and properties. A fenced detention pond shall have a maximum berm side slope of 4:1.
- I. An access ramp of 10:1, 10 feet wide, shall be provided to allow maintenance equipment to reach the basin floor.
- J. All detention/retention facilities, utilized in areas of limestone geology, whether ultimately privately or publicly owned shall be lined with a synthetic impervious liner meeting the following minimum requirements:
 - (1) The minimum liner allowed is 30 mil PVC, Actual individual liner specifications shall be provided by the manufactures for each individual pond.
 - (2) The liner must be placed on a layer of fine grained soil that has been rolled with a smooth drum roller in both directions to produce a smooth level base for the liner. The soil may not contain sharp angular rock or other debris which could

puncture the liner, and must meet all manufacturer's specifications for a liner bedding. All vegetation, roots, and grass must be removed and any cracks or voids shall be filled.

- (3) If rock is encountered in the bedding area, this rock must be excavated to a depth of six inches below the liner and backfilled with a fine grained soil. This area should then be covered with geotextile fabric, extending three feet beyond the limits of the rock outcrop before placing the pond liner.
- (4) Installation of the liner may only take place when the ambient temperature is within the manufacturer's recommended range. Installation and testing shall be in accordance with manufacturer's specifications. The number of field seams shall be minimized by requiring factory fabrication of large panels. Any field seams performed must be in accordance with the manufacturer's specifications.
- (5) All structures (i.e., headwalls, pipes, outlet structures) which come in contact with the liner must have a waterproof seal installed to prevent leaks around the structure. These seals shall be installed per manufacturer's recommendations.
- (6) A minimum of 12 inches of earth cover shall be placed over the lining. Soil containing sharp jagged rocks, roots, debris, or any other material which may puncture the liner shall not be used as cover material.
- (7) The liner must be installed to a minimum height of the one-hundred-year floodwater elevation in the facility.

K. The minimum slope of the bottom of a detention pond shall be 2% toward the outlet structure.

9. All streets shall be designed so as to provide for the discharge of surface water from their rights-of-way.

10. Design Criteria.

A. Unless a more conservative design is required by another regulation, or is required because of conditions particular to an individual development, the following storm criteria shall be used to design storm collection and conveyance systems:

Area	Design Storm Return (years)
Residential Areas	
Fixed Pipe	10
Total Conveyance	100 year

Area	Design Storm Return (years)
Nonresidential Areas	
Fixed Pipe	25
Total Conveyance	100 year
Culvert Crossings of Any Road	
In Culvert	25
Total Conveyance	100 year

- B. The preliminary plan or lot location plan shall indicate the areal extent of the one-hundred-year storm.
11. Design Preparation. Designs of storm drainage systems shall be prepared by a licensed Professional Engineer. Complete detail calculations shall be submitted to the Township for approval. Calculations shall cover the entire drainage basin involved, including consideration of areas outside the proposed subdivision or developed land areas. All designs must be approved by the Township.
12. The developer shall provide written assurance, satisfactory to the Township, that the detention pond will be properly maintained. Such assurances shall be in a form to act as a covenant that shall run with the land, and shall provide for municipal maintenance, assessment of cost and penalties, in the case of lack of maintenance.

§ 8-232. Collection System Design. [Ord. 98-3, 2/25/1998, Art. IV, § 402; as amended by Ord. 2007-03, 7/12/2007]

1. The collection system shall be designed by the Rational Method of Design in accordance with American Society of Civil Engineers Manual No. 37 except where noted, using the formula $Q = CiA$, unless otherwise approved by the Township.
- A. Capacity. "Q" is the required capacity in cubic feet per second for the collection system at the point of design.
- B. Runoff Coefficient. "C" is the runoff coefficient applicable to the entire drainage area. It shall be based on consideration of soil conditions, average slope of the drainage area and the ultimate development of the entire drainage area according to comprehensive plans. For the various types of ultimate development, the runoff coefficient shall be taken from the table in Appendix C,¹⁸ unless sufficient engineering data has been presented to the Township Engineer by the developer which information in the judgment of the Township Engineer and the

¹⁸Editor's Note: Appendix C is included at the end of this Chapter.

Board of Supervisors is sufficient to warrant the use of an alternate runoff coefficient.

- C. Rainfall Intensity Formula. "i" is the rainfall intensity in inches per hour and shall be determined from rainfall intensity charts for this area, based on time of concentrations, including Overland Flow Time, Manning's Formulae for channelized flow time and pipe flow time. The design rainfall frequency shall be taken from the PennDOT Intensity-Duration-Frequency Field Manual, Region 4 as presented in Appendix C.
 - D. Drainage Area. "A" is the drainage area, in acres, tributary to the point of design, and shall include areas tributary from outside sources as well as from within the subdivision or developed land area itself.
- 2. Flow Velocity. Storm drains shall be designed to produce a minimum velocity of 3.0 feet per second when flowing full. The maximum permissible velocity shall be 15.0 feet per second.
 - 3. Manholes. Manholes shall be spaced at intervals not exceeding 300 feet, and shall be located wherever branches are connected or sizes are changed, and wherever there is a change in alignment or grade. For drainage lines of at least 36 inches diameter, manholes may be spaced at intervals greater than 300 feet with the approval of the Township.
 - 4. Drain Line Location. Drain lines shall be located between the center line of the street and the curblin, and shall parallel the center line of the street as far as practical.
 - 5. Catch Basin Limits. Not more than two catch basins shall be interconnected before being connected to a manhole or "access type" catch basin.
 - 6. Open Swales. Open swales shall be designed on the basis of Manning's Formula as indicated for collection systems with the following considerations:
 - A. Roughness Coefficient. The roughness coefficient shall be 0.040 for earth swales, and 0.015 for paved swales.
 - B. Bank Slopes. Slopes for swale banks shall not be steeper than one vertical for three horizontal.
 - C. Flow Velocity. Design velocity in grass or vegetated swales shall not exceed four feet per second.
 - D. Right-of-Way. A swale right-of-way of sufficient minimum width to include a ten-foot access strip in addition to the width of the swale from bank top shall be shown as an easement for drainage purposes. The Township may under unusual conditions, require a wider swale right-of-way.

7. General Design Standards.

- A. Curb Inlets. Curb inlets shall be located at curb tangents on the uphill side of street intersections. Design and location of curb inlets shall be approved by the Township. The collection capacity of curbed inlets is to be determined using PennDOT standard efficiency charts for the capture capacity of Type C inlets. All inlets shall be labeled with an embedded plastic disk indicating a prohibition against pollutants.
- B. State Approvals. Drainage structures that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Township.
- C. Pipe materials. All storm piping shall either be:
 - (1) Class III Reinforced Concrete Piping with "O" ring joints. Piping shall be saw-cut at ends, as needed, and not hammered or broken; or
 - (2) Smooth-bore high-density polyethylene pipe with watertight joints meeting all requirements of PennDOT.
- D. Minimum Pipe Size. Minimum pipe size shall be 15 inches.
- E. Inlet and Manhole Construction. Inlet and manhole castings and concrete construction shall be equivalent to Pennsylvania Department of Transportation Design Standards.
- F. Roof Drainage. Stormwater roof drains and pipes shall not discharge water over a sidewalk, driveway or paved area. Where accessible, roof drains can be connected with a storm drain system.
- G. Discharge structures shall be designed to minimize the impact of development on downstream properties. Flow retarding and dissipating facilities are required to meet this goal. Such structures shall be no closer than 20 feet to downstream off-site properties or drainage easement boundaries.
- H. Open pipe ends must be fitted with concrete end walls or wing walls.
- I. No open pipe shall be allowed to end within the Township road or state road right-of-way, except in cases where new driveways must cross existing deep road side swales adjacent to existing roads. In the case of these exemptions to the standard, the pipe shall be located as far off the edge of the pavement as possible, (at least 14 feet from the road center line) and shall be at least 12 inches in diameter.
- J. Any riprap dissipation area or riprap swale area shall be constructed with mixed stone sizes in accordance with PennDOT criteria for riprap

and all such areas shall be lined with PennDOT approved geotextile fabric.

- K. A maximum of five cubic feet per second (c.f.s.) will be permitted along the curb or roadside swale, prior to discharge away from the street surface by way of roadside swale or underground piping.
- L. All pipe endwalls or wingwalls and all detention basin intake and discharge structures shall be protected from frost related movement and scour activity by the construction of a concrete footer with a minimum depth of 30 inches below ground level.
- M. The minimum pipe slope allowed is 0.5%.

E. Drainage Plan Requirements.

§ 8-241. General Requirements. [Ord. 98-3, 2/25/1998, Art. V, § 501; as amended by Ord. 2007-03, 7/12/2007]

For any of the regulated activities of this Part prior to the final approval of subdivision and/or land development plans, or the issuance of any permit, or the commencement of any regulated earth disturbance activity, the owner, subdivider, developer or his agent shall submit a Drainage Plan and receive Township approval of the plan.

§ 8-242. Exemptions. [Ord. 98-3, 2/25/1998, Art. V, § 502; as amended by Ord. 2007-03, 7/12/2007]

Exemptions from the Drainage Plan requirements are as specified in § 8-205.

§ 8-243. Drainage Plan Contents. [Ord. 98-3, 2/25/1998, Art. V, § 503; as amended by Ord. 2005-06, 3/22/2005; and by Ord. 2007-03, 7/12/2007]

The following items shall be included in the drainage plan:

- A. General.
 - (1) General description of project.
 - (2) General description of proposed permanent stormwater controls.
- B. Map(s) of the project area showing:
 - (1) The location of the project relative to highways, municipalities or other identifiable landmarks.
 - (2) Existing contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used. Off-site drainage areas impacting the project, including topographic detail.

- (3) Streams, lakes, ponds or other bodies of water within the project area.
- (4) Other physical features, including existing drainage swales, wetlands, closed depressions, sinkholes, and areas of natural vegetation to be preserved.
- (5) Locations of proposed underground utilities, sewers and water lines.
- (6) An overlay showing soil types and boundaries based on the Northampton County Soil Survey latest edition.
- (7) Proposed changes to land surface and vegetative cover.
- (8) Proposed structures, roads, paved areas and buildings.
- (9) Final contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.
- (10) Fencing (if required) and landscaping screens.
- (11) Stormwater Management District boundaries applicable to the site.
- (12) An overlay showing geologic types and boundaries.
- (13) Clear identification of the location and nature of permanent stormwater BMPs.
- (14) An adequate access easement around all stormwater BMPs that would provide municipal ingress to and egress from a public right-of-way.
- (15) A schematic showing all tributaries contributing flow to the site and all existing man-made features beyond the property boundary that would be affected by the project.
- (16) The location of all public water supply wells within 400 feet of the project and all private water supply wells within 100 feet of the project.

C. Stormwater Management Controls.

- (1) All stormwater management controls must be shown on a map and described, including:
 - (a) Groundwater recharge methods such as seepage pits, beds or trenches. When these structures are used, the locations of septic tank infiltration areas and wells must be shown.
 - (b) Other control devices or methods such as rooftop storage, semi-pervious paving materials, grass swales, parking lot ponding,

vegetated strips, detention or retention ponds, storm sewers, etc.

- (2) All calculations, assumptions and criteria used in the design of the control device or method must be shown.
 - (3) All site testing data used to determine the feasibility of infiltration on a site.
 - (4) A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without approval by the municipality.
- D. Maintenance Program. A maintenance program for all stormwater management control facilities must be included. This program must include the proposed ownership of the control facilities, the maintenance requirements for the facilities, and the financial responsibilities for the required maintenance.
- E. An Environmental Resources Site Design Assessment that describes the following:
- (1) The extent to which the proposed grading and impervious cover avoid disturbance of significant environmental resources and preserve existing site hydrology.
 - (2) An assessment of whether alternative grading and impervious cover site design could lessen the disturbance of significant environmental resources and/or make better use of the site hydrologic resources.
 - (3) A description of how the proposed stormwater management controls and BMPs serve to mitigate any adverse impacts on environmental resources on the site.

Significant environmental resources considered in the site design assessment include, but are not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, floodplains, riparian vegetation, native vegetation, and special geologic features.

§ 8-244. Plan Submission. [Ord. 98-3, 2/25/1998, Art. V, § 504; as amended by Ord. 2007-04, 11/8/2007]

- 1. For regulated activities specified in §§ 8-204(1) and (2) and:
 - A. The drainage plan shall be submitted by the developer to the Township Secretary as part of the Preliminary Plan (or final plan if no preliminary submission is made) submission for the subdivision or land development.

- B. Seven copies of the drainage plan and supporting documents shall be submitted.
 - C. Distribution of the drainage plan will be as per the requirements of the Township Subdivision and Land Development Ordinance [Chapter 22].
- 2. For regulated activities specified in §§ 8-204(3) and (4) the drainage plan shall be submitted by the developer to the Township Building Permit Officer as part of the building permit application or to the Township Secretary as part of any Site Plan that may be required by the Township Zoning Ordinance [Chapter 27].
 - 3. For regulated activities specified in §§ 8-204(5) and (6) and not requiring Site Plan or building permit application submission:
 - A. The drainage plan shall be submitted by the developer to the Lehigh Valley Planning Commission for coordination with the D.E.P. permit application process under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of DEP's Rules and Regulations.
 - B. One copy of the drainage plan shall be submitted.
 - 4. For all regulated activities under § 8-204 that propose to disturb more than five acres of land, an NPDES permit application for discharge of stormwater associated with construction activity shall be submitted to the Northampton County Conservation District.

§ 8-245. Drainage Plan Review. [Ord. 98-3, 2/25/1998, Art. V, § 505]

- 1. The Township Engineer shall review the drainage plan for consistency with the adopted Stormwater Management Plan as embodied by this Part and against the additional storm drainage provisions contained in this Part, the Township Subdivision and Land Development Ordinance [Chapter 22] or the Zoning Ordinance [Chapter 27], as applicable.
- 2. The Lehigh Valley Planning Commission shall provide an advisory review of the drainage plan for consistency with the Stormwater Management Plan.
- 3. For regulated activities specified in §§ 8-204(1) and (2), the LVPC shall provide written comments to the Township, within a time frame consistent with established procedures under Act 247, as to whether the drainage plan has been found to be consistent with the Stormwater Management Plan.
- 4. For regulated activities specified in §§ 8-204(5) and (6) the LVPC shall notify D.E.P. whether the drainage plan is consistent with the Stormwater Management Plan and forward a copy of the review letter to the Township and developer.

5. The Township shall not approve any subdivision or land development [regulated activities §§ 8-204(1) and (2)] or building permit application [regulated activities §§ 8-204(3) and (D)] if the drainage plan has been found to be inconsistent with the Stormwater Management Plan as determined by the Township Engineer.

§ 8-246. Modification of Plans. [Ord. 98-3, 2/25/1998, Art. V, § 506]

A modification to a submitted drainage plan for a proposed development site which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the drainage plan (as determined by the Township Engineer) shall require a resubmission of the modified drainage plan consistent with § 8-244 subject to review per § 8-245 of this Part.

§ 8-247. Hardship Waiver Procedure. [Ord. 98-3, 2/25/1998, Art. V, § 507; as amended by Ord. 2005-06, 3/22/2005; and by Ord. 2007-04, 11/8/2007]

1. The Board of Supervisors may hear requests for waivers where it is alleged that the provisions of this Part inflict unnecessary hardship upon the applicant. The waiver request shall be in writing and accompanied by any requisite fee as set forth on the Township's fee schedule. A copy of the request shall be provided to each of the following: the Township, Township Engineer, Township Solicitor and Lehigh Valley Planning Commission. The request shall fully document the nature of the alleged hardship and address, at a minimum, the four requirements listed below.
2. The Township may grant a waiver from the provisions of this Part; provided, that all of the following findings are made in a given case:
 - A. There are unique physical circumstances or conditions, including irregularity of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Part in the Stormwater Management District in which the property is located;
 - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Part, including the "no harm" provision, and that the authorization of a waiver is therefore necessary to enable the reasonable use of the property;
 - C. That the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least modification possible of the regulation in issue.

- D. That financial hardship is not the criteria for granting of a hardship waiver. In granting any waiver, the municipality may attach such conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. If a hardship waiver is granted, the applicant must still manage the quantity, velocity, direction and quality of resulting storm runoff as is necessary to prevent injury to health, safety or other property.
- (1) For regulated activities described in §§ 8-204(3)(A)(1) and (2), the Board of Supervisors shall hear requests for and decide on hardship waiver requests on behalf of the municipality.
 - (2) For regulated activities in §§ 8-204(3)(A)(1) through (6), the Zoning Hearing Board shall hear requests for and decide on hardship waiver requests on behalf of the municipality.
 - (3) The municipality shall not waive the water quality provisions of this Chapter.
3. In granting any waiver, the Board of Supervisors may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Act 167 and this Part. If a hardship waiver is granted, the applicant must still comply with the requirements of § 13 of the Stormwater Management Act.

F. Inspections.

§ 8-251. Schedule of Inspections. [Ord. 98-3, 2/25/1998, Art. VI, § 601]

1. The Township Engineer or his designee shall inspect all phases of the installation of the permanent stormwater control facilities and the completed installation.
2. If at any stage of the work the Township Engineer determines that the permanent stormwater control facilities are not being installed in accordance with the approved development plan, Allen Township shall revoke any existing permits until a revised development plan is submitted and approved as required by § 8-246.

G. Fees and Expenses.

§ 8-261. General. [Ord. 98-3, 2/25/1998, Art. VII, § 701]

A fee shall be established by resolution of the Township to defer Township costs for drainage plan review and processing.

§ 8-262. Expenses Covered by Fees. [Ord. 98-3, 2/25/1998, Art. VII, § 702]

The fees required by this Part shall at a minimum cover:

- A. The review of the drainage plan by the Township Engineer.
- B. The site inspection.
- C. The inspection of required controls and improvements during construction.
- D. The final inspection upon completion of the controls and improvements required in the plan.
- E. Any additional work required to enforce any permit provisions, regulated by this Part, correct violations, and assure the completion of stipulated remedial actions.

§ 8-263. Duplication of Fees. [Ord. 98-3, 2/25/1998, Art. VII, § 703]

Fees required under this Part shall not be in excess of costs incurred by the Township and shall not duplicate fees already required by the Zoning Ordinance [Chapter 27] and/or the Subdivision and Land Development Ordinance [Chapter 22].

H. Maintenance Responsibilities.**§ 8-271. General Requirements. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]**

No regulated earth disturbance activities within the Township shall commence until approval by the Township of a BMP Operations and Maintenance Plan which describes how the permanent (e.g., post construction) stormwater BMPs will be properly operated and maintained.

§ 8-272. Maintenance Responsibilities. [Ord. 98-3, 2/25/1998; as amended by Ord. 2005-06, 3/22/2005; by Ord. 2006-07, 8/22/2006; and by Ord. 2007-03, 7/12/2007]

- 1. The maintenance of permanent storm drainage facilities shall be provided in accordance with the requirements of this Part, except as may otherwise be approved by way of a specific maintenance agreement by the Township Board of Supervisors.
 - A. Single Entity Watershed. In all cases where the storm drainage facilities are designed to manage runoff from property in a single entity ownership, as defined below, the maintenance responsibility for the storm drainage facilities shall be with the single entity owner. The single entity owner shall enter into an agreement with the Township which specifies that the owner will properly maintain the storm

drainage facilities consistent with accepted practice, as determined by the Township Engineer. The agreement shall provide for regular inspections by the Township or its designee and contain such provisions, as necessary, to ensure timely correction of any maintenance deficiencies by the single entity owner. A single entity shall be defined as an individual, association, public or private corporation, partnership firm, trust, estate, or any other legal entity empowered to own real estate. Storm drainage facilities including, but not limited to, infiltration structures and stormwater runoff collection and conveyance systems, as described herein, shall be continually maintained and used by the property owner for the purpose intended. The property owner shall not discharge any substance into these storm drainage facilities other than stormwater. Disconnection, improper use, improper maintenance or abandonment and nonuse of these storm drainage facilities shall be considered and is, in fact, a violation of this Part.

- B. Multiple Property Watershed. In cases where the watershed contributing stormwater runoff to a storm drainage facility is or will be in multiple ownership (i.e., separate owners of various portions of the watershed), the developer shall dedicate the permanent stormwater control facilities to the property owner who will own and maintain the storm drainage facility. For storm drainage facilities including infiltration structures constructed in an existing or proposed public road or immediately adjacent thereto, as described in this Part, the Township may, at the sole and absolute discretion of the Board of Supervisors, assume responsibility for all or a portion of the storm drainage facility. If specific storm drainage facilities are considered for dedication to the Township, or acceptance by the Township, for long-term maintenance, the following regulations shall apply:
- (1) Stormwater runoff collection and conveyance facilities such as inlets, manholes, piping and headwalls shall be considered for acceptance if they accept and/or convey stormwater runoff from public land, such as public roads or public parks. Such storm drainage facilities must be located within lands dedicated in fee simple to the Township, or in drainage easements specifically dedicated to the Township.
 - (2) Detention basins and infiltration structures including necessary outlet control structures, fencing, landscaping and/or subsurface improvements shall be considered for acceptance if they accept and/or manage and/or infiltrate stormwater runoff from public land such as public roads or public parks. Such facilities must be located within lands dedicated in fee simple to the Township and on land parcels that meet the following minimum criteria:

- (a) The property dedicated must front on a public road and be provided with an access driveway and off-street parking for two vehicles. Such driveway and parking area shall be improved to meet minimum Township standards and this Part.
 - (b) The property dedicated must meet the minimum lot size and dimensional criteria of the Allen Township Zoning Ordinance [Chapter 27] for the zoning district in which the property is located.
 - (c) The property dedicated must be provided with sufficient buffer and setback to meet the regulations of this Part and provide a minimum setback of 20 feet between any property boundary line and any earthmoving that is required for the construction and/or maintenance of any proposed detention basin and/or infiltration structure.
 - (d) The property dedicated must be improved with the driveway and parking area and with topsoil, raking, seeding and grass meeting the minimum standards of Pennsylvania Department of Transportation Publication Form 408 for Roadside Restorations with grass. This criteria may be waived to the extent that portions of the property may be already stabilized in a wooded condition and that such wooded condition is undisturbed as part of the construction of the facilities for improvements.
 - (e) The owner proposing the dedication shall provide financial resources to the Township to compensate for all or a portion of the cost that the Township would be incurring in the long-term operation and maintenance of the dedicated property and storm drainage facilities, thereon. This financial resource shall be in the form of a cash payment in the minimum amount of \$41,900 per acre of dedicated land and, in the case of infiltration structures, \$7,000 per structure. This minimum amount is established by this ordinance, but can be modified by resolution of the Board of Supervisors, as necessary, to reflect actual long-term costs of maintenance of the detention basin and infiltration structure facilities and properties.
2. The Township shall make the final determination on the continuing operations and maintenance responsibilities. The Township reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater BMPs.

§ 8-273. Adherence to Approved BMP Operations and Maintenance Plan. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved BMP Operations and Maintenance Plan or to allow the property to remain in a condition which does not conform to an approved Operations and Maintenance Plan unless an exception is granted in writing by the Township.

§ 8-274. Operations and Maintenance Agreement for Privately Owned Stormwater BMPs. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

1. The property owner shall sign an Operations and Maintenance Agreement with the Township covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix E¹⁹ of this Chapter.
2. Other items may be included in the agreement where determined by the Township to be reasonable or necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the Township.

§ 8-275. Stormwater Management Easements. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

Stormwater management easements shall be provided by the property owner if necessary for access for inspections and maintenance or for preservation of stormwater conveyance, infiltration, detention areas and other BMPs by persons other than the property owner. The purpose of the easement shall be specified in any agreement under § 8-274.

§ 8-276. Recording of Approved BMP Operations and Maintenance Plan and Related Agreements. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

1. The owner of any land upon which permanent BMPs will be placed, constructed or implemented as described in the BMP Operations and Maintenance Plan shall record the following documents in the Office of the Recorder of Deeds for Northampton County within 90 days of approval of the BMP Operations and Maintenance Plan by the Township.
 - A. The Operations and Maintenance Plan or a summary thereof.
 - B. Operations and Maintenance Agreements under § 8-274.
 - C. Easements under § 8-275.
2. The Township may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.

¹⁹Editor's Note: Appendix E is included at the end of this Chapter.

I. Enforcement.**§ 8-281. Right of Entry. [Ord. 98-3, 2/25/1998, Art. IX, § 901; as amended by Ord. 2007-03, 7/12/2007]**

1. Upon presentation of proper credentials and with the consent of the landowner, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to inspect the implementation, condition or operation and maintenance of the stormwater BMPs or to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Part.
2. In the event that the landowner refuses admission to the property, duly authorized representatives of the Township may seek an administrative search warrant issued by a Magisterial District Judge to gain access to the property.

§ 8-282. Notification. [Ord. 98-3, 2/25/1998, Art. IX, § 902; as amended by Ord. 2005-05, 3/22/2005; and by Ord. 2007-03, 7/12/2007]

1. Whenever the municipality finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the municipality may order compliance by written notice to the responsible person. Such notice may require without limitation:
 - A. The performance of monitoring, analyses and reporting.
 - B. The elimination of prohibited connections or discharges.
 - C. Cessation of any violating discharges, practices or operations.
 - D. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
 - E. Payment of a fine to cover administrative and remediation costs.
 - F. The implementation of stormwater BMPs.
 - G. Operation and maintenance of stormwater BMPs.
2. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s). Said notice may further advise that should the violator fail to take the required action within the established deadline, the work will be done by the municipality or designee and the expense thereof, together with all related lien and enforcement fees, charges and expenses, shall be charged to the violator.
3. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Part. All such penalties shall be deemed

cumulative and shall not prevent the Township from pursuing any and all other remedies available in law or equity.

§ 8-283. Enforcement. [Ord. 98-3, 2/25/1998, Art. IX, § 903; as amended by Ord. 2007-03, 7/12/2007]

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.
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 Allen Township the right to commence any action for enforcement pursuant to this Section.
4. Magisterial District Judges shall have initial jurisdiction in proceedings brought under this Section.
5. In addition, the Township, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. 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.

§ 8-284. Appeals. [Ord. 98-3, 2/25/1998; as added by Ord. 2005-06, 3/22/2005]

Any person aggrieved by any action of the municipality or its designee relevant to the provisions of this Chapter may appeal using the appeal procedures established in the Pennsylvania Municipalities Planning Code.

§ 8-285. Nuisance. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

1. The violation of any provision of this Part is hereby deemed a nuisance.
2. Each day that an offense continues shall constitute a separate violation.

§ 8-286. Suspension and Revocation of Permits and Approvals. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

1. Any building, land development or other permit or approval issued by the Township shall be suspended or revoked for:

- A. Noncompliance with or failure to implement any provision of the permit.
 - B. A violation of any provision of this Part.
 - C. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution, or which endangers the life of property of others.
2. A suspended permit or approval shall be reinstated by the Township when:
 - A. The Township or its designee has inspected and approved the corrections to the stormwater management facilities or the elimination of the hazard or nuisance.
 - B. The Township is satisfied that the violation of the ordinance, law or rule and regulation has been corrected.
 - C. Payment of all Township fees, costs and expenses related to or arising from the violation has been made.
 3. A permit or approval which has been revoked by the Township cannot be reinstated. The developer may apply for a new permit under the procedures outlined in this Part.

J. Prohibitions.

§ 8-291. Prohibited Discharges. [Ord. 98-3, 2/25/1998; as added by Ord. 2005-06, 3/22/2005; as amended by Ord. 2006-07, 8/22/2006]

1. No person in the Township shall allow or cause to allow stormwater discharges into a storm sewer system which are not composed entirely of stormwater except as provided in Subsection (2) below or as allowed under a State or Federal permit.
2. Discharges that may be allowed based on the Township finding that the discharge(s) do not significantly contribute pollution to surface waters of the Commonwealth are listed below:
 - A. Discharges from fire-fighting activities.
 - B. Potable water sources including dechlorinated water line and fire hydrant flushings.
 - C. Irrigation drainage.
 - D. Routine external building wash-down which does not use detergents or other compounds.

- E. Air conditioning condensate.
 - F. Water from individual residential car washing.
 - G. Springs.
 - H. Water from crawl space pumps.
 - I. Uncontaminated water from foundation or from footing drains.
 - J. Flows from riparian habitats and wetlands.
 - K. Lawn watering.
 - L. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
 - M. Dechlorinated swimming pool discharges.
 - N. Uncontaminated groundwater.
- 3. In the event that the Township determines that any of the discharges identified in Subsection (2) significantly contribute to pollution of waters of the Commonwealth or is so notified by the Department of Environmental Protection, the Township will notify the responsible person to cease the discharge.
 - 4. Upon notice provided by the Township under Subsection (3), the discharger will have a reasonable time, as determined by the Township, to cease the discharge consistent with the degree of pollution caused by the discharge.
 - 5. Nothing in this Section shall affect a discharger's responsibilities under State law.

§ 8-292. Prohibited Connections. [Ord. 98-3, 2/25/1998; as added by Ord. 2005-06, 3/22/2005; as amended by Ord. 2006-07, 8/22/2006]

- 1. The following connections to storm sewer systems are prohibited, except as provided in § 8-291(2) above:
 - A. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater and wash water to enter a storm sewer system and any connections to the storm sewer system from indoor drains and sinks.
 - B. Any drain or conveyance connected from a commercial or industrial land use to a storm sewer system, which has not been documented in plans, maps or equivalent records and approved by the Township.

§ 8-293. Roof Drains. [Ord. 98-3, 2/25/1998; as added by Ord. 2005-06, 3/22/2005; as amended by Ord. 2006-07, 8/22/2006]

1. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in Subsection (2).
2. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Township.
3. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

§ 8-294. Alteration of Stormwater Management Facilities. [Ord. 98-3, 2/25/1998; as added by Ord. 2007-03, 7/12/2007]

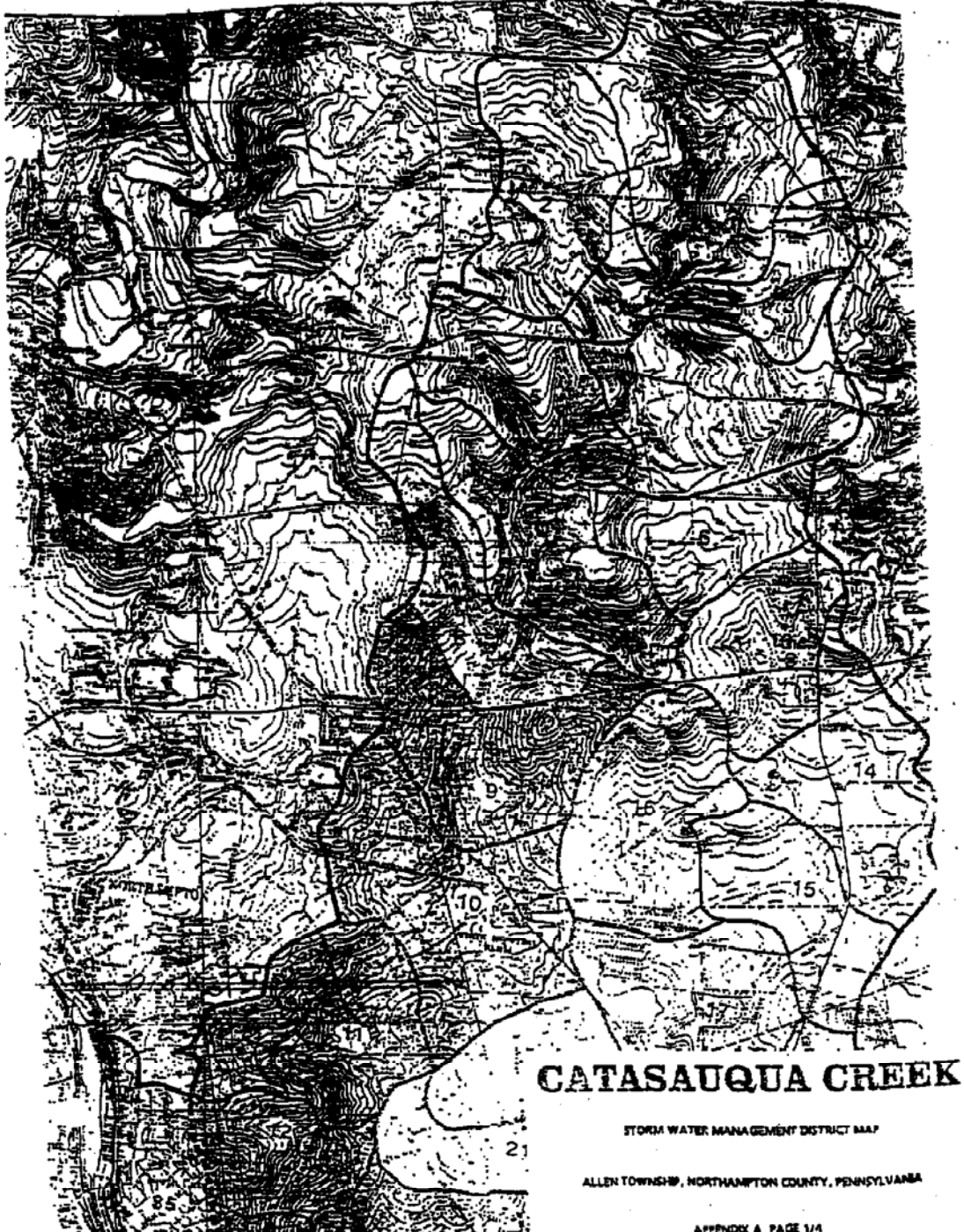
1. No person shall modify, remove, fill, landscape or alter any existing stormwater management facilities without the written approval of the Township unless it is part of an approved maintenance program.
2. No person shall place any structure, fill, landscaping or vegetation into any stormwater management facilities or within a drainage easement, which would limit or alter the functioning of the stormwater management facilities, without the written approval of the Township.

8 Attachment 1

Township of Allen

Appendix A

CATASAUQUA CREEK



8 Attachment 2

Township of Allen

**CATASAUQUA CREEK
RELEASE RATE SUMMARY TABLE**

Dual Release Rate categories (30/–) define a 30% Release Rate for the two-year storm and the indicated Release Rate for the ten- , twenty-five- and one-hundred-year storms.

Subarea	Release Rate (%)
1-8	30/100
9-12	CND I*
13-21	30/100
22	CND I*
23	CND I*
24	CND I*
25-33	30/100
34	CND I*
35	CND II*
36	CND II*
37	CND II*
38	30/100
39	30/100
40-43	CND II*
44	30/100
45	CND I*
46-49	CND II*
50	30/100
51	30/100
52-58	CND II*
59	30/100
60	30/100
61	CND I*
62-70	CND II*
71	30/100

FLOODPLAINS

Subarea

72

Release Rate (%)

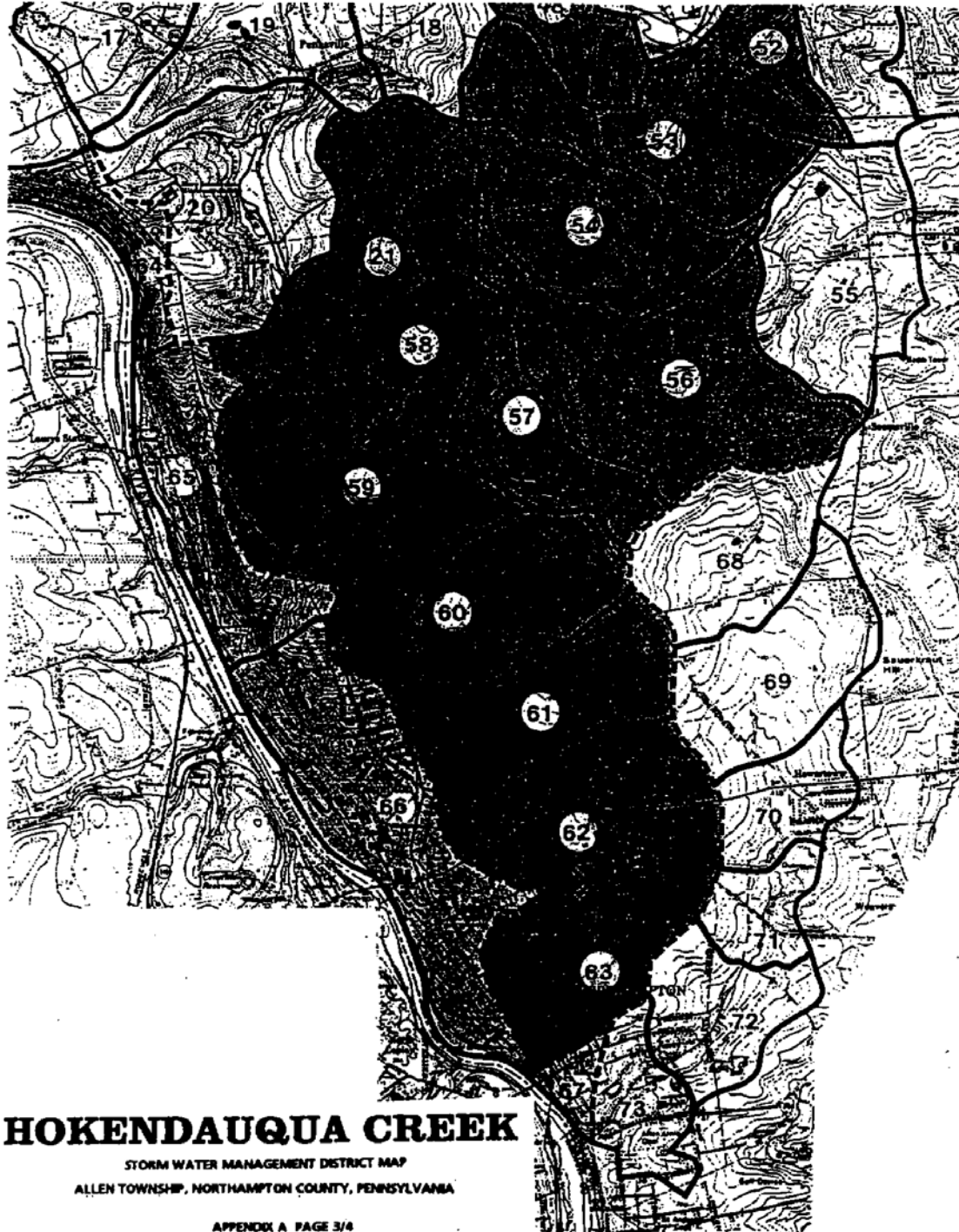
30/100

Conditional No Detention Areas (I & II) do not need detention controls, provided that adequate downstream capacity can be shown for increased peak flows. (See Plan for additional details.)

8 Attachment 3

Township of Allen

HOKENDAUQUA CREEK



8 Attachment 4

Township of Allen

**HOKENDAUQUA CREEK
RELEASE RATE SUMMARY TABLE**

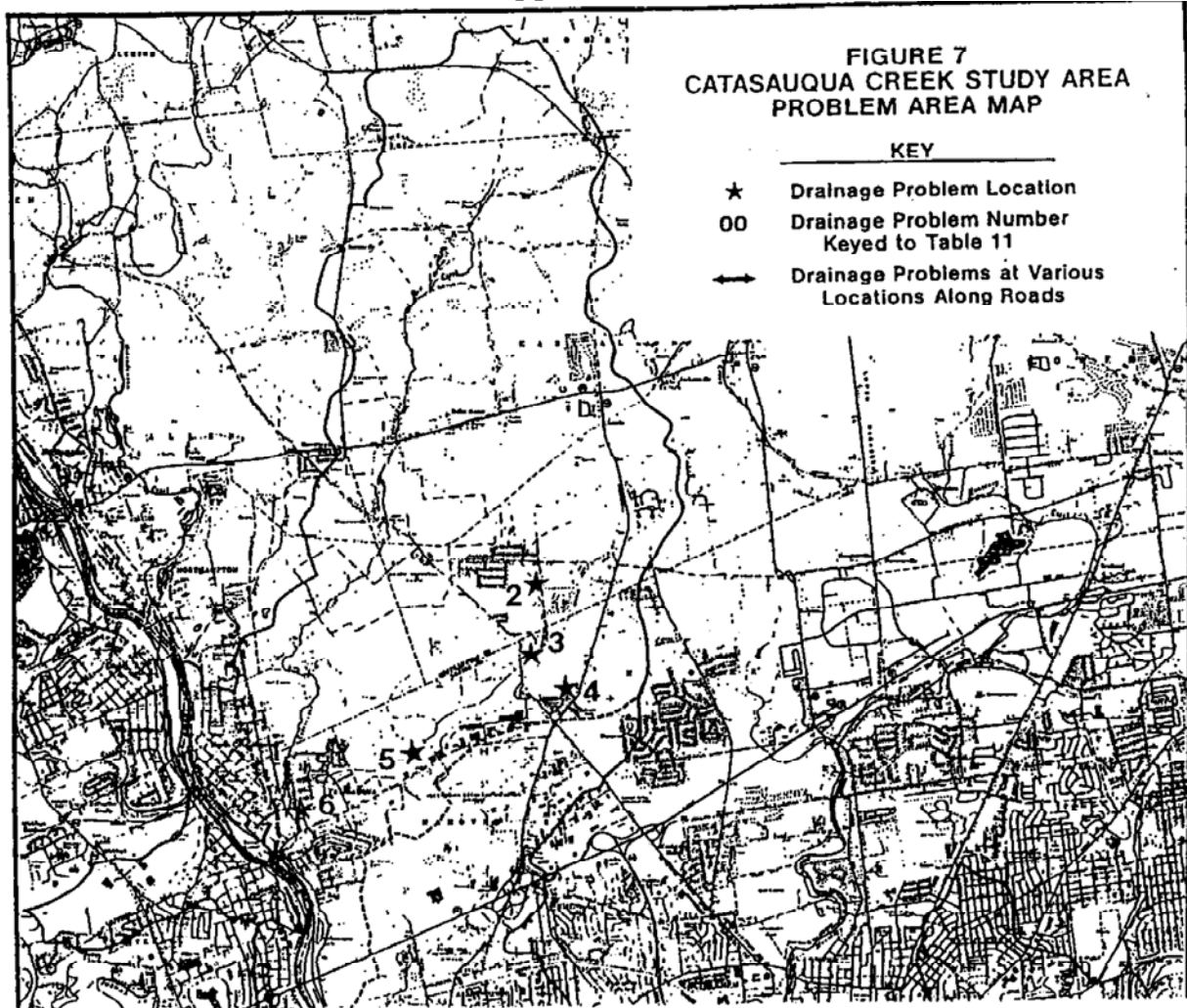
Dual Release Rate categories (30/–) define a 30% Release Rate for the two-year storm and the indicated Release Rate for the ten- , twenty-five- and one-hundred-year storms.

Subarea	Release Rate
1-20	30/100
21	CND I*
22-47	30/100
48	CND I*
49-51	30/100
52-54	CND I*
55	30/100
56-63	CND I*
64-67	CND II*
68-73	30/100

* Conditional No Detention Areas (I & II) do not need detention controls, provided that adequate downstream capacity can be shown for increased peak flows. (See Plan for additional details.)

Township of Allen

Appendix B



8 Attachment 6

Township of Allen

TABLE 11

CATASAUQUA CREEKS STUDY AREA STORM DRAINAGE PROBLEM AREAS

No.	Location	Municipality	Problem Description	Subarea No.	Reach No.	Proposed Solution
1	Catasauqua Borough Park	Borough of Catasauqua	Property flooding	23	12	None proposed
2	East Allen Manor	East Allen Township	Street flooding	17	16	Sewers proposed
3	Hanover Street	Hanover Township (N)	Street flooding	17/19	17	None proposed
4	Village View Development	Hanover Township (N)	Property flooding	18	-	None proposed
5	Willow Brook Road	Hanover Township (L)	Property flooding	22	21	None proposed
6	Race Street	Borough of Catasauqua	Street and property flooding	24	24	None proposed
7	Lehigh Street	Borough of Catasauqua	Street and property flooding	24	23	None proposed
8	Adams Island	City of Allentown	Street flooding	40	-	None proposed
9	Ritter Street	City of Bethlehem	Street and property	45	-	Storm sewer upgrade
10	Intersection of Craig Avenue and Spring Street	City of Bethlehem	Street and property flooding	45	-	Regrading intersection
11	Thirteenth Street to Eleventh Street	City of Bethlehem	Street and property flooding	47	-	None proposed

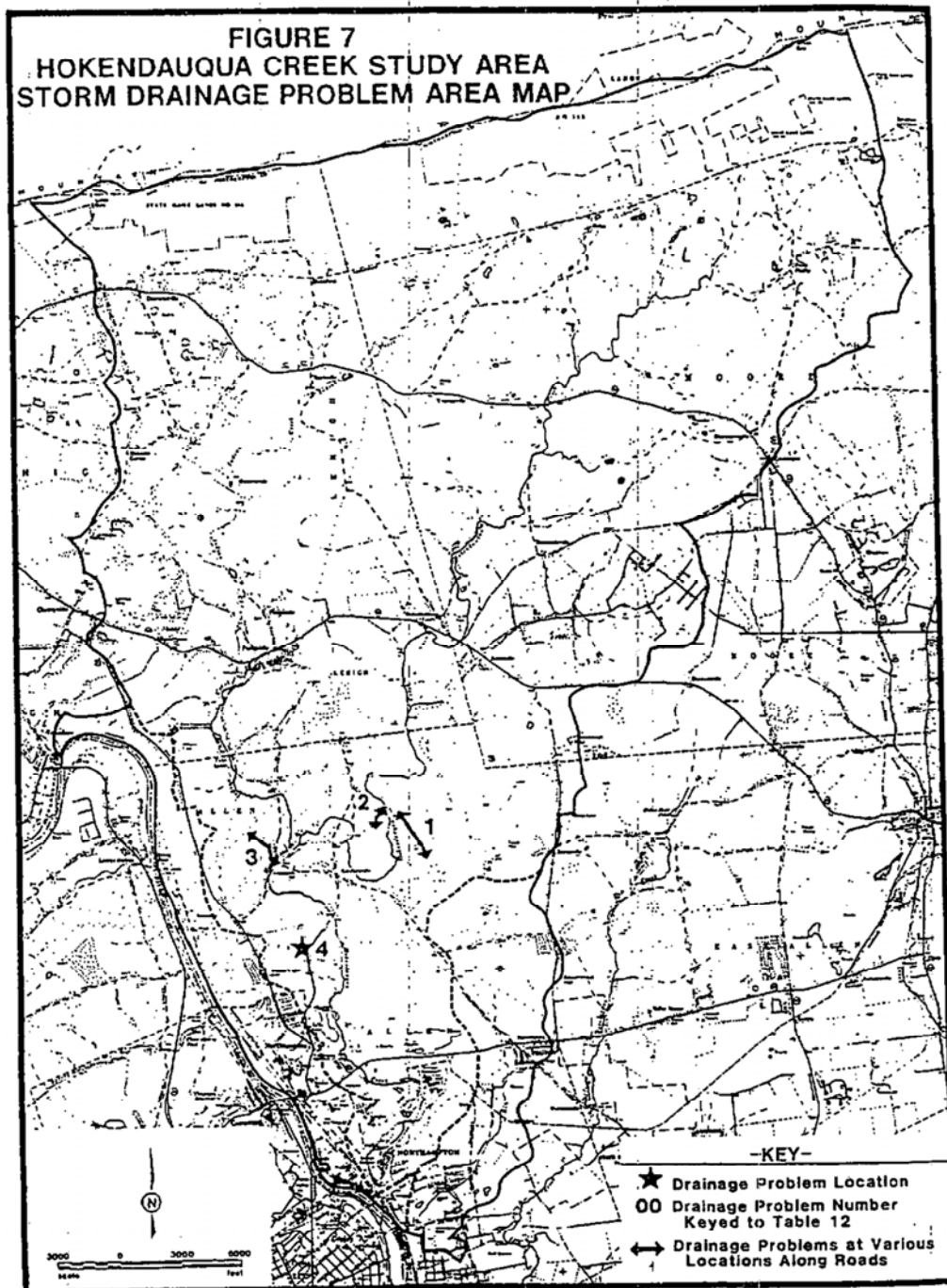
FLOODPLAINS

No.	Location	Municipality	Problem Description	Subarea No.	Reach No.	Proposed Solution
12	South end of Eighth Street	City of Bethlehem	Street and property flooding	47	-	Creation of drainage easement
13	Elm Street	City of Bethlehem	Street and property flooding, swale erosion	49	-	Storm sewer upgrade and swale maintenance
14	Stefko Boulevard	City of Bethlehem	Property flooding	51	-	Upgrade swale and storm sewer
15	Area between Main Street and Lehigh Canal	Freemansburg	Street and property flooding	53	-	None proposed

Township of Allen

FIGURE 7

HOKENDAUQUA CREEK STUDY AREA STORM DRAINAGE PROBLEM
AREA MAP



Township of Allen

TABLE 11

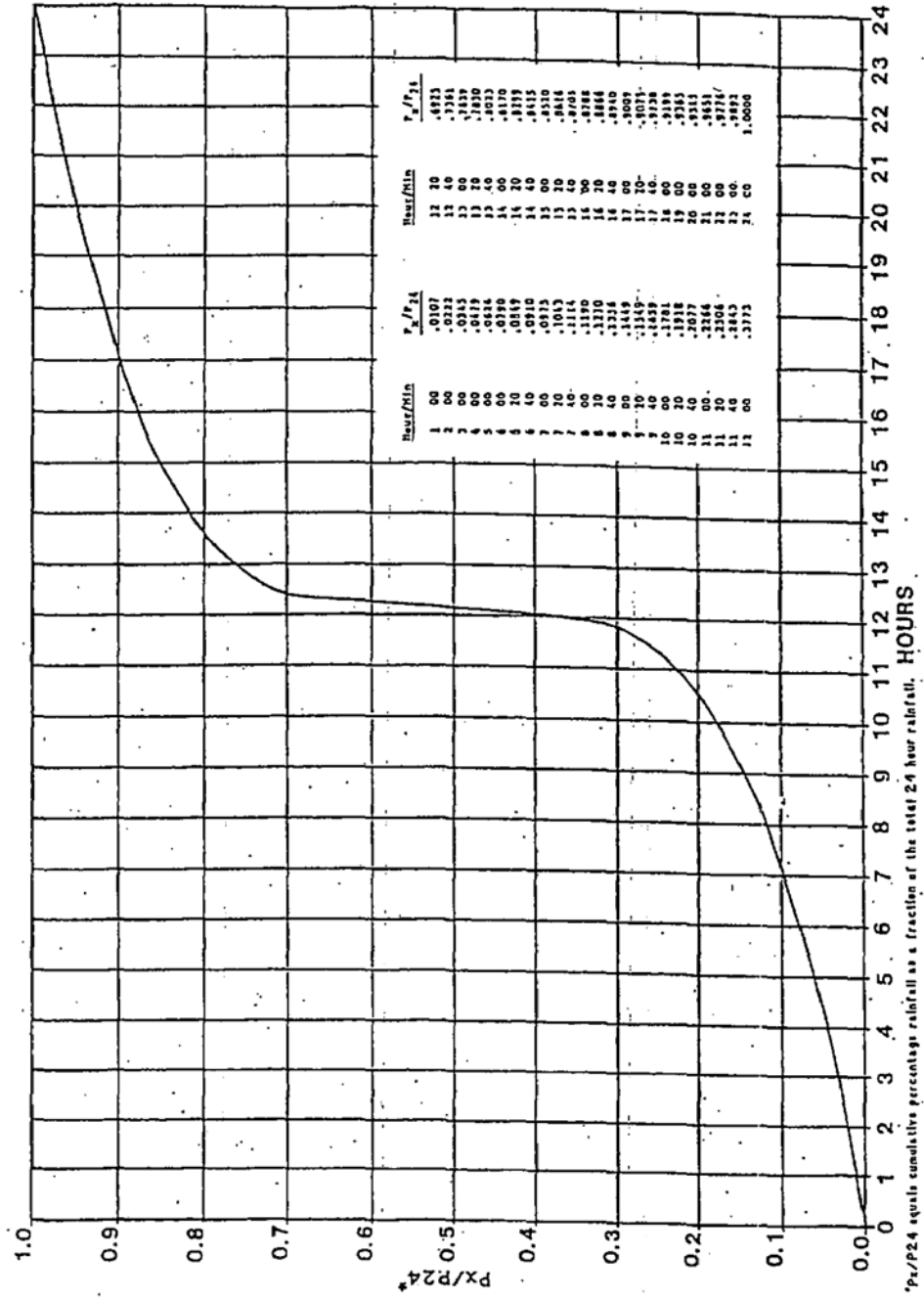
HOKENDAQUA CREEK STUDY AREA STORM DRAINAGE PROBLEM AREAS

No.	Location	Municipality	Problem Description	Subarea No.	Reach No.	Proposed Solution
1.	(North) Snow Hill Road (TR-472)	Allen Township	Road and shoulder washouts	56	55	Reconstruct road and shoulder, improve drainage
2.	Stonebridge Road (TR-473)	Allen Township	Occasional flooding	56	54	Improve pipes, raise road and pave
3.	Stage Coach Road (TR-473)	Allen Township	Erosion from (TR-473) and subsurface water onto Indian Trail Road (LR 48068)	59	58	Improve drainage on TR-473. Penn-DOT should consider improving drainage on Indian Trail Road
4.	Spring Hill Road (TR-469)	Allen Township	Erosion from driveway and property	60	-	Enforce erosion control on property owner
5.	Canal Street between 10th and 14th Street	Northampton Borough	Street flooding	66	-	None proposed

8 Attachment 9

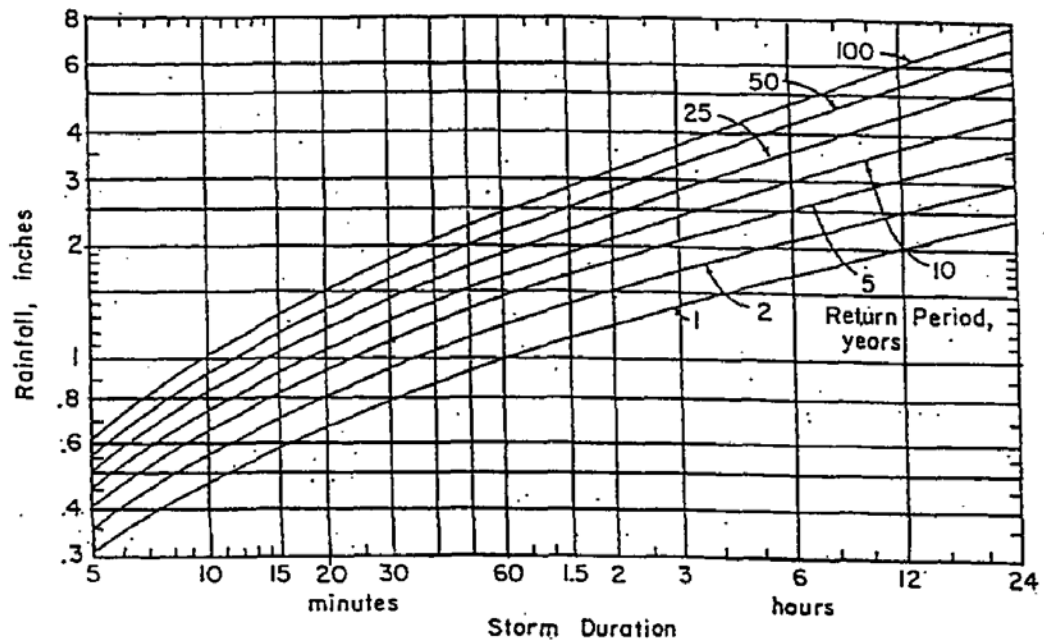
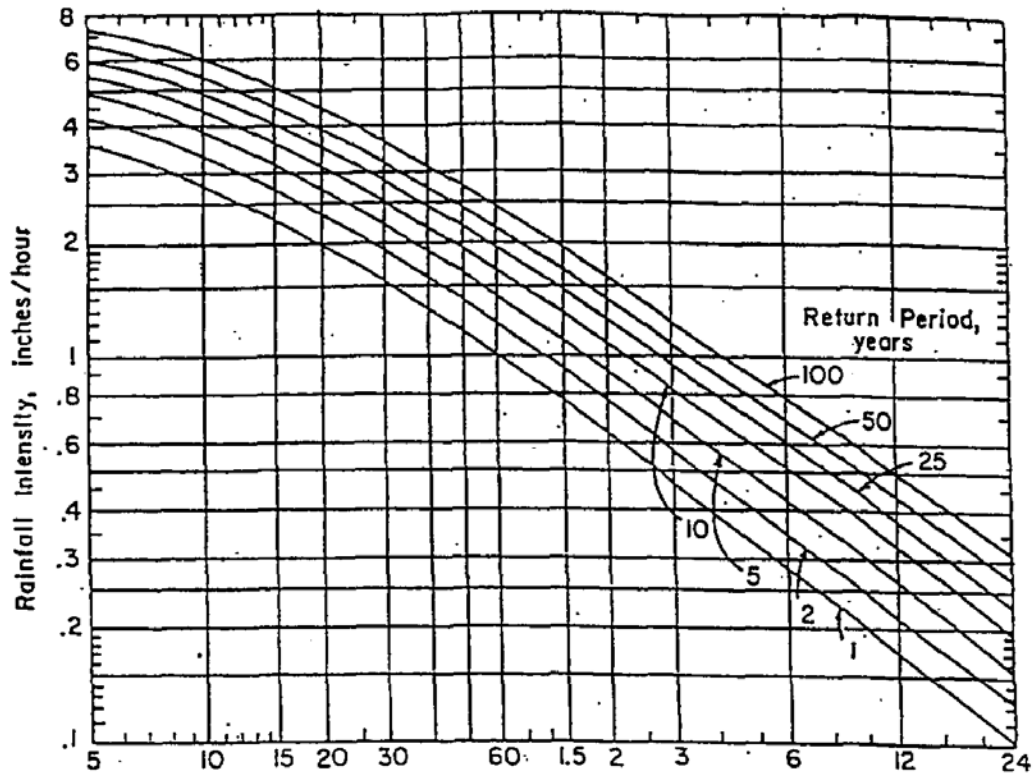
Township of Allen

NRCS TYPE II RAINFALL DISTRIBUTION



Township of Allen

INTENSITY-DURATION-FREQUENCY CURVES*



*Source: Pennsylvania Dept. of Transp. Design Rainfall Curves (1986).

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Township of Allen

RUNOFF CURVE NUMBERS AND PERCENT IMPERVIOUSNESS VALUES*

Cover Description		Curve Numbers for Hydrologic Soil Group**			
Land Use/Cover Type	Average Percent Impervious Area	A	B	C	D
Open space (lawns, parks, golf courses, cemeteries, etc.):					
Good condition (grass cover greater than 75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way)		98	98	98	98
Paved; open ditches (including right-of-way)		83	89	92	93
Gravel (including right-of-way)		76	85	89	91
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (townhouses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
Woods		30	55	70	77
Agriculture		Refer to Table 2-2b in source document (TR55) by crop type and treatment			

* Source: Natural Resources Conservation Service Technical Release No. 55, Second Edition, June 1986.

** Hydrologic Soil Group based on the County Soil Survey latest edition.

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Township of Allen

**RUNOFF COEFFICIENTS FOR THE RATIONAL METHOD*
HYDROLOGIC SOIL GROUP AND SLOPE RANGE****

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 ^A	^a 0.18	0.23	0.28	0.24	0.29	0.33	0.30	0.34	0.38	0.33	0.37	0.41
Pasture ^B	^b 0.23	0.29	0.34	0.30	0.36	0.40	0.36	0.41	0.45	0.39	0.44	0.48
	0.09	0.13	0.17	0.19	0.24	0.29	0.27	0.31	0.36	0.31	0.35	0.39
	0.12	0.17	0.23	0.24	0.30	0.36	0.33	0.38	0.43	0.37	0.42	0.46
Meadow, Lawn ^C	0.05	0.08	0.12	0.15	0.20	0.24	0.23	0.28	0.32	0.28	0.32	0.36
	0.07	0.12	0.17	0.19	0.25	0.30	0.28	0.34	0.39	0.33	0.39	0.43
Forest, Woods	0.03	0.05	0.08	0.11	0.16	0.20	0.20	0.25	0.29	0.25	0.30	0.34
	0.04	0.08	0.12	0.15	0.21	0.26	0.25	0.31	0.36	0.31	0.37	0.41
Gravel	0.24	0.29	0.33	0.32	0.36	0.40	0.35	0.39	0.43	0.37	0.41	0.44
	0.30	0.36	0.40	0.38	0.43	0.47	0.42	0.46	0.50	0.44	0.48	0.51
Parking, Other Impervious	0.72	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

Residential, Commercial, Industrial and Other “Developed”
Runoff coefficients should be calculated based upon weighted average of impervious area coefficients and pervious area coefficients from above based upon soil type, slope and the particular development proposal

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NOTES:

* Based on Rossmiller Equation for translating NRCS curve numbers into Rational Method 'c' values.

** Hydrologic Soil Group based on the county soil survey latest edition.

^a –Runoff coefficients for storm recurrence intervals less than 25 years.

^b –Runoff coefficients for storm recurrence intervals of 25 years or more.

^A Represents average of cultivated land with and without conservation treatment from TR-55, January 1975. These values are consistent with several categories of cultivated lands from TR-55, June 1986.

^B Represents grasslands in fair condition with 50% to 75% grass cover.

^c Represents grasslands in good condition with greater than 75% grass cover.

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MANNING 'n' VALUES BY TYPICAL REACH DESCRIPTION

Reach Description	Manning 'n'
Natural stream, clean, straight, no rifts or pools	0.030
Natural stream, clean, winding, some pools and shoals	0.040
Natural stream, winding, pools, shoals, stony with some weeds	0.050
Natural stream, sluggish with deep pools and weeds	0.070
Natural stream or swale, very weedy or with timber under brush	0.100
Concrete pipe, culvert or channel	0.012
Corrugated metal pipe	0.012-0.027*

NOTES:

* Depending upon type and diameter.

Roughness Coefficients (Manning 'n') For Sheet Flow

Surface Description	Manning 'n'¹
Smooth surfaces (concrete, asphalt, gravel, or bare soil)	0.011
Fallow (no residue)	0.050
Cultivated soils:	
Residue cover <=20%	0.060
Residue cover > 20%	0.170
Grass:	
Short grass prairie	0.150
Dense grasses ²	0.240
Bermuda grass	0.410
Range (natural)	0.130
Woods: ³	
Light underbrush	0.400
Dense underbrush	0.800

NOTES:

¹ The n values are a composite of information compiled by Engman (1986).

² Includes species such as weeping lovegrass, bluegrass, buffalo grass, blue grama grass and native grass mixtures.

³ When selecting n, consider cover to a height of about 0.1 ft. this is the only part of the plant cover that will obstruct sheet flow.

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Township of Allen

PERMISSIBLE VELOCITIES FOR SELECTED CHANNELS

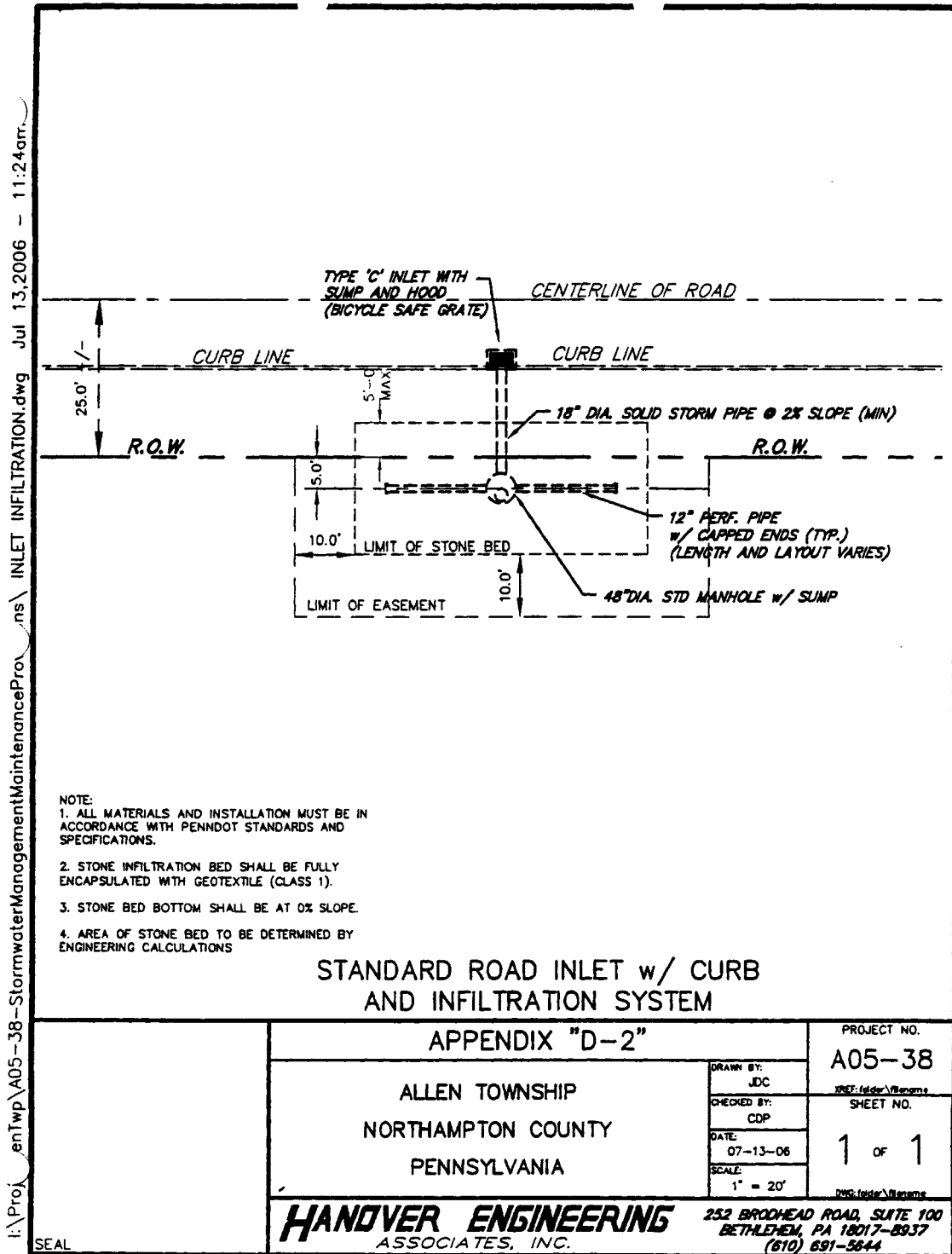
Channel Lining	Permissible Channel Velocity (Feet Per Second)		
Vegetation ¹			
Grass Mixture	4.0	-	5.0
Kentucky Bluegrass	5.0	-	7.0
Kentucky 31 Tall Fescue	3.0	-	6.0
Red Clover or Red Fescue	2.5	-	3.5
Red Top	2.5	-	3.5
Red Canarygrass	3.0	-	4.0
Sericea Lespedeza	2.5	-	3.5
Sudan Grass	2.5	-	3.5
Weeping Lovegrass	2.5	-	3.5
Bare Earth, Easily Eroded ²			
Fine Sand	1.5		
Sand Loam	1.75		
Silt Loam or Alluvial Silts, Loose	2.0		
Firm Loam	2.50		
Bare Earth, Erosion Resistant ²			
Fine Gravel	2.5		
Stiff Clay or Alluvial Silts, Firm	3.75		
Loam to Cobbles (Graded)	3.75		
Silt to Cobbles (Graded or Course Gravel)	4.0		
Cobbles and Stones or Shales and Hardpans	6.0		
Rock Lined			
6" Rip Rap	9.0		
9" Rip Rap	11.5		
12" Rip Rap	13.0		

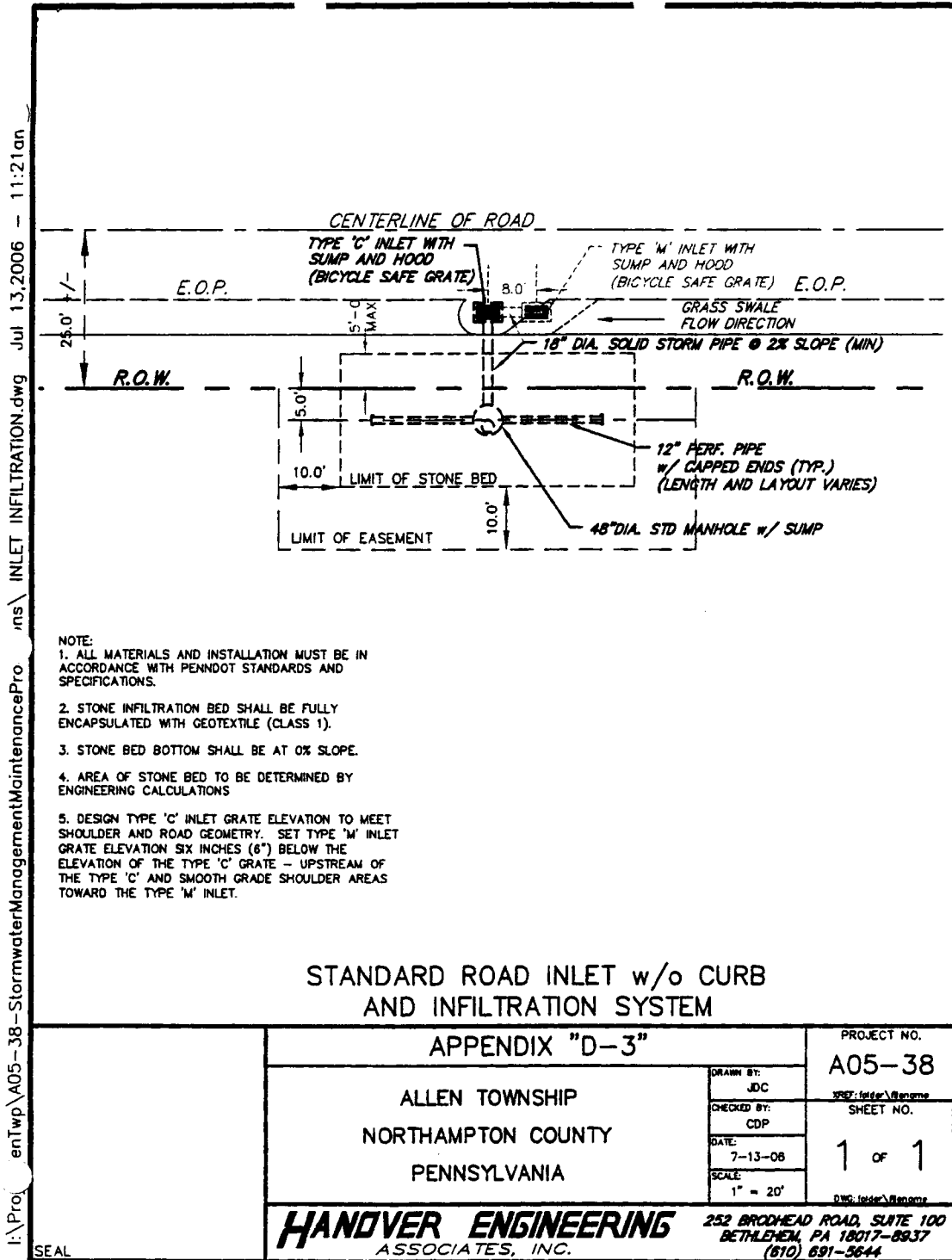
NOTES:

¹ Maximum permissible velocities dependent on soil erodibility and slope.

² Maximum permissible velocities in bare earth channels – for straight channels where slopes < 0.02 ft./ft.

Source: Department of Environmental Protection, Erosion and Sediment Pollution Control Program Manual, April 1990.





Township of Allen

APPENDIX E

**STORMWATER BEST MANAGEMENT PRACTICES
OPERATIONS AND MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between _____, (hereinafter the “Landowner”), and _____, _____ County, Pennsylvania, (hereinafter “municipality”),

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of _____ County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter “Property”)

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

WHEREAS, the stormwater management BMP Operations and Maintenance Plan approved by the municipality (hereinafter referred to as the “Plan”) for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the municipality, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (BMPs); and

WHEREAS, the municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the municipality and the protection and maintenance of water quality require that on-site stormwater Best Management Practices be constructed and maintained on the Property; and

WHEREAS, for the purposes of this agreement, the following definitions shall apply:

- BMP – “Best Management Practice,” activities, facilities, designs, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the Municipal Stormwater Management Ordinance, including but not limited to infiltration trenches, seepage pits, filter strips, bioretention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.
- Infiltration Trench – A BMP surface structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,

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- Seepage Pit – An underground BMP structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,
- Rain Garden – A BMP overlain with appropriate mulch and suitable vegetation designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer, and

WHEREAS, the municipality requires, through the implementation of the Plan, that stormwater management BMPs as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, his successors and assigns. And

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

1. The BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.
2. The Landowner shall operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the municipality and in accordance with the specific maintenance requirements noted on the Plan.
3. The Landowner hereby grants permission to the municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the municipality, the municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the municipality to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the municipality.
5. In the event the municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the municipality for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the municipality and if not timely paid, a municipal lien shall be placed upon the premises for 110% of the invoice amount, plus statutorily allowed fees, expenses and costs.

6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMP(s) by the Landowner, provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, hereby release and hold harmless the municipality's employees and designated representatives from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or municipality. In the event that a claim is asserted against the municipality, its designated representatives or employees, the municipality shall promptly notify the Landowner and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the municipality's employees or designated representatives shall be allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.
8. The municipality shall inspect the BMP(s) as necessary to ensure their continued functioning. This Agreement shall be recorded at the Office of the Recorder of Deeds of _____ County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

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ATTEST:

WITNESS the following signatures and seals

(SEAL)

For the Municipality:

(SEAL)

For the Landowner:

ATTEST:

_____ (City, Borough, Township)

County of _____, Pennsylvania

I, _____, a Notary Public in and for the County and State
aforesaid, whose commission expires on the _____ day of _____, 20____, do hereby
certify that _____ whose name(s) is/are signed to the foregoing Agree-
ment bearing date of the _____ day of _____, 20____, has acknowledged the same
before me in my said County and State

GIVEN UNDER MY HAND THIS _____ day of _____, 20____.

NOTARY PUBLIC

(SEAL)

Township of Allen

APPENDIX F

LOW IMPACT DEVELOPMENT PRACTICES ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

Natural hydrologic conditions may be altered radically by poorly planned development practices, such as introducing unneeded impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers, and changing local topography. A traditional drainage approach of development has been to remove runoff from a site as quickly as possible and capture it in a detention basin. This approach leads ultimately to the degradation of water quality as well as expenditure of additional resources for detaining and managing concentrated runoff at some downstream location.

The recommended alternative approach is to promote practices that will minimize post-development runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate pre-development hydrologic conditions, forced infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces. The ability of the ground to infiltrate depends upon the soil types and its conditions.

Preserving natural hydrologic conditions requires careful alternative site design considerations. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage. A well-designed site will contain a mix of all those features. The following describes various techniques to achieve the alternative approach:

- **Preserving Natural Drainage Features.** Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in land development. In fact, commonly held drainage philosophy encourages just the opposite pattern — streets and adjacent storm sewers typically are located in the natural headwater valleys and swales, thereby replacing natural drainage functions with a completely impervious system. As a result, runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments designed to fit site topography also minimizes the amount of grading on site.
- **Protecting Natural Depression Storage Areas.** Depressional storage areas have no surface outlet, or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by filling or draining, thereby obliterating their ability to reduce surface runoff vol-

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umes and trap pollutants. The volume and release-rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.

- **Avoiding Introduction of Impervious Areas.** Careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways and other features producing impervious surfaces should be evaluated to minimize impacts on runoff.
- **Reducing the Hydraulic Connectivity of Impervious Surfaces.** Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as storm sewer). Two basic ways to reduce hydraulic connectivity are routing of roof runoff over lawns and reducing the use of storm sewers. Site grading should promote increasing travel time of stormwater runoff, and should help reduce concentration of runoff to a single point in the development.
- **Routing Roof Runoff Over Lawns.** Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connections of downspouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. By routing roof drains and crowning the driveway to run off to the lawn, the lawn is essentially used as a filter strip.
- **Reducing the Use of Storm Sewers.** By reducing use of storm sewers for draining streets, parking lots, and back yards, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a “reasonable” time. The practice requires educating local citizens and public works officials, who expect runoff to disappear shortly after a rainfall event.
- **Reducing Street Widths.** Street widths can be reduced by either eliminating on-street parking or by reducing roadway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets which ultimately could lower maintenance.
- **Limiting Sidewalks to One Side of the Street.** A sidewalk on one side of the street may suffice in low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials.
- **Using Permeable Paving Materials.** These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.

- Reducing Building Setbacks. Reducing building setbacks reduces driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.
- Constructing Cluster Developments. Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings is in street length, which also will reduce costs of the development. Cluster development clusters the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

Township of Allen

APPENDIX G

PRELIMINARY SITE INVESTIGATION AND TESTING REQUIREMENTS

Required Data and Site Information: The following data shall be gathered utilizing standard testing procedures as part of a Preliminary Site Investigation:

- Bedrock composition – Any apparent boundaries between carbonate and non-carbonate bedrock must be verified by a qualified geotechnical professional.
- Bedrock structural geology – This includes the possible presence of faults and mapping of conspicuous fracture traces or lineaments.
- Overburden and soil mantle composition and thickness.
- Permeability of the soil.
- Depth to the seasonal high water table.
- Presence of special geologic features – This includes sinkholes, closed depressions, fracture traces, lineaments and geologic contacts between carbonate and non-carbonate bedrock.

Investigation Required for All Sites.

Review of Available Data, Maps and Reports: Some of the required information, as listed above, can be found in existing published data. Suggested resources include the following:

- Geologic maps and references for the development area.
- The Little Lehigh Creek Basin Carbonate Prototype Area Closed Depression Map – available at the LVPC.
- USGS topographic maps.
- Lehigh and Berks County soil survey maps.
- Aerial photographs from the LVPC or other sources.
- Relevant Pennsylvania Geologic Survey Open File Reports (Kochanov 1987a, 1987b) that provide maps of sinkholes and Karst features for Lehigh and Berks counties.

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Field Inspections: In addition to gathering data from published sources, a field inspection of the proposed site is required. A field inspection can provide additional information relating to site features such as carbonate bedrock features, indicators of seasonal high stream-level or water table levels, streams, springs, etc.

Soil Test Pit and Percolation Test Requirements: A minimum of one test pit and a minimum of two percolation tests are required for every site. A test pit is a two-three-foot wide, eight-foot deep trench excavated with a backhoe for observing subsurface conditions. The test pits will be used to describe soil depth and quality, including soil horizons, and testing of permeability or percolation rates.

Percolation tests are to be conducted as follows (adapted from §73.15. “Percolation Tests” of the Pennsylvania Code)

1. The percolation tests shall be made in separate holes uniformly spaced over the possible infiltration area.
2. An “Initial Presoak” should not be performed.
3. Percolation holes located within the possible infiltration area shall be used in the calculation of the average percolation rate.
4. Holes having a uniform diameter of six to 10 inches shall be bored or dug as follows:
 - a. To the depth of the bottom of the possible infiltration BMP.
 - b. Alternate depths if the test pits/auger holes indicate that the soils are more suitable at a different depth (i.e., if a clay horizon is identified and more suitable soils are located beneath the horizon, and infiltration test should be performed in the suitable horizon).
5. The bottom and sides of the hole shall be scarified with a knife blade or sharp-pointed instrument to completely remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Loose material shall be removed from the hole. Two inches of coarse sand or fine gravel shall be placed in the bottom of the hole to protect the soil from scouring and clogging of the pores.
6. Immediately before the percolation test, as a final presoak, water shall be placed in the hole to a minimum depth of 6-inches over the gravel and readjusted every 30 minutes for one hour.
7. The drop in the water level during the last 30 minutes of the final presoaking period shall be applied to the following standard to determine the time interval between readings for each percolation hole:

- a. If water remains in the hole, the interval for readings during the percolation test shall be 30 minutes.
 - b. If no water remains in the hole, the interval for readings during the percolation test may be reduced to 10 minutes.
8. After the final presoaking period, water in the hole shall again be adjusted to approximately 6-inches over the gravel and readjusted when necessary after each reading.
 - a. Measurement to the water level in the individual percolation holes shall be made from a fixed reference point and shall continue at the interval determined from step No. 7 (above) for each individual percolation hole until a minimum of eight readings are completed or until a stabilized rate of drop is obtained, whichever occurs first. A stabilized rate of drop means a difference of 1/4 inch or less of drop between the highest and lowest readings of four consecutive readings.
 - b. The drop that occurs in the final period in percolation test holes, expressed as inches per hour, shall be used to calculate the average percolation rate.
 - c. When the rate of drop in a percolation test is too slow to obtain a measurable rate, the rate of 0.25 inches per hour shall be assigned to that hole for use in calculating the average percolation rate. The infiltration area may be placed over holes with no measurable rate when the average percolation rate for the possible infiltration area is within the acceptable range.

When a percolation test hole yields a percolation rate of greater than 12-inches per hour, the proposed infiltration area may not be designed or installed within 25-feet of this hole unless the municipality determines that a testing anomaly caused the fast percolation rate and a retest of the area yields acceptable percolation rates. This percolation rate limit is established to protect groundwater quality and to minimize the risk of subsidence.

Additional Site Investigation and Testing Required if Infiltration is Proposed.

Soil Test Pit Requirements: The required number of test pits varies with Effective Soil Thickness. As risk factors increase, the number of test pits increases. A minimum of two test pits, uniformly spaced within the proposed infiltration area (e.g. the two pits should be centered on each half of the proposed infiltration area), are required for any site proposing infiltration unless the applicant can demonstrate that one test pit is adequately representative of the area proposed for infiltration. For larger infiltration areas, multiple test pits shall be developed at the densities as listed below:

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Effective Soil Thickness (ft.)	Test Pit Density (per acre of proposed infiltration area)*	Percolation Tests (per acre of proposed infiltration area)**	Auger Grid Spacing (Feet On-Center)
8	4	8	50
4 to 8	6	12	35
2 to 4	8	16	25

* No. of Test Pits required = Infiltration sq. ft./43,560 sq. ft. x test pit density from chart rounded up to the nearest whole number.

** No. of Percolation Tests required = Infiltration sq. ft./43,560 sq. ft. x percolation tests from chart rounded up to the nearest whole number.

Soil Auger Testing Requirements for Carbonate Areas: Because soil depth is not uniform in many carbonate areas, test pits will not be sufficient to accurately determine the depth to bedrock. Augering provides this essential data as inexpensively as possible. Track-rig rotary soil auger test drilling allows relatively inexpensive, qualitative determination of the presence of overburden voids and will generally penetrate to the top-of-bedrock. Augers typically extend to depths of 20 feet. Special augers extend to as much as 50 feet. Augers do not extend into the bedrock. Auger testing should be performed in a grid pattern across the proposed infiltration area, spaced as indicated in the above table.

Percolation Testing Requirements: A minimum of six percolation tests shall be conducted in accordance with the procedures listed above unless the applicant can demonstrate that fewer tests accurately represent the percolation rate of the proposed infiltration area. Additional testing shall be required if the initial test results show significant variability in percolation rate. For larger infiltration areas, percolation tests shall be conducted at the densities listed in the table above.

CHAPTER 9
GRADING AND EXCAVATING

PART 1

EARTH DISTURBANCE

- §9-101. Title**
- §9-102. Regulated Activities**
- §9-103. Unlawful Acts**
- §9-104. Effect on Other Permits**
- §9-105. Application for Permit**
- §9-106. Nonassumption of Liability**
- §9-107. Specifications and Requirements**
- §9-108. Approval and Processing of Permits**
- §9-109. Regulations for Permit Holders and Others**
- §9-110. Inspections**
- §9-111. Revocation or Suspension of Permit**
- §9-112. Modifications of Waiver Provisions**
- §9-113. Remedies**
- §9-114. Violations and Penalties**

PART 1
EARTH DISTURBANCE

§9-101. Title.

The name of the Chapter shall be the “Allen Township Earth Disturbance Ordinance.”

(Ord. 2006-06, 6/27/2006)

§9-102. Regulated Activities.

1. Earthmoving and grading including, but not limited to, removal of vegetation and/or changes in topography are activities regulated by this Chapter.
2. Earthmoving and grading activities shall be subject to the requirements of State soil erosion and sedimentation control regulations, Township Zoning Ordinance [Chapter 27], Township Subdivision and Land Development Ordinance [Chapter 22], Township Floodplain Ordinance [Chapter 8] and the Township Stormwater Management Ordinance [Chapter 8], whether or not it is regulated by this Chapter.
3. All requirements, regulations, specifications and provisions of this Chapter apply to all earthmoving activities regardless of whether a permit is required.
4. A permit is required for any earthmoving activity; however, notwithstanding anything to the contrary set forth in this Section, no permit shall be required pursuant to this Chapter in the following circumstances:
 - A. Earth disturbance for the purposes of normal agricultural operations, gardening and topsoil preparation for planting of grass or other vegetative groundcover;
 - B. The area of disturbance is on property less than 8% slope and one or more of the following apply:
 - (1) No disturbance is proposed within 10 feet of a property line.
 - (2) Earth disturbance results in a slope flatter or equal to than 10:1 within 10 feet of a property line.
 - (3) The grading being performed is in accordance with proposed grading shown on an approved subdivision or land development plan; or

GRADING AND EXCAVATING

- C. Earth disturbance necessary for the construction or repair of public utilities and/or roads by public agencies, and/or Public Utility Commission regulated utility companies; or
- D. Earth disturbance performed by Allen Township.

(Ord. 2006-06, 6/27/2006)

§9-103. Unlawful Acts.

It shall be unlawful for any person, firm or corporation to undertake any of the following activities without complying with the provisions of this Chapter:

- A. To remove vegetated ground cover or improved ground cover;
- B. To cut, fill or change the existing grade of any land;
- C. To disturb, modify, block, divert or affect the existing overland or subsurface flow of stormwater; or
- D. To construct, erect or install any dam, ditch, culvert, drainpipe, bridge or any other obstruction affecting the drainage of any property, or portion thereof.

(Ord. 2006-06, 6/27/2006)

§9-104. Effect on Other Permits.

Whenever any proposed activity requires a building and/or driveway permit, no such building or driveway permit shall be issued unless any permit required hereunder has been issued. The plans and applications required herein may be combined, when applicable, with plans and application materials submitted for building and/or driveway permits.

(Ord. 2006-06, 6/27/2006)

§9-105. Application for Permit.

1. Any person, firm or corporation proposing to engage in activity requiring a permit hereunder shall apply for a permit by written application which shall include the applicant's agreement to comply with the regulations in §9-107 hereof upon issuance of the permit.
2. The applicant shall consult the Allen Township Zoning Ordinance [Chapter 27], Subdivision and Land Development Ordinance [Chapter 22], Floodplain Ordi-

nance [Chapter 8] and Stormwater Ordinance [Chapter 8], as prepared, and as may be amended, which govern the development of land within the Township prior to making application for a permit under the Chapter.

3. A separate application shall be required for each earth disturbance operation. Three copies of all the documents referred to below shall be submitted with each application. The application forms submitted shall consist of the forms provided by the Township, together with the required fees. All applications shall be submitted to the Township Zoning Officer, who shall retain one for Township records and forward two copies of all documents to the Township Engineers for initial plan review.
4. The Township's Secretary, within 10 days of the adoption of this Chapter, shall establish operating procedures including the required number of copies of the application, the content of the application, and all the above shall be in conformity with the provisions of this Chapter. The Board of Supervisors of Allen Township shall determine the fees for such permits, from time to time, by resolution.
5. Any application for an earth disturbance permit shall be accompanied by a plan showing the following:
 - A. A topographic survey plan of the site, at a suitable scale of no less than one inch equals 50 feet and contour interval of no more than two feet zero inches, prepared by a registered professional land surveyor or registered professional engineer, including a boundary line survey, the location and description of vegetative cover, the general location of all major trees (as defined by the Township Zoning Ordinance [Chapter 27]) and any other pertinent existing natural or man-made features. Interpolated contours from USGS maps or any other similar source are not acceptable. The plan size shall be a minimum 8 1/2 inches by 14 inches.
 - B. This topographic survey plan shall also show existing rights-of-way and easements.
 - C. A site improvement and grading plan of the same size and scale as subsection (5)(A) hereof, showing and describing all changes to the site including final contours, structures, paving, waste disposal systems and wells. This improvement and grading information may be combined on the topographic survey when all information can be clearly and legibly shown. This site improvement and grading plan shall show (on one or more plans) the following:
 - (1) Existing and proposed rights-of-way and easements.
 - (2) One-hundred-year floodplain limit and elevation.
 - (3) The limits of forests (as defined by the Township Zoning Ordinance [Chapter 27]). Plans should identify the age and general condition of

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forest areas (i.e., successional growth, mixed deciduous, coniferous, etc.).

- (4) Delineation of portions of the property containing: slopes 8% to 15%, 15% to 25%, greater than 25%.
 - (5) Wetlands (if any).
 - (6) Existing and proposed stormwater management facilities. If new stormwater management facilities are proposed, the engineering calculations used to design those facilities shall also be provided.
 - (7) The design location and grading associated with any proposed on-lot sewage disposal system.
 - (8) The area reserved for providing a replacement on-lot sewage disposal system (if required).
 - (9) Landscape buffers or screens.
 - (10) Any upstream watershed draining onto the property, with a clear description of how stormwater runoff from the upstream watershed will be accommodated.
 - (11) Intersection clear sight triangles.
 - D. A written description of soil erosion and sedimentation control measures (with appropriate plans and specifications), in accordance with Section 44 of Chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article II, Water Resources, Chapter 102, Erosion Control, which shall be in conformity with the standards and specifications of the Allen Township ordinances.
 - E. If the proposed activity constitutes a land development, stormwater management calculations prepared in accordance with the requirements of the Allen Township Subdivision and Land Development Ordinance [Chapter 22] and the Stormwater Management Ordinance [Chapter 8] shall be prepared and submitted by a registered professional engineer.
 - F. A time schedule stating the anticipated starting and completion dates of the development sequence, the expected date of completion of construction of each of the measures referred to in subsection (5)(D) herein, and the time of exposure of each area prior to the completion of such measures.
6. The site plans required herein shall also be prepared in accordance with the site plan requirements of the Township Zoning Ordinance [Chapter 27] and/or other

specific requirements of other ordinances and regulations of the Township that include but are not limited to:

- A. Floodplain Regulations [Chapter 8].
- B. On-Lot Sewage Regulations [Chapter 18].
- C. Driveway Regulations [Chapter 21].
- D. Zoning Ordinance [Chapter 27].

(Ord. 2006-06, 6/27/2006)

§9-106. Nonassumption of Liability.

1. It is recognized that earth disturbance creates risks of runoff and soil erosion damage. This Chapter establishes guidelines for reducing these risks, but in all cases the property owner and their designers, agents and contractors shall be responsible for any damage directly or indirectly caused by any activity regulated by this Chapter.
2. The public is hereby notified that the Township, Township employees and Township consultants undertake no responsibility for loss of property, loss of life or personal injury due to activities regulated by this Chapter, even if all regulations and Chapters of the Township are followed.

(Ord. 2006-06, 6/27/2006)

§9-107. Specifications and Requirements.

The following provisions apply for all activity governed by the provisions of this Chapter:

- A. All drainage facilities proposed shall be designed in accordance with the Allen Township Subdivision and Land Development Ordinance [Chapter 22] and the Allen Township Stormwater Management Ordinance [Chapter 8].
- B. Lot grading shall be in compliance with any subdivision or land development plans which may have been approved for this property by Allen Township. Stormwater runoff shall be directed in the locations anticipated by the original subdivision and/or land development plan.
- C. In the event that the lot is not part of a prior approved subdivision or land development plan, lots shall be graded to secure proper drainage away from buildings and, to the extent possible, away from street areas, except streets where curbs, storm sewer piping system, or roadside swales exist. All drain-

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age provisions shall be designed to efficiently carry surface waters to the nearest swale, storm drain or natural watercourse. If the aforementioned facilities do not exist, then, in that event, stormwater shall be evenly dispersed over the lot so as to best promote infiltration of stormwater into the ground within the boundaries of the subject lot and to minimize impacts to adjacent properties and roads. The design shall clearly indicate how this will be achieved.

- D. The earthmover shall construct and/or install such drainage structures and/or pipes which are necessary to prevent erosion damage and to satisfactorily manage surface waters in accordance with Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article II, Water Resources, Chapter 102, Erosion Control. Any drainage system not operating as planned shall be corrected at the expense of the applicant.
- E. No person, firm or corporation shall modify, fill, excavate or regrade the land in any manner as to endanger or damage any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sediment, stormwater pooling or other physical damage or personal injury which might result. Such activity without the required support or protection will constitute a nuisance punishable by the provisions of this Chapter.
- F. No person, firm or corporation shall deposit or place any debris or other material whatsoever, or cause such to be thrown or placed, in any drainage ditch or drainage structure in such a manner as to obstruct free flow.
- G. Stockpiling of topsoil shall be protected from erosion.
- H. All disturbed areas shall be seeded, sodded and/or planted or otherwise protected from erosion within 60 days of ground breaking, and shall be watered, tendered and maintained until growth is well established. If State regulations require a shorter time, the shorter time shall be required.
- I. All permanent grading shall be designed and undertaken to meet the following criteria:
 - (1) Provide positive surface drainage away from on-site sewage disposal systems;
 - (2) Provide positive surface drainage away from buildings and structures;
 - (3) Provide for a maximum slope of 5:1 within five feet of a property line and/or a maximum slope of 3:1 between five feet and 10 feet of a property line; and

- (4) Provide for a maximum slope of 2:1 greater than 10 feet from a property line.
- J. The earthmover shall limit stormwater runoff rate and concentration from the subject lot to other lands in a manner that will minimize risk of damage to downstream property owners.
- K. Stormwater control facilities shall be designed and constructed to meet the following criteria:
 - (1) No stormwater runoff shall be diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public land;
 - (2) Stormwater roof drains and any sump pump drains shall not discharge water directly onto a sidewalk, a lane or a street, or within the street, or within the street right-of-way, and shall not direct water toward improved portions of adjacent lots (i.e., buildings, driveways, on-lot sewer facilities, etc.).
 - (3) Stormwater roof drains and sump pump drains shall be constructed to disperse the discharge on the lot which is the subject of the application or to an approved stormwater system.
 - (4) Any stormwater outlet pipe or structure that discharges water to the surface of the ground shall be located no closer than 20 feet from a property line, unless the outlet pipe or structure is discharging into a drainage channel or swale within a drainage easement that has been designed and constructed to receive the water discharge from that outlet. Downspout pipes discharging stormwater runoff from portions of a roof of less than 500 square feet of roof area shall be exempt from this regulation, if the following criteria are met:
 - (a) The outlet shall be located no closer than five feet from a property line;
 - (b) A standard splash pad or apron shall be provided to spread the flow; and
 - (c) A swale or ground slope shall be provided or available to protect the immediate adjacent downstream property.
- L. Retaining walls are prohibited within 10 feet of a property line, unless waived by the Planning Commission under the provisions of §9-112.
- M. All fill materials must meet the criteria set fourth in Section 206 of PENNDOT Specifications publication 408/2003.

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(Ord. 2006-06, 6/27/2006)

§9-108. Approval and Processing of Permits.

1. The Township shall review and approve earth disturbance applications and plans on the form provided by the Township for that purpose. No earth disturbance permit, building permit or driveway permit shall be issued by the Township until such time as an earth disturbance application and plans have been found to be acceptable to the Township. Furthermore, no certificate of occupancy permit shall be issued by the Township until such time as the Township determines that all earth disturbance has been completed in general conformity with the approved site improvement and grading plan.
2. In all cases, the permittee shall be required to undertake all earthmoving and grading activities in accordance with this Part and the approved site improvement and grading plan, whether or not inspection by the Township is provided and whether or not a certificate of occupancy is issued.
3. Upon completion of permit required earthmoving activities, the permittee shall notify the Township that all earthmoving activities are complete. The permittee shall submit a certification from the plan preparer that all construction has been performed in accordance with the approved grading plan. Upon receipt of this certification and review of such by the Township, the Township can consider the permit closed out and issue a certification of completion.
4. This grading permit must be closed out prior to the issuance of an occupancy permit sought by the applicant pursuant to the Township's Zoning Ordinance and/or Building Codes [Chapter 5] [see §9-110(5)].

(Ord. 2006-06, 6/27/2006)

§9-109. Regulations for Permit Holders and Others.

1. The earthmover is responsible for any property damage or personal injury caused by activity authorized by the permit.
2. No person, firm or corporation shall modify, fill, excavate, pave or grade land in any manner as to endanger or damage public or private property, or to cause physical damage or personal injury. All precautions will be taken to prevent any damage to adjoining streets, sidewalks, buildings and other structures which could be caused by settling, cracking, erosion or sediment.
3. No person, firm or corporation shall fail to adequately maintain, in good operating order, any drainage facility on its premises. All watercourses, drainage ditches, culverts, drainpipes and structures shall be kept open and free flowing at all times.

4. The owner, from time to time, of any property, if the Township determines adverse effects on other property, shall continuously maintain and repair all graded surface and anti-erosion devices such as retaining walls, slopes, drainage structures or means, plants and ground cover, installed or completed.
5. Earthmovers shall make adequate provision for dust control.
6. All plans and specifications accompanying any permit application shall include provisions for both temporary and permanent grading.
7. The installation and maintenance of erosion and sedimentation control measures shall be accomplished in accordance with standards and specifications established by the Northampton County Conservation District.
8. The issuance of an earth disturbance permit shall not negate the owner's and/or permittee's responsibility of obtaining any other permits or approvals from any agency, including Allen Township, which may have jurisdiction over any aspect of the project.
9. Property corners to be set prior to final inspection.
10. No grading may occur onto an adjacent property without approval of the adjacent property owner.

(Ord. 2006-06, 6/27/2006)

§9-110. Inspections.

1. Inspections by the Township may be carried out on a random basis at the option of the Township.
2. A final inspection may, at the option of the Township, be conducted by the Township to verify compliance with this Chapter.
3. In all cases, however, all earthmovers shall be required to undertake all earthmoving and grading activities in accordance with this Chapter and the approved site improvement and grading plan, whether or not inspection by the Township is provided. As-built plans shall be required prior to the issuance of a certificate of occupancy if the owner or permittee is seeking any change to the approved site improvement and grading plan.
4. The Township Board of Supervisors shall appoint the person(s) responsible for enforcement and field inspection associated with this Chapter.
5. When weather conditions or time of year prevent the permittee from completing all earthmoving and grading activities prior to a request for a permit certificate of

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completion, the Township, on a case by case basis, may issue a temporary certification upon satisfaction of all of the following criteria:

- A. All final earthmoving and soil stabilization that can be completed is completed.
- B. Temporary soil erosion and sedimentation control facilities properly installed and in good repair.
- C. Temporary seeding and mulching of disturbed areas is complete.
- D. The owner provides an agreement to the satisfaction of the Township Solicitor to guarantee completion of the earth disturbance within six months of the date of the agreement.

(Ord. 2006-06, 6/27/2006)

§9-111. Revocation or Suspension of Permit.

Any permit issued under this Chapter may be revoked or suspended by the Township after notice by the Township for:

- A. Failure to carry out the soil erosion control or stormwater control measures described in the application documents and/or failure to satisfy the provisions of the earthmoving and grading and restoration time schedule described in the application documents or within such reasonable extensions as may be granted by the Township;
- B. Violation of any other condition of the permits;
- C. Violation of any provision of this Chapter or any other applicable law, ordinance, rule or regulation relating to the work; or
- D. Existence of any condition or the doing of any act constituting or creating a nuisance, hazard or endangering human life or the property of others.

(Ord. 2006-06, 6/27/2006)

§9-112. Modifications of Waiver Provisions.

1. The provisions of this Chapter are intended as minimum standards for the protection of the public health, safety, welfare of the residents and inhabitants of the Township. The Planning Commission may grant a modification of the requirements of one or more provisions of this Chapter if the Planning Commission concludes that the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications

will not be contrary to the public interest and that the purpose and intent of this Part is observed. Financial hardship alone shall not be sufficient justification for granting such modification.

2. All requests for a modification shall be in writing to the Planning Commission. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions and the minimum modification necessary.
3. The requested modification shall represent the least modification to address the hardship.
4. All such modification requests shall be approved or disapproved by the Planning Commission. A written record of the action shall be kept for all modification requests.

(Ord. 2006-06, 6/27/2006)

§9-113. Remedies.

In the case of any paving, filling, stripping, grading or regrading; any disturbing, modifying, blocking or diverting the overland or subsurface flow or stormwater; or any construction, erection and installation of any dam, ditch, culvert, drainpipe, bridge or any other structure or obstruction affecting the drainage of any premises, in violation of this Chapter, or any regulations made pursuant hereto, the proper Township authorities, in addition to other remedies provided by law, may institute any appropriate action or proceedings against the permittee and/or owner to prevent such unlawful activities; to restrain, correct or abate such violations; to prevent the use of the applicable premises; to prevent any illegal act, conduct of business or use in or about such premises. In addition, upon the failure of any permit holder to complete the control measures specified in approved application, the Township may, after revoking such permit, proceed to complete such measures itself and recover the cost thereof from the permittee and/or owner.

(Ord. 2006-06, 6/27/2006)

§9-114. Violations and Penalties.

For any and every violation of the provisions of this Chapter, (1) the permittee, owner, agent or contractor where such violation has been committed or shall exist; (2) the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist; (3) the permittee, owner, agent, contractor, lessee or tenant or any part of a building or premises in which part such violation has been committed or shall exist; and (4) the permittee, owner, agent, architect, contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists shall be liable on conviction thereof before a Magisterial District Judge to pay a fine or penalty not to exceed \$1,000

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for each and every offense. Any such enforcement action shall be brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the PA Rules of Criminal Procedure. Whenever such person or persons shall have been notified by the Township Zoning Officer, the Township Engineer, the Township Board of Supervisors or the Township Solicitor, by service of a complaint in a prosecution or by registered mail, that a violation of this Chapter is being committed, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines and penalties shall be collected as like fines or penalties are now collected by law.

(Ord. 2006-06, 6/27/2006)

CHAPTER 10
HEALTH AND SAFETY

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PART 1
NUISANCES

§ 10-101. Definitions. [Ord. 94-6, 9/8/1994, § I]

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

ABANDONED VEHICLES — A vehicle (other than a pedalcycle):

- A. That is inoperable and is left unattended on public property for more than 48 hours.
- B. That has remained illegally on public property for a period of more than 48 hours.
- C. Without a valid registration plate or certificate of inspection or title left unattended on or along a highway; or
- D. That has remained on private property with or without the consent of the owner or person in control of the property for more than 48 hours.

Vehicles and equipment used or to be used in construction or in the operation of maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

BOARD OF SUPERVISORS — The Board of Supervisors of Allen Township, Northampton County, Pennsylvania.

JUNKED VEHICLES — Any motor vehicle, valueless except as junk.

NUISANCE — The unreasonable, unwarranted or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

OWNER — A person owning, leasing, occupying or having charge of any premises within the Township.

PERSON — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

TOWNSHIP — Is the Township of Allen, Northampton County, Pennsylvania.

§ 10-102. Nuisances Declared Illegal. [Ord. 94-6, 9/8/1994, § II]

Nuisances including, but not limited to, the following, are hereby declared to be illegal, upon confirmation by the Board of Supervisors:

- A. Storing, accumulating or collection the following:
 - (1) Garbage, waste, trash or rubbish.
 - (2) Junk material (including, but not limited to, unused or abandoned machinery, equipment or appliances).
 - (3) Other junk (including, but not limited to, any and all forms of waste and refuse of any type of material, including scrap metal, glass, industrial waste and other salvage materials.
- B. It shall be unlawful to store, or deposit any abandoned or junked vehicle or part thereof, in, or on any highway or public or private property, vacant or occupied, within the Township of Allen.
- C. Drainage of flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, wash stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any other foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley in the Township into or upon any said highway, road, street, avenue, lane, or alley or from any property into or upon any adjoining property.
- D. Drainage or flowing, or allowing to drain or flow, any water or drainage from within dwellings situated upon property along any public highway, road, street, avenue, lane or alley in the Township into or upon the cartway or traveled portion of any said highway, road, street, avenue, lane or alley, except where provision has been made in said cartway or traveled portion for said drainage by means of drainage ditch or otherwise.
- E. Burning garbage, tires, or tar products.
- F. Maintaining or causing to be maintained any dangerous structure, including but not limited to abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.
- G. Permitting or allowing any well or cistern to be or remain uncovered.
- H. Interfering with the flow of a stream, creek or other waterway, by means of dam construction or otherwise.

- I. Removing the embankment of a stream so as to alter the natural flow of the stream.
- J. Pushing, shoveling, or otherwise depositing snow upon the cartway or traveled portion of any public highway, road, or street which is maintained by this Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
- K. Allowing or permitting any excavation, or obstruction, on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.

§ 10-103. Written Notice to Violators Required. [Ord. 94-6, 9/8/1994, § III]

- 1. Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following ways:
 - A. By making personal delivery of the notice to the owner.
 - B. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides; but if no adult member of the family is found, then to an adult person in charge of such residence.
 - C. By fixing a copy of the notice to the door at the entrance of the premises in violation.
 - D. By mailing a copy of the notice to the last known address of the owner by certified mail.
 - E. By publishing a copy of the notice in the local newspaper once a week for three successive weeks.
- 2. Such notice shall set forth in what respects such condition constitutes a nuisance, and whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations or by fencing or bordering or in some way confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within 21 days and thereafter to comply fully with its terms with reasonable dispatch, all material to be supplied and work done at the owner's expense; provided, however, that if the violation charged is under § 10-102(E), (G), (J), or (K), and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

§ 10-104. Violations and Penalties. [Ord. 94-6, 9/8/1994, § IV; as amended by Ord. 2007-04, 11/8/2007]

If the owner after receiving due notice refuses to comply with the terms thereof:

- A. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 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. The Board of Supervisors may direct the removal, repairs or alterations, as the case may be, to be done by the Township and the cost thereof with a penalty of 10% may be collected from the owner of the premises by an action of assumpsit or may file a municipal claim or lien therefore against such real estate.
- C. The Township by means of a complaint in equity may compel the owner to do so or seek such other relief as such court is empowered to afford. Further, the Township of Allen is hereby empowered to institute injunctive relief to abate any nuisance as set forth herein.

PART 2
ABANDONED VEHICLES

§ 10-201. Possession. [Ord. 85-1, 3/12/1985, § 1]

The possession of an abandoned vehicle, or parts thereof, other than in a fully-enclosed building, shall be prohibited, except in a junkyard or salvage yard or in an impounding garage or lot authorized by the Board of Supervisors for storage of said vehicles.

§ 10-202. "Abandoned Vehicle" Defined. [Ord. 85-1, 3/12/1985, § II]

1. An abandoned vehicle shall, without limitation, be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
 - A. The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours;
 - B. The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours; or
 - C. The vehicle is left unattended on or along a highway or other public property, or has remained on private property without the consent of the owner or person in control of the property, for more than 48 hours and does not bear all of the following:
 - (1) A valid and current registration plate.
 - (2) A valid and current Certificate of Inspection.
 - (3) A valid and current ascertainable vehicle identification number.
 - D. The vehicle is left unattended, remains illegally, is physically inoperable, or does not have a valid and current registration place and a valid and current Certificate of Inspection and a valid and current ascertainable vehicle identification number, and has remained on private property, with the consent of the owner, for a period of more than seven days.
2. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.
3. Vehicles and equipment used in farming and related activities shall be exempt from this Ordinance.

§ 10-203. Owner Responsibility. [Ord. 85-1, 3/12/1985, § III]

Following the effective date of this Part, it shall be the duty of any owner of an abandoned vehicle, or the owner, lessee or occupant of the real property upon which there is an abandoned vehicle, to remove or cause to be removed said abandoned vehicle within a reasonable time, but not more than 15 days after receipt of notice from the Chief of Police or his agent so to do.

§ 10-204. Violations and Penalties. [Ord. 85-1, 3/12/1985, § IV; as amended by Ord. 2007-04, 11/8/2007]

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.

§ 10-205. Notice. [Ord. 85-1, 3/12/1985, § V]

Any notice required by this Part to be given the alleged owner of an abandoned vehicle shall be sufficient if sent to the last known name and address obtained by the Pennsylvania Department of Revenue; any notice required to be given the owner of land shall be sufficient if sent to the most recent taxing address of the alleged owner.

§ 10-206. Remedies and Rights. [Ord. 85-1, 3/12/1985, § VI]

All remedies and rights provided by this Ordinance shall be in addition and cumulative to any rights created under the Township of Allen by the Vehicle Code of the Commonwealth of Pennsylvania.

PART 3
GRASS, WEEDS OR OTHER VEGETATION

§ 10-301. Unlawful Growths; Declaration as Nuisance; Exemption. [Ord. 94-3, 7/14/1994, § 1.1]

1. No person, firm or corporation, or any agent, servant, representative or employee of any such person, firm or corporation owning or occupying any property within the Township of Allen shall permit;
 - A. Any grass, weeds or any other vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to:
 - (1) Exceed a height of 12 inches.
 - (2) Throw off any unpleasant or noxious odor.
 - (3) Conceal any filth deposit.
 - B. Poison ivy, ragweed or other poisonous plants, or plants detrimental to health, to growth or remain upon such premises in such manner that they shall extend or border upon, or overhang any street, sidewalk, or other public place.
2. Any grass, weeds or other vegetation growing upon any premises in the Township in violation of any of the provisions of Subsection (1) above is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township.
3. Excluded from application of this provision are:
 - A. Wooded areas and open fields or acreage to within 150 feet of any building or structure.
 - B. Weeds or grass intermingled with growing cultivated crops.

§ 10-302. Cutting and Removal Required by Owner or Occupant. [Ord. 94-3, 7/14/1994, § 1.2]

The owner of any premises, as to vacant premises or premises occupied by the owner, or the occupant thereof, in the case of premises occupied by other than the owner thereof, shall trim, cut or remove all grass, weeds or other vegetation growing or remaining upon such premises as often as may be necessary to bring such premises into compliance with the provisions of § 10-301.

§ 10-303. Notice to Comply; Noncompliance. [Ord. 94-3, 7/14/1994, § 1.3]

1. The Supervisors of Allen Township, or any officer of the Township designated thereby for the 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 whereof grass, weeds or other vegetation is growing or remaining in violation of any of the provisions of this Chapter, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds, or other vegetation so as to conform to the requirements of this Part within five days after the issuance of such notice. 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 Township may cause such grass, weeds or other vegetation to be removed, trimmed or cut, and the cost thereof, with an additional charge of 10%, shall be collected by the Township from such person, firm or corporation in default, in the manner provided by law.
2. In addition to any other penalty authorized by law, the cost of removal by the Township as aforesaid shall be deemed a municipal claim and may be collected by the Township from such person, firm or corporation in the manner provided by law for the collection of municipal claims or by an action of assumpsit. Further, the Township of Allen is hereby empowered to institute injunctive relief to abate any nuisance as set forth herein.

§ 10-304. Violations and Penalties. [Ord. 94-3, 7/14/1994, § 1.4; as amended by Ord. 2007-04, 11/8/2007]

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.

PART 4
BRUSH PILE

§ 10-401. Short Title. [Ord. 95-1, 4/13/1995, § 1]

This Part shall be known and cited as the "Allen Township Brush Pile Ordinance."

§ 10-402. Declaration of Purpose. [Ord. 95-1, 4/13/1995, § 2]

The Allen Township Brush Pile Ordinance is adopted for the purposes of promoting a useful, healthy and safe community brush pile area for the convenience of the citizens within the Township, and more specifically:

- A. To regulate what is being dumped or deposited at the site; and
- B. To prohibit dumping or depositing at the site without a permit.

§ 10-403. Definitions. [Ord. 95-1, 4/13/1995, § 3; as amended by Ord. 96-6, 9/12/1996]

Certain words and terms are used in this Part for the purposes hereof and are defined as follows:

BRUSH PILE — The term brush pile shall mean and refer specifically to that brush pile located on the grounds of the Allen Township Municipal Building which is used to dump or deposit brush and branch material which shall be specifically delineated from time to time by Resolution of the Allen Township Board of Supervisors and in accordance with the laws of the Commonwealth of Pennsylvania and the United States. The previous location of the brush pile in Howertown Park shall no longer be utilized.

DUMPING AND DUMP — Any depositing in any manner of any brush or branches at the Allen Township Municipal Building brush pile site or the attempt to deposit or dump such at the site at designated dates and times to be set, from time to time, by resolution of the Allen Township Board of Supervisors.

PERMIT — A written license, authorizing and allowing dumping and/or depositing of brush and branch in the brush pile area for which a fee may be charged and a record of such issuance is kept in the office at the Allen Township Municipal Building.

PERMIT FEE — The charge for securing the permit authorizing the dumping at the brush pile, which permit fee shall be established by resolution of the Board of Supervisors from time to time.

PERSON — All residents of Allen Township.

§ 10-404. Administration. [Ord. 95-1, 4/13/1995, § 4]

It shall be unlawful for any person to dump and/or deposit brush and branches in the brush pile without first obtaining a permit and paying the permit fee. It shall be unlawful for any person to dump and/or deposit brush and branches in the brush pile except in accordance with the permit.

§ 10-405. Violations and Penalties. [Ord. 95-1, 4/13/1995, § 5]

1. Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements thereof shall, upon conviction thereof, before the Magisterial District Judge of the Township of Allen, Northampton County, Pennsylvania, be liable to pay the following penalties:
 - A. FIRST VIOLATION — A fine of \$100, or 30 days imprisonment, or both.
 - B. SECOND VIOLATION — A fine of \$300, or 60 days imprisonment, or both.
 - C. THIRD and each subsequent violation — A fine of \$1,000, 90 days imprisonment, or both.
2. Each day that a violation continues shall be deemed a separate offense.

PART 5
OUTDOOR WOOD-FIRED BOILERS

§ 10-501. Title. [Ord. 2013-06, 11/14/2013]

This Part shall be known as the "Allen Township Outdoor Wood-Fired Boiler Ordinance."

§ 10-502. Incorporation into Township Code. [Ord. 2013-06, 11/14/2013]

The provisions of this Part shall be, and hereby are, incorporated into the Code of the Township of Allen at Chapter 10, Part 5, which shall be titled "Outdoor Wood-Fired Boilers."

§ 10-503. Authority. [Ord. 2013-06, 11/14/2013]

This Part is adopted and ordained pursuant to the general powers authorized by the Second Class Township Code, Sections 1601 and 1529, (53 P.S. § 66601 and 53 P.S. § 66529, Nuisances).

§ 10-504. Legislative Intent. [Ord. 2013-06, 11/14/2013]

Although outdoor wood-fired boilers may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Part is intended to ensure that outdoor wood-fired boilers are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety, and general welfare of the residents of Allen Township.

- A. This Part does not apply to grilling or cooking usual charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This Part does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This Part does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

§ 10-505. Definitions and Word Usage. [Ord. 2013-06, 11/14/2013]

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

CLEAN WOOD — Shall include all wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes (butt offs, shavings, turnings, sander dust), wood pellets, slabs, bark, chips, and waste pallets. Clean wood does not include materials chemically treated with any preservatives, paint, or oil.

CODE ENFORCEMENT OFFICER — The person appointed by the Board of Supervisors to administer and enforce this Part whose duties shall include responding to resident questions and complaints and performing other tasks as the Board of Supervisors may assign.

EXISTING OUTDOOR WOOD-FIRED BOILER — An outdoor wood-fired boiler that was purchased and installed prior to the effective date of this Part.

OCCUPIED STRUCTURE — Any building or structure used or intended for use wherein people normally reside, work, assemble, or remain for a period of time.

OUTDOOR WOOD-FIRED BOILER — A fuel burning device designed to 1) burn clean wood or other manufacturer-approved fuel products (i.e., corn and coal); 2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and 3) heats building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture. Only boilers meeting current EPA Phase 2 emission levels shall be allowed.

PERSON — Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by the law as the subject of rights and duties.

STACK or CHIMNEY — Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid-fuel-fired heating device or structure, including that part of the structure extending above a roof.

§ 10-506. Permit Required. [Ord. 2013-06, 11/14/2013]

Any person desiring to install an outdoor wood-fired boiler within Allen Township shall be required to obtain a permit from the Code Enforcement Officer and shall pay a permit fee set by the Board of Supervisors by resolution.

§ 10-507. Suspension of Permit. [Ord. 2013-06, 11/14/2013]

1. A permit issued pursuant to this Part may be suspended as the Code Enforcement Officer may determine to be necessary to protect the public health, safety, and welfare of the residents of Allen Township if any of the following conditions occur:
 - A. Malodorous air contaminants from the outdoor wood-fired boiler are detectable outside the property of the person on whose land the outdoor wood-fired boiler is located.
 - B. The emission from the outdoor wood-fired boiler interferes with the reasonable enjoyment of life on neighboring property.

- C. The emissions from the outdoor wood-fired boiler cause damage to vegetation on neighboring property.
 - D. The emissions from the outdoor wood-fired boiler are or may be harmful to human or animal health.
 - E. The burning of any material not meeting the definition of "clean wood."
2. A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this Part subject to the penalties provided within this Part.

§ 10-508. Existing Outdoor Wood-Fired Boilers. [Ord. 2013-06, 11/14/2013]

Any outdoor wood-fired boiler in existence on the effective date of this Part shall be permitted to remain, provided that the owner applies for and receives a permit from the Code Enforcement Officer within one year of the effective date of this Part. If the owner of an existing outdoor wood-fired boiler does not receive a permit within one year of the effective date of this Part, the outdoor wood-fired boiler shall be removed and is subject to the regulations provided for in § 10-509 of this Part.

§ 10-509. Installation. [Ord. 2013-06, 11/14/2013]

1. Any person desiring to install an outdoor wood-fired boiler within Allen Township shall obtain a permit from the Code Enforcement Officer. The applicant for such a permit shall meet the following requirements:
- A. Present a plan showing all property lines, the locations and distances of all occupied structures on adjoining properties, and the proposed location of the outdoor wood-fired boiler.
 - B. Locate the outdoor wood-fired boiler at least 100 feet from any occupied structure not located on the lot on which the outdoor wood-fired boiler will be located.
 - C. Locate the outdoor wood-fired boiler at least 50 feet from all property lines.
 - D. The outdoor wood-fired boiler shall have a permanently attached stack or chimney that extends to a minimum height of two feet above the peak of the existing building being served. The maximum height of the outdoor wood-fired boiler stack or chimney shall not exceed the maximum height requirements in that specific zoning district.
 - E. Present evidence that the applicant has obtained a Uniform Construction Code permit for the installation of the outdoor wood-

fired boiler and its connection to the mechanical system of the structure it will serve.

- F. Provide a copy of the manufacturer's specifications and instructions, which the applicant agrees to comply with and not alter at any time.
 - G. Demonstrate that the outdoor wood-fired boiler has been laboratory tested and listed to comply with appropriate safety standards such as UL (Underwriters Laboratories) or ANSI (American National Standards Institute) standards.
 - H. All outdoor wood-fired boilers shall be equipped with properly functioning spark arrestors.
 - I. All outdoor wood-fired boilers shall meet current EPA Phase 2 emission levels.
2. The application shall be signed by all owners of the lot on which the outdoor wood-fired boiler will be located and the contractor installing the outdoor wood-fired boiler.

§ 10-510. Replacement. [Ord. 2013-06, 11/14/2013]

If an outdoor wood-fired boiler is replaced or upgraded, a permit shall be required pursuant to § 10-506 of this Part and shall comply with all sections of this Part.

§ 10-511. Use and Prohibited Uses. [Ord. 2013-06, 11/14/2013]

- 1. The only substance that may be burned in an outdoor wood-fired boiler is clean wood (see definition, § 10-505, of this Part).
- 2. No person shall burn any of the following in an outdoor wood-fired boiler, including but not limited to:
 - A. Any wood that does not meet the definition of "clean wood."
 - B. Tires.
 - C. Lawn clippings or yard waste.
 - D. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - E. Materials containing plastic.
 - F. Materials containing rubber.
 - G. Waste petroleum products.
 - H. Paint and paint thinners.

- I. Any type of paper/cardboard.
 - J. Construction and demolition debris (such as shingles).
 - K. Plywood or other composite wood products.
 - L. Particleboard.
 - M. Manure.
 - N. Animal carcasses.
 - O. Asphalt products.
 - P. Used cooking oils.
 - Q. Furniture.
 - R. Chemicals.
 - S. Any hazardous waste.
 - T. Coal.
 - U. Saltwater driftwood.
- 3. The outdoor wood-fired boiler shall at all times be operated and maintained in accordance with the manufacturer's specifications.
 - 4. The outdoor wood-fired boiler shall be maintained and operated in compliance with all emissions and air quality standards promulgated by the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection or other relevant state or federal agency.
 - 5. Any ash or other by-products from the operation of the outdoor wood-fired boiler shall be disposed of in accordance with all applicable laws.
 - 6. Only boilers meeting current EPA Phase 2 emission levels shall be allowed.

§ 10-512. Operation Schedule. [Ord. 2013-06, 11/14/2013]

Outdoor wood-fired boilers shall be operated only between October 1 and May 31.

§ 10-513. Regulatory Requirements for New and Existing Outdoor Wood-Fired Boilers. [Ord. 2013-06, 11/14/2013]

No person may use or operate a new or existing outdoor wood-fired boiler unless it complies with applicable state, county and local laws and regulations. Some commonwealth regulations that could apply are:

- A. 25 Pa. Code § 121.7, Prohibition of air pollution.
- B. 25 Pa. Code § 123.1, Fugitive emissions.
- C. 25 Pa. Code § 123.31, Odor Emissions: Limitations.
- D. 25 Pa. Code § 123.41, Visible Emissions: Limitations.
- E. Section 8 of the APCA,¹ 35 P.S. § 4008, Unlawful conduct.
- F. Section 13 of the APCA, 35 P.S. § 4013, Public Nuisances.

§ 10-514. Enforcement; Violations and Penalties. [Ord. 2013-06, 11/14/2013]

1. Enforcement Officer. The Township Code Enforcement Officer shall be responsible for enforcing the terms of this Part.
2. Duties of Enforcement Officer.
 - A. Inspection. The Code Enforcement Officer may inspect any premises, building, or structure in accordance with § 10-514, Subsection 3, of this Part to determine whether or not a violation of this Part exists.
 - B. Action. Whenever an inspection discloses a violation of this Part, the Code Enforcement Officer shall prepare a report detailing the violation and a recommendation regarding how the violation can be corrected. The Code Enforcement Officer shall issue a written notice to the owner and/or the occupant of the premises as set forth in Subsection 4, along with a copy of the report.
 - C. Hearing Appearance. The Code Enforcement Officer shall appear at all hearings conducted in accordance with Subsection 6 and testify as to the violation.
3. Inspections; Permissions. The Code Enforcement Officer may inspect any premises to determine whether any violations of this Part exist. Prior to entering upon any property to conduct an inspection, the Code Enforcement Officer shall obtain the permission of the owner or occupant of the property to conduct the inspection. If, after due diligence, the Code Enforcement Officer is unable to obtain such permission, the Code Enforcement Officer shall have the authority to conduct the necessary inspection in accordance with this Part and the applicable laws of the commonwealth and, if

¹Editor's Note: The Air Pollution Control Act.

necessary, petition of a competent court with jurisdiction for a court order authorizing the inspection. If a court orders the inspection, the defendant named in the order shall reimburse Allen Township for the costs of filing the petition and reasonable attorney's fees.

4. Notice of Violation.

A. Whenever an inspection discloses that a violation of this Part exists, the Code Enforcement Officer shall issue a notice of violation to the owner and/or occupant of the premises. The notice shall:

- (1) Be in writing.
- (2) Include a statement of the reasons why the notice is being issued.
- (3) Contain a copy of the Code Enforcement Officer's inspection report detailing the conditions constituting the violation, contain an outline of the remedial action required to come into compliance with the Ordinance, and state a reasonable time to rectify the violation.
- (4) Inform the owner of the right to request a hearing before the Board of Supervisors as set forth in Subsection 6.
- (5) Inform the owner/occupant that should there be a failure to comply with the notice or request a hearing, the individual(s) will be subject to the penalties set forth in Subsection 7 of the section and the costs and expenses, including attorney's fees, of enforcing the terms of the Part.

B. Except in emergency cases, the notice shall be sent by registered mail, or by certificate of mailing, or personally delivered to the owner and/or occupant of the premises upon which the violation exists. Where the owner is absent from Allen Township, all notices shall be deemed to be properly served if a copy of the notice is served upon the owner personally, a copy of the notice is sent by registered mail or by certificate of mailing to the last known address of the owner, regardless of proof of receipt, and is posted in a conspicuous place on or about the premises affected by the notice or the owner is served with such notice by any other method authorized under the laws of the Commonwealth of Pennsylvania.

5. Emergency Cases. Whenever the Code Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, safety, and welfare, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to correct the violation and eliminate the

emergency. Notwithstanding the other provisions of this Part, such order shall be effective immediately.

6. Hearings.

- A. Right to Hearing. Any person affected by any notice which has been issued in accordance with the enforcement of any provision of this Part may request and shall be granted a hearing on the matter before the Board of Supervisors, provided that such person file a written request for the hearing with 10 days after service of the notice. The request shall contain a brief statement regarding the reasons for the request.
- B. Scheduling and Conduct of the Hearing. Upon receipt of a request for a hearing, a time and place for the hearing shall be scheduled and advertised in accordance with applicable municipal requirements. All hearings shall be conducted in accordance with the Local Agency Act. The hearing shall be scheduled no later than 60 days after the day on which the request was received. At the hearing, the person requesting the hearing shall be given the opportunity to be heard and show cause why the violation described in the notice should not be abated.
- C. Board of Supervisors Action. After such hearing the Board of Supervisors shall issue a written decision sustaining the notice, modifying the notice and attaching conditions or withdrawing the notice. If the Board of Supervisors sustains the notice, it shall be deemed to be a final order effective immediately.
- D. Right to Appeal. Any aggrieved party may appeal the final order to the Court of Common Pleas of Northampton County in accordance with the provisions of the Local Agency Act. Such appeal shall not constitute a stay from the requirements of the final order unless an order to that effect is obtained from the court.
- E. Fees. The person requesting the hearing shall pay the fee for such hearing as may be established by resolution of the Board of Supervisors.

7. Remedies and Penalties.

- A. Any person who has violated or permitted the violation of any provisions of this Part shall, upon judgment thereof by any Magistrate District Judge, be sentenced to pay a fine of not less than \$100, nor more than \$1,000, for each day the violation exists after notice from Allen Township, together with the cost of suit, and/or shall be committed to the Northampton County prison for a period not to exceed 30 days. Each day of violation shall be a separate offense, for which a separate conviction may be sought. All judgments, costs,

interests, and reasonable attorney's fees collected for a violation of this Part shall be paid over to Allen Township.

- B. In addition to the fines, judgments, costs and/or imprisonment remedies set forth above, Allen Township reserves the right to pursue all other available remedies at law or in equity under the laws of the Commonwealth of Pennsylvania.

§ 10-515. Municipality Exempt from Liability. [Ord. 2013-06, 11/14/2013]

Allen Township and its agents, officials, and representatives shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the issuance of any permit under the provisions of this Part or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Part. The person or party responsible for any such burning activity shall bear sole liability of any damages caused as a result thereof.

§ 10-516. Public Nuisances. [Ord. 2013-06, 11/14/2013]

A violation of this Part, or of any order issued by the Township of Allen under this Part, will constitute a public nuisance. The Township of Allen will have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, the Township of Allen may recover the expenses of abatement following the process for assessment and collection of penalties contained in § 10-514, Subsection 7. Whenever the nuisance is maintained or continued contrary to this Part or any order issued pursuant to this Part, the nuisance may be abatable in the manner provided by this Part. Any person who causes the public nuisance shall be liable for the cost of abatement.

CHAPTER 11

HOUSING

PART 1

LANDLORD/TENANT REGISTRATION

- §11-101. Landlord Obligation**
- §11-102. Tenant Obligation**
- §11-103. Violations and Penalties**
- §11-104. List to be Confidential**
- §11-105. Filing Date**
- §11-106. Authority**

Notice to Owners
Landlord Reporting Form

PART 1

LANDLORD/TENANT REGISTRATION

§11-101. Landlord Obligation.

Every owner of real estate within the Township of Allen, Northampton County, Pennsylvania, who rents or leases any parcel of real estate, or other real or personal property, in whole or in part, to any other persons for residential purposes shall file with the Secretary of the Township a certified list of all persons who rented real estate from the owner during the preceding 12 months. All adult individuals are to be reported, not just those identified as the leaseholder: all persons aged 21 years or more, whether related or unrelated to the leaseholder, and whether or not they are paying a rental fee, mortgage or financing fees on property which is deeded/titled to the landlord. The list shall include the name and last known address of each adult (person over the age of 21) who resided in the rented real estate or property for all or a portion of the twelve-month period. The list shall be filed annually, with the deadline for annual filing to be on or before March 1 of each and every year, and not before January 20 of each year.

(Ord. 2006-05, 5/23/2006)

§11-102. Tenant Obligation.

An adult individual is a person of the age of 21 years or more. All adult individuals are to be reported, not just those identified as the leaseholder. All persons aged 21 years or more, whether related or unrelated to the leaseholder, and whether or not they are paying a rental fee, mortgage or financing fees on the property, must be reported. All tenants must cooperate in providing the landlord with the aforementioned information. The tenant shall include the name and last known address of each adult (person over the age of 21) who resided in the rented real estate or property for all or a portion of the twelve-month period. The landlord shall file the list annually, and the tenant shall cooperate in providing the information to the landlord. The landlord's deadline for annual filing is on or before March 1 of each and every year, and not before January 20th of each year.

(Ord. 2006-05, 5/23/2006)

§11-103. Violations and Penalties.

Penalties for Failure to Comply. Every owner of real estate who fails to comply with the requirements of this Chapter shall, upon conviction, be liable for a civil penalty in the amount of \$25 per day, and shall also be liable to reimburse the Township for any costs, filing fees, attorneys' fees and other expenses incurred by the Township in enforcing the provisions of this Chapter against such person. In the event that a landlord is cited under the Chapter, the landlord may defend by demonstrating that the tenant was served

HOUSING

with reasonable advance written notice to provide the required information, and that after reasonable written demand and notice, the tenant failed to provide the information. Every tenant of an owner of real estate who fails to comply with the requirements of this Chapter after reasonable written demand from the landlord shall, upon conviction, be liable for a civil penalty in the amount of \$25 per day, and shall also be liable to reimburse the Township for any costs, filing fees, attorneys' fees and other expenses incurred by the Township in enforcing the provisions of this Chapter against such person. For the purpose of this Chapter, every day that an owner of real estate or other person obligated to provide a list of persons residing in property to the Township under this Chapter is late in filing the list as required above shall constitute a separate offense.

(Ord. 2006-05, 5/23/2006)

§11-104. List to be Confidential.

The list shall be deemed to be confidential and may be used only by persons authorized by the Township for lawful government purposes.

(Ord. 2006-05, 5/23/2006)

§11-105. Filing Date.

The report shall be filed on or before March 1 by delivering the completed form to the Allen Township Municipal Building, 4714 Indian Trail Road, Northampton, Pennsylvania, 18067. The report form is attached hereto, along with instructions.¹ The Township may modify the report form at any time in its sole discretion for the purpose of improving the implementation of the within Part.

(Ord. 2006-05, 5/23/2006)

§11-106. Authority.

Appropriate Township staff is authorized to take all actions that are deemed reasonably necessary to carry out the intent of this Part.

(Ord. 2006-05, 5/23/2006)

¹ Editor's Note: The report form and instructions are included at the end of this Chapter.

11 Attachment 1

Township of Allen

NOTICE TO ALL OWNERS OF RESIDENTIAL UNITS WITHIN ALLEN TOWNSHIP

Please be advised that the ALLEN TOWNSHIP has enacted an ordinance (Ordinance No.) which requires all Landlords offering rental units within Allen Township to report to the Municipality certain information as follows:

- Name and address of the landlord.
- Name, address, telephone number and unit number (if any) of all adult individuals (over age 21) residing in the Landlord's property as of March 1 of the reporting year.

An adult individual is defined in the ordinance as a person of the age of 21 years or more. All adult individuals are to be reported, not just those identified as the leaseholder. The ordinance requires all tenants to cooperate in providing the landlord with the aforementioned information.

The due date of this report is no later than March 1 of the reporting year. Substantial penalties are set forth in the ordinance for failure to report. A copy of the ordinance is available for inspection at the Allen Township Municipal Building, 4714 Indian Trail Road, Northampton, Pennsylvania, 18067.

Reporting may be accomplished on the form set forth on the reverse of this notice, however, this form is not mandatory. This form may be photocopied. Additional forms are available at the Municipal Building.

DUE DATE: March 1 of Each Calendar Year.

Who Must File: All Owners of Property within the limits of Allen Township, Northampton County who have "tenants" aged 21 years or older.

Report the following: All "Tenants" aged 21 years or older. A Tenant is defined as any person residing in or at property owned by you, for the period March 1, 2005 to the present, who is over the age of 18 years, related or unrelated to you, whether or not they are paying a rental fee, mortgage or financing fees on property which is deeded/titled to you.

Filing this Report: If you have more than one rental property in the Township or need additional space, you may photocopy this form. Remit completed report to: Allen Township Municipal Building, 4714 Indian Trail Road, Northampton, Pennsylvania, 18067. You may call the Township Office at (610) 262-7012 if you have questions.

11 Attachment 2

Township of Allen

ALL INFORMATION SUBMITTED TO ALLEN TOWNSHIP UNDER THIS PART IS
KEPT STRICTLY CONFIDENTIAL.

LANDLORD REPORTING FORM

RENTAL PROPERTY INFORMATION: (To be completed by Landlord) COMPLETE
ONE FORM FOR EACH SEPARATE DWELLING UNIT.

Tax Parcel # of Rental Property (from Tax Statement): 07-____-____-____

Physical (911) Address of Property: _____

UNIT NUMBER _____

“Tenants” (Aged 21 or older Only) (Please list each tenant separately):

1. _____
2. _____
3. _____
4. _____

Tenants Mailing Address (if different from above): _____

_____ PA _____

Tenants Telephone Number: (____) ____ - _____

(____) ____ - _____

(____) ____ - _____

(____) ____ - _____

Dates Tenants did occupy or are residing at this property

Move in Date: ____/____/____ to Departure Date: ____/____/____

CHAPTER 12

RESERVED

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

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PART 2

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PART 3

COMMUNITY ANTENNA SYSTEMS

- §13-301. Plat or Map Required**

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

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- §13-303. Consent and Supervision
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PART 1
JUNKYARDS

§13-101. Short Title.

This Part shall be known and may be cited as “Allen Township Junkyard Ordinance.”

(Ord. 97-1, 2/26/1997, §1)

§13-102. Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meanings herein indicated:

BOARD — the Board of Supervisors of Allen Township.

JUNK — any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK DEALER — any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging, receiving and dealing in junk and who maintains and operates a junkyard within the Township of Allen.

JUNKYARD — any land, structure, or land and structure in combination used for the storage (either temporary or permanent), baling, packing, sorting, handling, separating, disassembling, purchase, or sale of any material or materials which are used, salvaged, scrapped, or reclaimed but are capable of being reused or recycled in some form, including but not limited to metals, rags, fibers, paper, cloth, rubber, rope, plastic, bottles, cans, glass, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe, pipe fittings, tires, motor vehicles and motor vehicles parts. A Recycling Center as defined in the Allen Township Zoning Ordinance [Chapter 27] is specifically included in the within definition. No material which fails to meet this definition (including organic material or food products) because it is discarded and incapable of being reused in some form shall be permitted in any junkyard. The deposit or storage of two or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation or of two or more wrecked or broken vehicles, or the major parts of two or more such vehicles, shall be deemed to make the lot a junkyard.

LICENSE — the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

PERSON — any partnership, association, firm and corporation.

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(Ord. 97-1, 2/26/1997, §2)

§13-103. License.

No person shall engage in business as a junk dealer, or maintain a junkyard without first having obtained a license from the Board, for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued for the twelve-month period beginning July 1, and ending June 30 of the following year, and each license must be renewed annually on or before the first day of July of each year. Prior to renewal of the license, the property shall be subject to inspection by the Board of Supervisors, or its designee, to determine whether the property is being operated in accordance with the provisions set forth herein.

(Ord. 97-1, 2/26/1997, §3)

§13-104. Application for License.

The license provided for in this Part shall be issued by the Board after written application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junkyard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license.

(Ord. 97-1, 2/26/1997, §4)

§13-105. Issuance of License.

Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefore after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the license and the person applying therefore such terms and conditions in addition to the regulations herein contained and adopted pursuant to this ordinance as may be deemed necessary to carry out the spirit and intent of this Part.

(Ord. 97-1, 2/26/1997, §5)

§13-106. License Fee.

1. The license fee shall be paid immediately upon the issuance or renewal of a license. The amount of the license fee shall be calculated in accordance with the following schedule as determined by the actual land to be used by the person to whom the license is issued, excluding all setback areas:
 - A. Less than 15,000 square feet in an amount to be established from time to time, by resolution of the Board of Supervisors.
 - B. More than 15,000 square feet but less than 40,000 square feet in an amount to be established from time to time, by resolution of the Board of Supervisors.
 - C. More than 40,000 square feet in an amount to be established from time to time, by resolution of the Board of Supervisors.
2. No license shall be issued for the use of a tract of land in excess of the maximum lot size for junkyards in the Township Zoning Ordinance [Chapter 27], as amended.

(Ord. 97-1, 2/26/1997, §6; as amended by Ord. 2007-04, 11/8/2007)

§13-107. License Limitation.

No person licensed under this Part shall, by virtue of one license, keep more than one place of business within the Township or maintain more than one junkyard, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junkyard in any place other than the place designated upon his license.

(Ord. 97-1, 2/26/1997, §7)

§13-108. Transfer of License.

No license issued by the Board shall be transferable by the licensee to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing which notification shall be accompanied by an application for a license, as described in §13-104 of this Part, by the transferee.

(Ord. 97-1, 2/26/1997, §8)

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§13-109. Transfer Fee.

In the event the Board shall approve the transfer of a license the transferee shall immediately pay to the Township a transfer fee in an amount to be established by resolution of the Board of Supervisors.

(Ord. 97-1, 2/26/1997, §9; as amended by Ord. 2007-04, 11/8/2007)

§13-110. Records.

Every person, licensed under this Part, shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase, or receipt, and the person from whom such article or material was purchased, received or handled by such person shall at all times be subject to the inspection of any official of the Township.

(Ord. 97-1, 2/26/1997, §10)

§13-111. Delay in Disposal.

Every person, licensed under this ordinance, shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

(Ord. 97-1, 2/26/1997, §11)

§13-112. Regulations.

Every person licensed under this Part shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this section and any subsequent regulations adopted by the Board:

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.
- B. No garbage or other organic waste shall be stored on the premises.
- C. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding 10 gallons may be stored above ground in said junkyards provided the same be placed in containers approved by the State Fire

Marshal. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by the State.

- D. No hazardous substance, as that term is defined in the Pennsylvania Workers and Community Right-to-Know Act (35 P.S. §7301 et. seq.), shall be stored on the premises.
- E. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for fire-fighting purposes.
- F. All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored, and arranged within the junkyard as described in the application for license hereunder, and as limited under Subsection (D) above.
- G. No burning shall be permitted in any junkyard.
- H. The junkyard shall comply with all provisions of the Allen Township Zoning Ordinance [Chapter 27] as amended, relative to junkyards.

(Ord. 97-1, 2/26/1997, §12)

§13-113. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 97-1, 2/26/1997, §13; as amended by Ord. 2007-04, 11/8/2007)

§13-114. Abatement of Nuisances.

In addition to the remedies provided in §13-113 above, any continued violations of this Part which shall constitute a nuisance may be abated in accordance with the Allen Township Nuisance Ordinance or any other manner prescribed by law.

(Ord. 97-1, 2/26/1997, §14)

PART 2

SOLICITING AND PEDDLING

§13-201. Definitions.

1. The word “soliciting” as used in this Part shall mean the seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery or for subscriptions or contributions, upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property; within the Township of Allen and shall further mean the seeking or taking of contracts or orders for home or other building repairs; improvement and alterations; and also orders or contracts for any mechanical, electrical, plumbing, or heating device or equipment for house; or other building improvements or repairs, upon or from the places aforesaid within the said Township.
2. The word “peddling” as used in this Part shall mean the selling or offering for sale of any goods, wares, services, or merchandise for immediate delivery which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property; within the said Township. Provided, the words “soliciting” and “peddling” shall not apply:
 - A. 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 within the meaning of §501(c)(3) of the Internal Revenue Code.
 - B. To any honorably discharged soldier, sailor or marine of the military service who complies with the Act of Assembly of the Commonwealth of Pennsylvania of 1867, April 8, P.L. 50, as amended, and who procures from the Prothonotary of the proper County a certificate in pursuance of the said Act of Assembly.
 - C. To the seeking or taking of orders, by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
 - D. To persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1963, P.L. 628 as amended, governing solicitations for charitable, benevolent, patriotic or other purposes and as it applies to religions proselytizing, anonymous political speech and the distribution of handbills.
 - E. To any volunteer fire company or volunteer rescue unit.

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- F. To any persons not receiving compensation and acting on behalf of an organization holding an exemption for Federal Income Tax under §501 (c) (3) of the Internal Revenue Code.
 - G. To persons, corporations, partnerships and associations otherwise licensed by the Township to conduct business within the Township.
- 3. The word “solicitor”, as used in this Part shall mean any person over the age of 14 years who shall engage in soliciting as hereinabove defined.
 - 4. The word “peddler” as used in this Ordinance shall mean any person over the age of 14 years who shall engage in peddling as hereinabove defined.
 - 5. The word “person” as used in this Part, shall mean any natural person over the age of 14, association, partnership, firm, organization, or corporation.
 - 6. In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 85-2, 3/12/1985, §I; as amended by Ord. 2007-04, 11/8/2007)

§13-202. License Required.

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

(Ord. 85-2, 3/12/1985, §II)

§13-203. Application.

Every person desiring to engage in soliciting or peddling in the Township of Allen shall first make application to the Secretary of the Board of Supervisors (the phrase Secretary of the Board of Supervisors whenever used in this Part shall include his designee) for a license. If such person shall also be required to obtain a license from any county officer, he shall, on making such application exhibit a valid county license. The said application shall be upon a form provided by the Township Secretary and shall contain at least the following information verified by oath or affirmation:

- A. Full name of the applicant and local address, if any.
- B. Permanent address.
- C. Name of employer or a statement that such applicant is self-employed.
- D. The nature of the goods, wares, services or merchandise offered for sale.

- E. A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed.
- F. The type of vehicle to be used if any.
- G. Upon request, the applicant shall also submit to finger-printing and furnish a photograph, 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 and verified or affirmed by oath or affirmation by him and an individual license shall be required for each helper. No license under this Part shall be transferable from one person to another.
- H. The Township Secretary shall hold each application for a five-day period to enable the Township Office to conduct a background check of each applicant, if deemed necessary.

(Ord. 85-2, 3/12/1985, §III)

§13-204. Fee.

1. Separate Application and Separate Fee Required of Each Person. No license shall be issued under this Part until the sum in an amount to be established by resolution of the Board of Supervisors, shall be paid to the Township Secretary for the use of the Township. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.
2. It is noted that the application form (as referred to in Subsection (1) §13-203 above) and the application fee (as referred to in Subsection (1)) may be changed by the Board of Supervisors of the Township of Allen, from time to time, at the organizational meeting of said Supervisors, which is scheduled for the beginning of January of each year.

(Ord. 85-2, 3/12/1985, §IV)

§13-205. Expiration.

The license granted pursuant to this Ordinance shall be valid for 90 days after the date of such license and upon the expiration of any license, if the person holding the same shall desire to continue or renew soliciting or peddling, he shall be required to file a new application for a permit and pay a new license fee.

(Ord. 85-2, 3/12/1985, §V)

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§13-206. License to be Carried.

Such license when issued shall state, inter alia, the products to be sold or services to be rendered by the licensee. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in the Township of Allen, carry such license upon his person and shall exhibit it upon request, to Township officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

(Ord. 85-2, 3/12/1985, §VI)

§13-207. Hours.

No person licensed as a solicitor or peddler under this Part shall engage in soliciting or peddling on any day of the week before 9:00 a.m. local time or after 8:30 p.m. local time.

(Ord. 85-2, 3/12/1985, §VII)

§13-208. Vehicle Parking.

No person licensed as a solicitor or peddler under this Part shall park any vehicle upon any of the streets, highways, or alleys of the Township in order to sort, rearrange or clean any of his goods, wares, services or merchandise; nor shall any such person place or deposit any refuse on any such streets, highways or alleys; nor shall any such person maintain or keep a street or curbstome 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. 85-2, 3/12/1985, §VIII)

§13-209. Fixed Location Prohibited.

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

(Ord. 85-2, 3/12/1985, §IX)

§13-210. Duty of Secretary.

The Secretary shall keep a record of all licenses issued under this Ordinance and shall supervise the activities of all holders of such licenses.

(Ord. 85-2, 3/12/1985, §X)

§13-211. License Revocable.

Any license issued under this Part may be suspended or revoked at any time by the Secretary of the Township of Allen upon proof being furnished to him that the application for the license contained false information or that the applicant or licensee has been convicted of a crime involving moral turpitude after the issuance of such license or that the licensee was convicted under the Commonwealth Statute of disorderly conduct for an incident arising within Allen Township, Northampton County, Pennsylvania.

(Ord. 85-2, 3/12/1985, §XI)

§13-212. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 85-2, 3/12/1985, §XII; as amended by Ord. 2007-04, 11/8/2007)

PART 3

COMMUNITY ANTENNA SYSTEMS

§13-301. Plat or Map Required.

No poles, cables, equipment or wires for the construction, maintenance and operation of community antenna systems shall be installed or the installation thereof commenced on any existing pole within the Township of Allen until the proposed location, specifications and manner of installation of such cables, equipment and wires shall have been set forth upon a plat or map showing the existing poles, streets, alleys, or highways within the Township of Allen, as such installations are proposed and submitted in writing by any person, firm, partnership, or corporation desiring to operate a community antenna system, to the proper Township officer and approved in writing.

(Ord. 1-1965, 5/3/1965, §1)

§13-302. Interference with Streets, Alleys or Highways.

In the installation or maintenance of such poles, cables, equipment and wires, there shall be no interference with the public use of any street, alley or highway more than necessary to enable the performance and the installation of maintenance work with proper economy and efficiency and the judgment of the Township of Allen shall be deemed binding in this connection. When necessary, in order not to interfere unduly with traffic or the rights of the traveling public, the proper Township Officer may determine the hours when such work shall be performed and fix a time when such work shall be completed.

(Ord. 1-1965, 5/3/1965, §2)

§13-303. Consent and Supervision.

The erection of any poles shall be subject to the consent and supervision of the proper Township Officer and shall be at the operator's own cost and expense and the operator shall replace and properly repave that portion of any sidewalk or street pavement, to the satisfaction of the Township of Allen, which may have been displaced or damaged by it.

(Ord. 1-1965, 5/3/1965, §3)

§13-304. Order and Condition of Equipment.

All poles and equipment, cables and wires so attached to existing poles shall be erected or constructed in a good safe order and condition and in accordance with the best engi-

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neering practices and safety requirements. Wires shall, in general, be placed only where service poles for light, telephone and power lines have been or will be installed so as to preserve the prevailing character of neighborhoods and to maintain clear unobstructed streets as much as possible. Where a street crossing is necessary for transmission or home service lines, a minimum vertical height above the curb of 18 feet shall be maintained. The operator of the community antenna system and its successors, shall at all times fully indemnify, protect and save harmless the Township of Allen from and against all claims, actions, suits, damages and charges and against all loss and necessary expenditures arising from the erection, construction or maintenance of the said works, or from the neglect or failure to maintain its said works in good order and condition. In the event there shall be failure or refusal to comply at any time with any part of this ordinance, or in the event that the business of the operator of the community antenna system and its successors should be discontinued voluntarily or involuntarily, then and in said events said operator and its successors shall, at its own cost and expense, remove its equipment, cables and wires, erected or attached to such existing poles.

(Ord. 1-1965, 5/3/1965, §4)

§13-305. Insurance Required.

The operator of a community antenna system shall procure and maintain such insurance as will protect it from any claim or claims for damages to property and/or for personal injury, including death, which may arise from its operations and the maintenance of the apparatus hereinbefore mentioned, and certificates of such insurance shall be filed with the Township Secretary and kept in force at all times, the limits of said insurance to be subject to the approval of the Board of Supervisors of the Township of Allen as to adequacy of protection and in no event to be less than \$25,000/\$100,000 for property damage and \$100,000/\$300,000 limits for personal injury, including death.

(Ord. 1-1965, 5/3/1965, §5)

§13-306. Bond.

Any such operator shall also enter into a bond with the Township of Allen, said bond to be in form and with surety to be approved by the Board of Supervisors of the Township of Allen in the amount of \$5,000 conditioned that said operator shall pay or cause to be paid any sums which may become due and payable to the Township of Allen, because of:

- A. Failure to maintain its poles, cables, wires and equipment erected pursuant to said ordinance across, through, in and along the public streets, alleys and highways within the limits of the Township of Allen, County of Northampton and State of Pennsylvania, in good and safe order and condition; or
- B. Failure to remove its cables, wires and equipment from across, through, in and along the public streets, alleys and highways within the limits of the

Township of Allen, County of Northampton and State of Pennsylvania in accordance with this ordinance. In the event that permission under this ordinance should be revoked by the Township of Allen, or in the event that the business of the operator of the community antenna system and its successors should be discontinued voluntarily or involuntarily, then said bond shall be void provided the operator of the community antenna system and its successors are not in violation of this Part, otherwise to remain in full force and effect.

(Ord. 1-1965, 5/3/1965, §6)

§13-307. Exclusiveness of Grant.

The right to engage in the activities hereto shall not be construed to be an exclusive grant to any one operator of a community antenna system so as to prevent the granting of similar privileges to others.

(Ord. 1-1965, 5/3/1965, §7)

§13-308. Revocation of Agreement.

Any privilege and permission granted under this ordinance shall be by resolution of the Township of Allen and may at any time be revoked by resolution of the Township Board of Supervisors of the Township of Allen and shall, at all times, be exercised and maintained subject to the approval of the proper Township officers. Any violation of the terms of this ordinance shall be deemed and taken to work a forfeiture of any permission and privileges that may have been granted.

(Ord. 1-1965, 5/3/1965, §8)

§13-309. Written Permission Required.

Nothing herein shall be interpreted as meaning that the Township of Allen conveys or gives the right to use the new existing poles or facilities of property of the Pennsylvania Power & Light Company, Bell Telephone Company or any utility, railroad or private corporation, person or partnership, without first obtaining written permission from said parties, which written permission shall be filed with the Township of Allen before any erection or field work is performed.

(Ord. 1-1965, 5/3/1965, §9)

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§13-310. Removal of Equipment.

If at any time the facilities being used are ordered removed by the proper Township officers, or voluntarily removed by the utility, railroad, private corporation, person or partnership now using such facility, then upon 60 days' notice from the Township of Allen, the said wires, equipment and cables being used at such location, shall be removed at the expense of the operator of the community antenna system and its successors within said time as ordered, and the Township Board of Supervisors shall have the right to declare any and all privileges granted withdrawn and forfeited.

(Ord. 1-1965, 5/3/1965, §10)

§13-311. Contracts to be Filed.

Certified copies of any existing or future contracts by and between the operator of the community antenna system and its successors, with any public utility servicing the Township of Allen, shall be filed with the Township Secretary prior to the commencement of any construction, maintenance or installation of any equipment, cables, or wires of any kind whatsoever.

(Ord. 1-1965, 5/3/1965, §11)

§13-312. Certificates of Insurance and Bond.

Any operator of any community antenna system shall, under its seal and by its proper officers, within 30 days from the date of the resolution granting permission, signify in writing its acceptance of all the terms, conditions, regulations and restrictions of this Part, and shall also furnish the aforesaid certificates of insurance and bond and other documents required by this ordinance, in-default of any of which the resolution shall become null and void and be of no effect.

(Ord. 1-1965, 5/3/1965, §12)

§13-313. Advertising and Printing Fees.

All legal advertising or printing fees or expenses incurred by the Township of Allen in connection with the passage of any resolutions under this ordinance shall be paid by the operator of the community antenna system.

(Ord. 1-1965, 5/3/1965, §13)

§13-314. Uniform Tariffs.

There shall be filed with the Township Secretary a schedule of uniform tariffs covering installations and hook-up charges for both commercial and residential buildings and service charges relating thereto and any subsequent changes in said tariffs.

(Ord. 1-1965, 5/3/1965, §14)

§13-315. License or Franchise Fee.

The Township of Allen expressly reserves unto itself the right in the future to impose license or franchise fees upon the corporations of community antenna systems.

(Ord. 1-1965, 5/3/1965, §15)

§13-316. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 1-1965, 5/3/1965, §16; as amended by Ord. 2007-04, 11/8/2007)

PART 4

MASS GATHERINGS

§13-401. General Provisions; Definitions.

1. Purpose. An ordinance to permit, license, regulate and control in the interest of public safety, health and welfare, outdoor gatherings of persons in excess of 150 in number, to provide penalties for violations thereof and to repeal all ordinances or parts of ordinances inconsistent therewith.
2. Definitions. For the purpose of this Part the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word “shall” is always mandatory and not merely directory.

APPROVED — any construction or procedure of operation which is in accordance with the established regulations of the Pennsylvania Department of Health and applicable provisions of Federal, State or local law, or regulations established pursuant thereto.

ATTENDANT — any person who obtains admission to an outdoor assembly by payment of money or by the rendering of services in lieu of the payment of money for admission.

BOARD OF SUPERVISORS — the Board of Supervisors of Allen Township, Northampton County, Pennsylvania.

CODE ENFORCEMENT OFFICER — the Code Enforcement Officer for the Township of Allen.

COMMUNICABLE DISEASE — an illness due to an infectious agent, or its toxic products, which is transmitted directly or indirectly to a well person from an infected person, animal or arthropod or through the agency of an intermediate host, vector or the inanimate environment.

DRINKING WATER — potable water provided or used for human consumption or for lavatory or culinary purposes.

GARBAGE — all putrescible wastes (except sewage and body waste). Included in this term are animal and vegetable offal.

HEALTH DEPARTMENT — the Pennsylvania Department of Health or its authorized representatives.

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LICENSEE — any person to who a license is issued pursuant to this Part.

MASS OUTDOOR GATHERING — any commercial outdoor event, intended for profit, attended by more than 150 people, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or an event which is conducted or sponsored by any entity qualifying for tax exempt status under the Internal Revenue Code, or any other applicable federal, state or local law; private or public auction.

OPERATOR — any person who organizes, promotes, conducts, or causes to be conducted a mass gathering. The term operator is interchangeable with the term sponsor within the definitions of this Part.

PERSON — any natural person, partnership, corporation, association or organization.

PLUMBING — all of the following facilities and equipment: water pipes; waste pipes; drains; vents; water closets; sinks; trays or tubs; catch basins; and any other similarly supplied fixtures, together with all connections to water systems or sewage systems.

REFUSE — all nonputrescible wastes generally regarded and classified as rubbish, trash and junk and similar designations which have been rejected by the possessor thereof as useless or worthless.

SEWAGE — any substance that contains any of the waste products, excrement, or other discharge from the bodies of humans or animals, and any noxious or deleterious substances which are harmful or inimical to the public health, to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

SEWERAGE SYSTEM — any community or individual system, publicly or privately owned, for the collection and disposal of sewage and industrial wastes of liquid nature, including various devices for the treatment of such sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage or industrial wastes.

SPONSOR — any person who organizes, promotes, conducts or causes to be conducted a mass outdoor gathering.

TOILET FACILITIES — water closets, privies, urinals, chemical toilets, and rooms provided for installation of these units.

TOWNSHIP — the Township of Allen, Northampton County, Pennsylvania.

(Ord. 94-5, 9/8/1994, §1)

§13-402. License/Permit Requirements.

1. Necessity of License/Permit. A person shall not operate, sponsor, maintain, conduct, promote or allow a mass outdoor gathering in Allen Township without first having made application for, and obtained, as hereinafter prescribed, a license/permit for each such mass outdoor gathering.
2. Application for License/Permit. Application for a license/permit to conduct a mass outdoor gathering must be made in writing on such forms and in such manner as prescribed by the Township Secretary and shall be made at least 30 days prior to the date of the proposed mass outdoor gathering.
3. Application Fee. Each application shall be accompanied by a non-refundable fee of \$250.
4. Application Information. Each Application made shall be filed with the Code Enforcement Officer and shall include at least the following.
 - A. The name, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association this information shall be provided for all partners, officers, directors or members).
 - B. A statement of the kind, character and type of proposed mass outdoor gathering.
 - C. The address of the site at which the mass outdoor gathering is proposed to be conducted. If ownership in the proposed site is not vested in the applicant, there shall be submitted with the application an affidavit from the site owner indicating his consent to the use of the site for the proposed mass outdoor gathering, together with a copy of his current deed for said premises.
 - D. The date or dates and hours during which the proposed mass outdoor gathering is to be conducted.
 - E. An estimate of the maximum number of attendants expected at the proposed mass outdoor gathering.
 - F. Each application shall be accompanied by an explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for:
 - (1) Police and fire protection;
 - (2) Food and water facilities;

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- (3) Health and sanitation facilities;
 - (4) Medical facilities and services;
 - (5) Vehicles access and parking facilities;
 - (6) Public telephone facilities;
 - (7) Noise abatement and control;
 - (8) Illumination facilities;
 - (9) Facilities for cleanup and waste disposal; and
 - (10) Insurance and bonding arrangements.
- 5. Commission Action on Application. Within 15 days of the filing of an application for license, the Board of Supervisors, through its Code Enforcement, shall take action on the application. The Board of Supervisors, through its Code Enforcement Officer, may take one of the following actions:
 - A. Approve Application. If the Board of Supervisors, through its Code Enforcement Officer, is satisfied that the prospective licensee has complied with all requisites and purposes of this Ordinance, both heretofore and hereinafter addressed in this Part, it may approve the application and allow a person to conduct the proposed mass outdoor gathering.
 - B. Deny Application. The Board of Supervisors, through its Code Enforcement Officer, may deny a license if the applicant fails to comply with any or all requirements of this Part, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law or the applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document. If an applicant is denied a license/permit, the Board of Supervisors shall send written notice of the denial to the applicant by certified mail within five days of the denial decision. The reasons for denial shall be stated in the notice.
- 6. Requirements for License/Permit. In addition to the requisites heretofore mentioned, the Board of Supervisors, through its Code Enforcement Officer, shall require the following from prospective licensees.
 - A. Security Personnel. The licensee shall employ, at his own expense, such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the gathering, to regulate and limit the number of persons to the level authorized in the permit, and for preservation of order and protection of property in and around the site of the gathering. No license/permit shall be issued unless

the Chief Law Enforcement Officer for Northampton County, in cooperation with the Director of the State Police, is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the gathering.

- B. Medical Facilities. If the gathering is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide an ambulance on the grounds at all times. In addition, a first-aid station shall be made available as required by the Pennsylvania Department of Health and/or the Department of Environmental Protection. The kind, location, staff, strength, medical and other supplies and equipment of such facilities shall be prescribed by the Department of Environmental Protection and in accordance with all rules and regulations of the Pennsylvania Department of Health and/or any applicable Federal, State or local law or regulation established pursuant thereto.
- C. Food Service. If food service is made available on the premises, it shall be delivered through concessions licensed and operated in accordance with the provisions of any applicable Township ordinance and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable Federal, State or local law or regulations established pursuant thereto.
- D. Water Facilities. The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water-using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located and approved in accordance with any applicable federal, state or local law or regulations established pursuant thereto, or from a source and delivered and stored in a manner approved by the Department of Environmental Protection. Any interruption in the treatment of a drinking water supply shall be reported immediately to the Department of Environmental Protection. No change in the source of, or in the method of treatment of, a drinking water supply shall be made without first notifying the Department and securing its approval to do so.
- E. Plumbing.
 - (1) Plumbing shall be so sized, installed, and maintained as to carry adequate quantities of water to required locations throughout the premises of the mass gathering, and to properly convey sewage and liquid wastes from the premises to the sewerage or sewage disposal system.
 - (2) Plumbing shall serve to prevent contamination of the water supply, and shall not create an unsanitary condition or nuisance.
- F. Liquid Waste Disposal. The licensee shall provide for solid waste storage on, and removal from, the premises. The collection of all garbage and refuse shall be conducted in a sanitary manner and shall be removed from the fa-

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cilities at least once every 24 hours or at more frequent intervals if necessary to prevent a nuisance. Storage shall be in approved, covered, fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license/permit, the licensee shall provide the Township with a true copy of an executed agreement in force and effect by a licensed refuse collector as required by any Township ordinance and the rules and regulations pursuant thereto, and will assure proper, effective and frequent removal of solid wastes from the premises as to neither create or cause a nuisance or menace to public health. Each refuse container, room or area shall be thoroughly cleaned after each emptying or removal of garbage and refuse.

G. Vector Control.

- (1) The licensee shall implement effective control measures to minimize the presence of rodents, arthropodes, flies, roaches and other vermin on the premises. Poisonous materials such as insecticides or rodenticides, shall not be used in any way so as to contaminate food or equipment, or otherwise constitute a hazard to the public health. Solid wastes containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin. Prior to issuance of any license, the licensee shall provide the Township with a true copy of an executed agreement in force and effect by a licensed exterminator to insure proper pest and vermin control.
- (2) All grass on the premises of the mass gathering shall be mowed one-week prior to the event and shall be effectively sprayed with insecticides approved by the Department of Environmental Protection and/or the Township.

H. Restroom Facilities. The licensee shall provide separate and enclosed water closets in accordance with any and all applicable Federal, State or local laws or regulations established pursuant thereto. The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with any applicable Federal, State or local law or regulations established pursuant thereto. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Toilets	1:100	1:50*
Urinals	1:100	
Drinking Fountains	1:200	

*Female urinals may be substituted for toilet bowls on a one-for-one basis; however, no more than 1/3 of the total number of toilet bowls may be substituted.

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects, and shall at all times be in operating condition.

- I. Carriers of Communicable Disease. No individual known to be a possible transmitter of a communicable disease shall be employed at a mass gathering, in any capacity.
- J. Supervision of Premises. A person to whom a license to promote or hold a mass gathering has been issued shall provide a competent individual to be in charge of the property and on the premises at all times while the property is occupied or open for occupancy.
- K. Responsibility for Clean up. The licensee shall be responsible for clean-up operations at the termination of the mass gathering.
- L. General Responsibility. The person to whom a license/permit is issued shall comply with the provisions of the ordinance and with all conditions stated in the license.
- M. Access and Traffic Control. The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off the premises. Access to the premises shall be from a highway or road which is a part of the State of Pennsylvania's system of highways. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles.
- N. Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four attendants.
- O. Illumination. The license shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Zoning Officer for the Township of Allen.
- P. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$300,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by appropriate governing body of the Commonwealth of Pennsylvania, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the mass gathering or conduct incident thereto, and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect

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that the insurance company shall notify the Township, at least 10 days before the expiration or cancellation of said insurance.

- Q. Bonding. Before the issuance of a license/permit, the licensee shall obtain, from a corporate bonding company authorized to do business in Pennsylvania, a corporate surety bond in the amount of \$10,000, in a form to be approved by the Township's Solicitor, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this Part and all applicable provisions Federal, State or local law or regulations established pursuant thereto, and which shall indemnify the Township, its agents, officers, and employees and the Board of Supervisors against any and all loss, injury or damage whatever arising out of, or in any way connected with, the mass gathering and which shall indemnify the owners of property adjoining the mass gathering site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the mass gathering.
- R. Fire Protection. The licensee shall, at his own expense, take adequate steps as determined by any applicable Federal, State or local law or regulation established pursuant thereto to insure fire protection. He shall see to it that no flammable or volatile liquids or materials shall be stored in or adjacent to the area of the gathering and that adequate fire-fighting equipment is available to protect the life and health of the people attending the mass gathering.
- S. Sound Producing Equipment. Sound producing equipment, including, but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the gathering so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township.
- T. Communications. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for the first 150 attendants and an additional unit for each 500 attendants in excess of the initial 150 attendants.
- U. Miscellaneous. Prior to the issuance of a license, the Board of Supervisors may impose any other condition or conditions reasonably calculated to protect the health, safety, welfare and property of attendants or the citizens of Allen Township. Further, the Board of Supervisors may, from time to time, promulgate additional rules and regulations by resolution.

(Ord. 94-5, 9/8/1994, §2; as amended by Ord. 2007-04, 11/8/2007)

§13-403. Reason For and Who May Revoke License/Permit.

The Board of Supervisors may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein, or with any and all provisions, regulations, ordinance, statutes, or any other laws incorporated hereby by reference.

(Ord. 94-5, 9/8/1994, §3)

§13-404. Violations and Penalties.

It shall be unlawful for a licensee, his employee, or agent, to knowingly fail to comply with any requirement of this Part, or to:

- A. Advertise, promote or sell tickets to, conduct or operate as assembly without first obtaining a license/permit as herein provided, or after revocation of such a license/permit.
- B. Conduct or operate a gathering in such a manner as to create a public or private nuisance.
- C. Conduct or permit within the gathering any obscene display, exhibition, show, play, entertainment or amusement.
- D. Permit any person on the premises to cause or create a disturbance in, around, or near the gathering by obscene or disorderly conduct.
- E. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.
- F. Permit any person to unlawfully use, sell or possess any narcotics, narcotic drugs, drugs or other controlled substance as defined in any applicable Federal, State or local law or regulation established pursuant thereto.

Any of the above violations is a separate offense and is punishable as a summary conviction by a fine of not more than \$1,000. It is further provided that violations A through F, supra, are hereby declared to be nuisances per se, immediately enjoined in the Court of Common Pleas of the County of Northampton, Pennsylvania, and that any violation of this ordinance shall constitute a sufficient basis for revocation of the license/permit and for the immediate enjoining of the gathering.

- G. The operator shall be subject to and shall pay all applicable wage and occupational privilege taxes and any other similar employment tax.

(Ord. 94-5, 9/8/1994, §4)

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§13-405. Severability Clause.

If any portion of this Part or the application thereof to any person or circumstance shall be found to be invalid, such invalidity shall not affect the remaining portions or applications of this Part which can be given effect without the invalid portion or application, provided such remaining portion or portions are not determined to be inoperable, and, to this end, this Part is declared to be severable.

(Ord. 94-5, 9/8/1994, §5)

PART 5
HOUSEHOLD GOODS

§13-501. Permit Required.

That no person or persons, firm, or corporation, shall move or cause to be moved from any place within the Township of Allen to another place therein, or place beyond the limits thereof, any household goods in bulk, without first securing from the Secretary of the Township of Allen a permit for such moving or transportation.

(Ord. 85-3, 3/12/1985, §1)

§13-502. Application.

Any person or persons, firm, or corporation desiring such a permit for the removal or transportation of household goods in the manner above described, shall make application to the Secretary of the Township of Allen setting forth his, its, or their name and address, and also setting forth the names of the owners or reputed owners of the property to be moved, the address and location from which the property is to be removed and the new address or location of the place to which the property is to be moved.

(Ord. 85-3, 3/12/1985, §II)

§13-503. Permit Issuance.

The Secretary of the Township of Allen shall, upon application being made as provided for in §13-502 of this Part, issue a permit for which a charge of \$0.50 will be made, setting forth the name of the permittee as well as the name or names of the owners of the goods to be moved and the address from which the goods are to be moved and the address to which the goods are to be delivered. This permit shall be signed by the Secretary of the Township of Allen.

(Ord. 85-3, 3/12/1985, §III)

§13-504. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 85-3, 3/12/1985, §IV; as amended by Ord. 2007-04, 11/8/2007)

CHAPTER 14

RESERVED

CHAPTER 15
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- § 15-501. Establishment of Bicycle Lanes.**

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(RESERVED)

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PART 1
GENERAL REGULATIONS

§ 15-101. Definitions and Interpretation. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

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, 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.

§ 15-102. Manner of Adopting Permanent Traffic and Parking Regulations. [Ord. 2007-04, 11/8/2007]

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 ordinance, except where the law specifically authorizes less formal action.

§ 15-103. Provisions to be Continuation of Existing Regulations. [Ord. 2007-04, 11/8/2007]

The provisions of this chapter, so far as they are the same as those of chapters and regulations in force immediately before the enactment of this chapter, are intended as a continuation of those earlier chapters 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 chapters or regulations.

§ 15-104. Temporary and Emergency Regulations. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

1. The Board of Supervisors shall have the following powers to regulate traffic and parking temporarily and in the 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 Pennsylvania State Police in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulation, 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.

§ 15-105. Experimental Regulations. [Ord. 2007-04, 11/8/2007]

The Township 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 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 that the purpose of this section is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Township relative to traffic and parking.

§ 15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

1. The Township shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station state 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 Township 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.

§ 15-107. Use of Streets by Processions and Assemblages. [Ord. 2007-04, 11/8/2007]

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 Board of Supervisors, which shall be issued without fee. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three 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.
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 Board of Supervisors, which shall be issued without fee. Application for the permit shall be made at least two 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 three 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 underway, the time when the procession may commence to move along its route, and the time by which the end of 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.

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

§ 15-108. Authority of Police Officers. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

The Pennsylvania State Police are hereby authorized to direct traffic on the highways of the Township and at intersections thereof and to otherwise enforce the provisions of this chapter.

§ 15-109. Authorization for Use of Speed-Timing Devices. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

1. The Pennsylvania State Police are 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.
2. 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.

PART 2
TRAFFIC REGULATIONS

§ 15-201. Maximum Speed Limits Established on Certain Streets. [Ord. 2007-04, 11/8/2007]

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:

Street	Between	Maximum Speed Limit
Farm Hill Road [Added by Ord. 2015-04, 6/23/2015]	Entire length	30
Mud Lane	Entire length	35
Savage Road	Entire length	35
Tomahawk Trail [Added by Ord. 2013-03, 6/25/2013]	Entire length	15
West Bullshead Road	Entire length	40

2. Any person who violates the provision of this section shall, upon conviction before any Magisterial District Judge having jurisdiction, pay a fine of \$35, together with the cost of prosecution, and any fees or surcharges mandated by the Commonwealth of Pennsylvania, which fine and costs shall be collected in the manner provided by law for the recovery of fines and penalties for the violation of Township ordinances. Any person failing to pay such fines and costs may be subject to imprisonment in accordance with the applicable provisions of the Pennsylvania Vehicle Code.

§ 15-202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures. [Ord. 2007-04, 11/8/2007]

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 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades. [Ord. 2007-04, 11/8/2007]

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 (Reserved)	Maximum Speed Limit	Required to Stop Before Proceeding Downhill
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2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-204. Maximum Speed Limits Established in Parks. [Ord. 2007-04, 11/8/2007]

1. A speed limit of 15 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 (Reserved)	Maximum Speed Limit
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2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-205. Traffic Signals at Certain Locations. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

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
Howertown Road, SR 329, and Weaversville Road	4-way stop
SR 329 and Savage Road	4-way stop

- 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.

§ 15-206. Intersections Where Turn Prohibited on Red Signal. [Ord. 2007-04, 11/8/2007]

- 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
	(Reserved)	

- 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.

§ 15-207. One-Way Roadways Established. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

- The following are established as one-way roadways, 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
33rd Street (TR488)	Cherryville Road	Center Road	West
TR478	Intersection with the state highway leading from Bath	Northampton, known as No. 329, to TR 486	South
Atlas Road	Savage Road	Joseph Road	West
[Added by Ord. 2010-04, 10-26-2010]			
Boro View Drive	Entire length		East to west

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

§ 15-208. Turning at Certain Intersections Prohibited or Restricted. [Ord. 2007-04, 11/8/2007]

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 Turn	Into	When	Type of Vehicle Applicable To
(Reserved)					

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

§ 15-209. Right Turns Prohibited at Certain Intersections. [Ord. 2007-04, 11/8/2007]

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 left turn, at any time stated, both right turns and straight-across traffic being prohibited:

Vehicle Traveling On	Direction of Travel	Times	Not to Make Right Turn Into or Travel Straight Across
(Reserved)			

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

§ 15-210. U-Turns Prohibited at Certain Locations. [Ord. 2007-04, 11/8/2007]

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:

Street	Portion	Direction of Travel
(Reserved)		

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

§ 15-211. No-Passing Zones Established. [Ord. 2007-04, 11/8/2007]

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:

Street	Direction of Travel	Between
		(Reserved)

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

§ 15-212. Through Highways Established. [Ord. 2007-04, 11/8/2007]

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 75 Pa.C.S.A. §§ 3323(b) and 3323(c) of the Vehicle Code, 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:

Highway	Between
	(Reserved)

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

§ 15-213. Stop Intersections Established. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

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 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
33rd Street	Center Road	
Atlas Road		
[Repealed by Ord. 2010-04, 10-26-2010]		
Atlas Road	Savage Road	West
[Added by Ord. 2010-04, 10-26-2010]		
Atlas Road	Short Lane	East and west
[Amended by Ord. 2010-04, 10-26-2010]		
Buttonwood Road	Mud Lane	
Center Street	32nd Street	
Debbie Road	Drexel Drive	
Drexel Drive	Short Lane	
East Bullshead Road	Willowbrook Road	
Exit from Howerton Park	Atlas Road	South
[Added by Ord. 2010-04, 10-26-2010]		
Exit from Howerton Park	Savage Road	West
[Added by Ord. 2010-04, 10-26-2010]		
Exit from Howerton Park	Short Lane	East
[Added by Ord. 2010-04, 10-26-2010]		
Granger Road	Church Road	North
Granger Road	Church Road	South
Gray Drive	McNair Drive	South
[Added by Ord. 2013-05, 10/22/2013]		
Gray Drive	Walker Drive	North
[Added by Ord. 2013-05, 10/22/2013]		
Jennings Run	Marshall Run	
Jennings Run	Village Drive	
John Drive	Savage Road	East
[Added by Ord. 2010-04, 10-26-2010]		
Kennedy Drive	32nd Street	

Stop Street	Intersecting or Through Street	Direction of Travel
Kensington Circle	Snow Hill Road	
Laurel Drive	Buttonwood Road	
Laurel Drive	Redwood Drive	
Marshall Run	Howertown Road	
Marshall Run	Jennings Run	
Marshall Run	Yeates Run	
Marshall Run	Yeates Run	South
McNair Drive	Gray Drive	East and west
[Added by Ord. 2013-05, 10/22/2013]		
McNair Drive	Willowbrook Road	West
[Added by Ord. 2013-05, 10/22/2013]		
Oak Lane	Oak Lane	East
Oak Lane	Oak Lane	West
Pond Road	School Road	North
Pond Road	School Road	South
Redwood Drive	Mud Lane	
Rock Road	Clifftop Road	
Savage Road	Atlas Road	North
[Amended by Ord. 2010-04, 10-26-2010]		
Savage Road		
[Repealed by Ord. 2010-04, 10-26-2010]		
Savage Road	John Drive	South
[Added by Ord. 2010-04, 10-26-2010]		
Savage Road	Route 329 (North Bath Boulevard)	
School Road	Mud Lane	
Short Lane	Atlas Road	South
[Added by Ord. 2010-04, 10-26-2010]		
Short Lane	Drexel Drive	
Stonebridge Road	Covered Bridge Road	
Stonebridge Road	Farm Hill Road	
Stonebridge Road	Snowhill Road	
Stonebridge Road	Twin Brook Road	
Stonebridge Road	Valley Road	

Stop Street	Intersecting or Through Street	Direction of Travel
Tomahawk Trail	Church Road	
Tomahawk Trail	Millrace Road	
Village Drive	Howertown Road	
Walker Drive	Gray Drive	East and west
[Added by Ord. 2013-05, 10/22/2013]		
Walker Drive	Willowbrook Road	West
[Added by Ord. 2013-05, 10/22/2013]		
Walking Purchase Circle	Village Drive	
West Bullshead Road	Willowbrook Road	
West Sylvan Drive	Buttonwood Road	
Willowbrook Road	Savage Road	

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

§ 15-214. Yield Intersections Established. [Ord. 2007-04, 11/8/2007]

- The following intersections (in addition to intersections with the through highways established by § 15-212) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by 75 Pa.C.S.A. § 3323(c) of the Vehicle Code, and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction of Travel
	(Reserved)	

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

§ 15-215. Operation of Motor Vehicles Restricted on Public Lands. [Ord. 2007-04, 11/8/2007]

- No motor vehicle, including a motorcycle, pedalcycle or minibike, shall be operated on any property owned by the Township or any other public agency or instrumentality within the Borough without the permission of the property owner and a permit from the Board of Supervisors of the Township.

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

§ 15-216. Rotary Traffic Islands Established. [Ord. 2007-04, 11/8/2007]

1. The following locations are designated as rotary traffic islands, and every vehicle passing around a rotary traffic island shall be driven only to the right of the island:

Location

(Reserved)

2. Any person who drives a vehicle otherwise than to the right of any rotary traffic island shall be guilty of a violation of this section and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

§ 15-217. (Reserved)¹

§ 15-218. Snowmobile Roads Designated. [Ord. 2007-04, 11/8/2007]

1. The following roads and streets within the Township are designated as special snowmobile roads:

		Used by Snowmobiles Only When Closed to Vehicular Traffic		Shared With Vehicular Traffic
Street or Road	Between			

(Reserved)

2. It shall be unlawful for any person to operate a snowmobile on any highway, street or road in the Township other than as provided above, provided that nothing in this section shall prohibit any person from operating a snowmobile on any other street in the Township:
 - A. As authorized by the Vehicle Code, 75 Pa.C.S.A. § 7721, for emergency and bridge crossings and for direct crossing of streets or two-lane highways.
 - B. For special snowmobile events where authorized in advance and the street is blocked off as provided in the Vehicle Code, 75 Pa.C.S.A. § 7723. Any person who violates any provision of this section shall be subject to the penalties prescribed in Section 7752(a) of the Vehicle Code, 75 Pa.C.S.A. § 7752(a).

¹Editor's Note: Former § 15-217, Play Highways Established and Authorized, was repealed 3/12/2009 by Ord. 2009-02.

PART 3

RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD**§ 15-301. Vehicle Weight Limits Established on Certain Streets and Bridges.**
[Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

1. On the following bridges and streets or parts of streets, by authority granted by Section 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
Willowbrook Road*	Entire length	10 tons

NOTE:

- * Permits and Security. The Board of Supervisors of Allen Township may issue permits for the movement of motor vehicles or combinations with weights in excess of 10 tons along Willowbrook Road and may require such undertaking or security as they deem necessary to cover the costs of anticipated or probable repairs and restoration necessitated by the permitted movement of vehicles. 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.

2. Any person who violates any provision of this section shall be prosecuted under Sections 4902(a) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A., and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of the 10 tons' gross maximum weight limit.

§ 15-302. Restrictions on Size of Vehicles on Certain Streets and Bridges.
[Ord. 2007-04, 11/8/2007]

1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, 75 Pa.C.S.A., it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Between	Restrictions
	(Reserved)	

2. Any person who violates any provision of this section shall be prosecuted under Section 4902(a) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A., and, upon conviction, shall be sentenced to pay a fine of \$75 and costs.

§ 15-303. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges. [Ord. 2007-04, 11/8/2007]

1. By reason of hazardous traffic conditions and other safety factors, by authority granted by Section 4902(b) of the Vehicle Code, 75 Pa.C.S.A., it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street.

Street or Bridge	Between	Restrictions
	(Reserved)	

2. Any person who violates any provision of this section shall be prosecuted under Sections 4902(b) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A., and, upon conviction, shall be sentenced to pay a fine of not less than \$25 and not more than \$100 and costs.

§ 15-304. Truck Traffic Restricted on Certain Streets. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2016-01, 2/23/2016]

1. It shall be unlawful for any person to drive a vehicle other than a passenger vehicle, motorcycle, or other vehicle intended primarily for the transportation of passengers on any of the following streets or parts of streets, provided that 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:
 - A. Savage Road between Nor-Bath Boulevard (SR 329) and Willowbrook Road.
 - B. Willowbrook Road between Savage Road and the municipal boundary line with Hanover Township, Lehigh County.
 - C. East Bullshead Road between Willowbrook Road and the municipal boundary line with East Allen Township, Northampton County.
 - D. West Bullshead Road between Willowbrook Road and the municipal boundary line with Northampton Borough, Northampton County.
2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

3. The Board of Supervisors of Allen Township shall cause official traffic signs to be erected along the roadways identified in § 15-304 of this Part in such locations and of such type, size and number as required by the Pennsylvania Department of Transportation and/or the "Manual on Uniform Traffic Control Devices" published by the Federal Highway Administration, or as otherwise deemed necessary for the health, safety, and welfare of the traveling public.

PART 4

GENERAL PARKING REGULATIONS

§ 15-401. Vehicles to be Parked Within Marked Spaces. [Ord. 2007-04, 11/8/2007]

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.

§ 15-402. Parking Prohibited at All Times in Certain Locations. [Ord. 2007-04, 11/8/2007]

1. General Rule. **[Added by Ord. 2017-01, 1/24/2017]**
 - A. Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or to comply with the directions of a police officer or traffic control device, no person shall stop, stand, or park any vehicle in the following locations:
 - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or roadway;
 - (2) On a sidewalk or overhanging a sidewalk, except that a bicycle may be parked as provided in the Pennsylvania Vehicle Code;²
 - (3) No vehicle may be parked in a manner where any portion of the vehicle overhangs the sidewalk;
 - (4) Within an intersection;
 - (5) On a crosswalk;
 - (6) On any railroad tracks;
 - (7) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic control devices;
 - (8) Alongside or opposite any street excavation or obstruction, when stopping, standing, or parking would obstruct traffic;
 - (9) Upon any bridge or other elevated structure, upon a highway, or within a highway tunnel;

²Editor's Note: See 75 Pa.C.S.A. § 101 et seq.

- (10) In the area between the travel lanes of a divided highway or roadway, including crossovers;
- (11) At any place prohibited by an official sign.

B. No person shall stand or park a vehicle in the following locations:

- (1) In front of a private or public driveway;
- (2) Within 15 feet of a fire hydrant;
- (3) Within 20 feet of a crosswalk at an intersection;
- (4) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal;
- (5) On a limited access highway unless authorized by official traffic control devices.

C. No person shall park, or leave unattended, a vehicle on private property of another without the consent of the owner or other person in control or possession of the property, except in the case of an emergency or disablement of the vehicle, in which case the owner of the vehicle shall arrange for its removal as soon as possible.

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

Street	Side	Between
Atlas Road [Added by Ord. 2010-04, 10-26-2010]	South	Savage Road and Joseph Road
Savage Road TR463		Atlas Road SR 0329 and the Northampton Borough line
Snow Hill Road TR472		Howertown Road and Old Carriage Road, aka SR 3017 and SR 3018
West Bullshead Road [Added by Ord. 2015-01, 5/14/2015]	North	Along the bicycle lane between Willowbrook Road and the entrance to the Catasauqua High School
Willowbrook Road [Added by Ord. 2015-01, 5/14/2015]	East	Along the bicycle lane between East Bullshead Road and West Bullshead Road
Willowbrook Road [Added by Ord. 2015-01, 5/14/2015]	West	Along the bicycle lane between Savage Road and West Bullshead Road

§ 15-403. Parking Prohibited in Certain Locations, Certain Days and Hours. [Ord. 2007-04, 11/8/2007]

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
		(Reserved)		

§ 15-404. Parking of Trucks, Buses and Certain Other Vehicles Prohibited in Certain Locations. [Ord. 2007-04, 11/8/2007]

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

Street	Between
	(Reserved)

§ 15-405. Parking Time Limited in Certain Locations, Certain Days and Hours. [Ord. 2007-04, 11/8/2007]

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

Street	Side	Between	Days	Hours
		(Reserved)		

§ 15-406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited. [Ord. 2007-04, 11/8/2007]

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

Street	Side	Location	Authorized Purpose or Vehicle
		(Reserved)	

§ 15-407. Standing or Parking on Roadway for Loading or Unloading. [Ord. 2007-04, 11/8/2007]

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

Street	Side	Between
		(Reserved)

§ 15-408. Angle Parking Required on Portions of Certain Streets. [Ord. 2007-04, 11/8/2007]

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.

§ 15-409. Residential Permit Parking. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

1. Findings and Purpose. The Township finds that:
 - A. Certain residential areas in the Township are subjected to commuter vehicle parking, therefore depriving the residents of those areas of spaces in which to park their own vehicles.
 - B. Those residential streets are also subjected to a high degree of commuter traffic which substantially reduces the quality of the ambient air level.
 - C. The establishment of a parking permit program for certain affected areas should facilitate efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week. Therefore, the Township considers it to be in the interest of the people of the Township to provide for the establishment of a residential permit-parking program to ensure primary access to available parking spaces by neighborhood residents and also to provide a cleaner ambient air level.
2. Definitions. For the purpose of this section, words and terms listed in this subsection, as follows, shall have the following meanings:

COMMUTER VEHICLE — A motor vehicle parked in a residential area by a person not a resident of that residential area.

PROPRIETOR — A person who owns or leases real estate within a residential area of which he is not a resident, but who owns or manages a business enterprise or professional office maintained at that address. For the purpose of this section, a proprietor shall be entitled to one parking permit for that business or professional office address.

RESIDENT — A person who owns or leases real property within a residential area and who maintains either a voting residence or bona fide occupancy, or both, at that address.

RESIDENTIAL AREA — A contiguous area containing public highways or parts of public highways primarily abutted by residential property or residential and nonbusiness property (such as schools, parks, places of worship, hospitals and nursing homes).

3. Criteria. The residential areas designated in Subsection 4 of this section are those deemed impacted and hence eligible for residential parking on the basis of the following criteria:

- A. During any period between the hours of 7:00 a.m., and 6:30 p.m., Monday through Saturday, except legal holidays, the number of vehicles parked (or standing), legally or illegally, on the streets in the area is equal to 70% or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be 20 linear feet.
- B. During the same period as specified in Subsection 3A above, 10% or more of the vehicles parked (or standing) on the streets in the area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used.

Provided that, in determining that a specific area identified as impacted and eligible for residential permit parking is designated as a residential permit parking area, the following factors are taken into consideration:

- (1) The local and metropolitan needs with respect to clean air and environment.
 - (2) The possibility of a reduction in total vehicle miles driven in the Township.
 - (3) The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
 - (4) The proximity of public transportation to the residential area.
 - (5) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection with it.
 - (6) The need for parking in excess of the residential permit parking program in proximity to establishments located in the residential permit parking area and used by the general public for religious, health or educational purposes.
4. Designation of Residential Permit Parking Areas. The following are designated as residential permit parking areas:

Area

Bounded By and Including

(Reserved)

Signs shall be erected along the streets in each residential permit parking area, indicating the days, hours, locations and conditions under which parking shall be by permit only.

5. Application for Permit. Application for a residential parking permit shall be made to the Pennsylvania State Police by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle who resides on or is a proprietor of property immediately adjacent to a street or other location within a residential parking permit area. A separate application shall be required for each motor vehicle, and each application shall be accompanied by a permit fee, in an amount as established by resolution of the Township, which shall be for the use of the Township, to be applied to the cost of administering the residential permit parking program. Each application shall contain the following information: the name of the owner or the driver, as the case may be, of the motor vehicle; the address of the resident or the proprietor, as the case may be; the make, model and registration number of the motor vehicle; and the driver number as taken from the applicant's current driver's license. At the discretion of the Pennsylvania State Police, the applicant shall be required, at the time of making application, to present his driver's license and the vehicle registration card.
6. Issuance of Permit. Upon receipt of the application and the permit fee, and determination by him that the information upon the application shows that the applicant is entitled to a residential parking permit, the Pennsylvania State Police shall issue to the applicant a residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the serial and registration numbers of the motor vehicles, the residential parking area number and the expiration date. The permit shall be renewable annually before the expiration date, upon making application for renewal and payment of the permit fee. It shall be unlawful and a violation of this section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.
7. Temporary and Exemption Parking Permits. Temporary parking permits may be issued by the Pennsylvania State Police, upon payment of a fee in an amount as established by resolution of the Board of Supervisors, to bona fide visitors of residents of a designated residential permit parking area, and exemption parking permits may be issued, without payment of a fee, to handicapped persons.
8. Responsibility of Permit Holder.
 - A. Notwithstanding any provision of this section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during those times when parking of motor vehicles is

permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.

- B. A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.
 - C. No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this section by the permit holder and by the person who so used or displayed the parking permit.
 - D. It shall constitute a violation of this section for any person falsely to represent himself as eligible for a residential parking permit or to furnish false information in an application to the Pennsylvania State Police in order to obtain a residential parking permit.
9. Revocation of Permits. The Pennsylvania State Police shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this section. Upon written notification to the present holder of the revocation, the permit holder shall surrender the permit to the Pennsylvania State Police. Failure to do so, when so requested, shall constitute a violation of this section, provided that any person receiving such a notice may, within 10 days after the date of the notice, appeal to the Township for a hearing on the revocation, and the decision of the Township shall be final.

§ 15-410. Parking Prohibited on Portions of Certain Highways During Street Sweeping Hours. [Ord. 2007-04, 11/8/2007]

It shall be unlawful for any person to park a vehicle or to allow the same to remain parked, at any time between [] and [] on any of the following portions of the highways of the Borough on the days hereby respectively designated for street sweeping purposes.

Street	Between	Day
	(Reserved)	

§ 15-411. Violations and Penalties. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009; and by Ord. 2015-01, 5/14/2015]

1. Any person who violates the provisions of this Chapter 15, Part 4, shall, upon conviction, be sentenced to pay a fine of not more than \$50 plus costs, provided that it shall be the duty of any police officer, or persons designated by the Board of Supervisors of Allen Township as parking enforcement personnel, to place on the vehicle windshield or hand to the owner or operator of said vehicle parked in violation of the provisions of this Part 4 a parking ticket or a traffic citation notifying the owner or operator of a particular parking violation.
2. When a traffic ticket is used to notify the owner or operator of a vehicle of a parking violation, the owner or operator shall pay the fine as stated on the ticket within the stated time period on the ticket.
3. The fine amount due for a parking ticket is \$15 if said amount is paid within 10 days of the date of the ticket. The fine amount due shall be \$30 if the fine is paid after 10 days of the date of the ticket and prior to the end of the 20th day. If the fine remains unpaid after 20 days, a traffic citation shall be filed with the District Justice against the owner of the vehicle. The citation shall then proceed in accordance with Chapter 4 (Rule 400 et seq.) of the Pennsylvania Rules of Criminal Procedure, as amended.

PART 5
BICYCLE LANES²

§ 15-501. Establishment of Bicycle Lanes. [Ord. 2015-01, 5/14/2015]

A bicycle lane is hereby established, in accordance with the Bike Lane Layout and Signage Plan dated 2/4/15, as prepared by Hanover Engineering Associates, along the west side of Willowbrook Road from Savage Road to West Bullshead Road, along the east side of Willowbrook Road from East Bullshead Road to West Bullshead Road, and along the north side of West Bullshead Road from Willowbrook Road to the entrance to the Catasauqua High School. The Board of Supervisors hereby authorizes the installation of the bicycle lane and signage in accordance with the plan referenced herein. The established bicycle lane shall only be used by nonmotorized bicycles, pedestrians, and motorized or nonmotorized wheelchairs. It is the intent and purpose of this section to create a nonmotorized, safe area for persons to utilize to access the County Park.

²Editor's Note: Former Part 5, On-Street Metered Parking, was repealed 3/12/2009 by Ord. 2009-02.

PART 6
(RESERVED)³

§ 15-601. (Reserved)

³Editor's Note: Former Part 6, Off-Street Metered Parking, was repealed 3/12/2009 by Ord. 2009-02.

PART 7
(RESERVED)⁴

§ 15-701. (Reserved)

⁴Editor's Note: Former Part 7, Off-Street Unmetered Parking, was repealed 3/12/2009 by Ord. 2009-02.

PART 8**REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES****§ 15-801. Applicability and Scope. [Ord. 2005-01, 2/10/2005]**

This Part is enacted under authority of Section 6109(a)(22) of the Vehicle Code, 75 Pa.C.S.A. § 6109(a)(22), and gives authority to the Township of Allen 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 Vehicle Code.

§ 15-802. Authority to Remove and Impound. [Ord. 2005-01, 2/10/2005]

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 § 15-801 of this Part, provided that no such vehicle shall be removed or impounded except in strict adherence to the provisions of this chapter or the provisions of the Vehicle Code.

§ 15-803. Tow-Away Zones Designated. [Ord. 2005-01, 2/10/2005; as amended by Ord. 2009-02, 3/12/2009]

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

Street/Location	Side	Between	Parking Lot
Howertown Park			

§ 15-804. Designation of Approved Storage Garages; Bonding; Towing and Storage. [Ord. 2005-01, 2/10/2005]

Removal and impounding of vehicles under this Part 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 garagekeeper 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 Part 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 Part 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 Part.

§ 15-805. Payment of Towing and Storage Charges. [Ord. 2005-01, 2/10/2005]

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 Part for which the vehicle was removed or impounded.

§ 15-806. Reclamation Costs. [Ord. 2005-01, 2/10/2005]

In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a fee of \$25, of which \$10 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

§ 15-807. Records of Vehicles Removed and Impounded. [Ord. 2005-01, 2/10/2005]

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.

§ 15-808. Restrictions Upon Removal of Vehicles. [Ord. 2005-01, 2/10/2005]

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

§ 15-809. Violations and Penalties. [Ord. 2005-01, 2/10/2005]

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. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

§ 15-810. Reports and Disposition of Unclaimed Vehicles. [Ord. 2005-01, 2/10/2005]

If, after a period of 15 days, the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with Section 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 salvager, 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. § 101 et seq.).

PART 9
SNOW AND ICE REMOVAL

§ 15-901. Parking Restrictions. [Ord. 2008-01, 2/14/2008]

Following the effective date of this Part, it shall be unlawful to park, or allow to be parked, any motor vehicle or other vehicle on any street, roadway, or highway located within the municipal boundaries of Allen Township following the deposit or accumulation of three or more inches of ice or snow, as certified by the Road Superintendent or Road Foreman, and/or the public announcement by an Allen Township public official of the existence of a snow emergency within Allen Township. This parking restriction shall be in place until the snow has been completely removed from the width of the cartway of the street, roadway, or highway.

§ 15-902. Removal of Abandoned or Parked Vehicles; Notification; Towing and Storage Fees. [Ord. 2008-01, 2/14/2008]

After making reasonable attempts to secure the removal of the vehicle by the owner of the same, which attempts may or may not include the issuance of a citation, the Road Superintendent or Road Foreman of Allen Township is hereby authorized to remove any vehicle abandoned or parked upon any public street, roadway, or highway located within Allen Township which is parked in violation of this Part. The Township is hereby authorized to take any such vehicle to the nearest garage or other place of safety. The registered owner of any vehicle so removed shall be promptly notified, in writing, of the actions taken by the Township and of the place where the vehicle was taken. The registered owner shall be required to pay reasonable towing and storage charges in order to reobtain possession of the vehicle.

§ 15-903. Responsibilities of Owners or Tenants. [Ord. 2008-01, 2/14/2008]

Every person in charge or physical control of any building or lot of land fronting on or abutting a paved sidewalk within Allen Township, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away or cause to be removed and cleared away all snow and ice accumulations of three inches or more from the portion of the sidewalk that fronts on or abuts the building or lot of land. It shall be unlawful for any owner, occupant, or tenant of any property to dump, throw, shovel, pile or push snow or ice removed from driveways or sidewalks into any public street, roadway, or highway. Snow or ice removed from the sidewalk shall be placed on the property abutting the sidewalk from which it was removed. When snow or ice is removed from any sidewalk, public or private driveway, or parking lot, there shall be no transfer of snow across any public street, roadway, or highway. In no event shall any person deposit or cause to be deposited any snow or ice on or immediately adjacent to a fire hydrant. In the event a fire hydrant is located on the sidewalk or in the immediate vicinity, all snow within a thirty-inch radius must be removed to provide access to the fire hydrant.

§ 15-904. Requirements For Removal. [Ord. 2008-01, 2/14/2008]

All snow and ice referred to in § 15-903 above shall be removed from the sidewalks within 24 hours of the cessation of the snowfall or ice event. In the event that the snow or ice on a sidewalk has become so hard that it cannot be removed without damage to the sidewalk, the person charged with its removal shall cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe. As promptly thereafter as weather permits, the person charged with removal of the snow or ice shall remove the same as provided in § 15-903 above.

§ 15-905. Violations and Penalties. [Ord. 2008-01, 2/14/2008]

Any person who violates the provisions of this Part shall, upon conviction before a Magisterial District Judge, be sentenced to pay a fine of not less than \$30 and not more than \$500, in addition to the costs of prosecution, and reasonable attorneys' fees incurred by Allen Township. All fines levied pursuant to the provisions of this Part shall be collected in the manner provided by law. The provisions of this Part shall be enforced by either the Township Manager, Road Superintendent, Road Foreman, or Code Enforcement Officer.

PART 10**REGULATION OF PEDALCYCLES AND NONMOTORIZED VEHICLES****§ 15-1001. Riding and Parking of Wheeled and Belt Driven Vehicles on Sidewalks Along Certain Streets Prohibited. [Ord. 2007-04, 11/8/2007]**

1. It shall be unlawful for any person to ride or to park a motorcycle, motorbike, trail bike, minibike, three-wheeler, motor scooter, snowmobile or all-terrain vehicle upon the parts, playgrounds and municipal building locations of the Township.

Street**Side****Between**

All parks, playgrounds and municipal building locations

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

§ 15-1002. Restrictions on Use of Pushcarts. [Ord. 2007-04, 11/8/2007]

1. The word "pushcart," as used in this section, shall mean a vehicle, including a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.
2. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from the Township as provided in Subsection 3 below.
3. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from the Township. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the Township, set by the Township by resolution. The permit shall be granted to the applicant, upon payment of the fee, and upon the applicant signing an agreement with the Township that he shall be bound by the conditions imposed by Township and made a part of the permit, dealing with the following matters:
 - A. Restricting or limiting the parking of the pushcart to one or more stated locations upon the sidewalk and to stated days and hours at each location.
 - B. Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on.

- C. Requiring that there be no violation of any law, chapter or regulation pertaining to health, sanitation and the handling of food or drink.
- 4. Any person who violates any provision of this section, or any condition of any permit granted under this section, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

**§ 15-1003. Skates, Skateboards, Coasters, Sleds and Other Toy Vehicles.
[Ord. 2007-04, 11/8/2007]**

- 1. It shall be unlawful for any person to ride on a sled upon any sidewalk in the Township or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of § 15-105 or § 15-217 of this chapter, provided that nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.
- 2. It shall be unlawful for any person to engage in roller-skating, skateboarding or to ride upon or propel any coaster or other toy vehicle upon:
 - A. Any street except in order to cross the roadway.
 - B. Any sidewalk located in a business district, except that nothing in this subsection shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.
- 3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

PART 11
PEDESTRIAN REGULATIONS

§ 15-1101. Pedestrians to Obey Traffic-Control Signs. [Ord. 2007-04, 11/8/2007]

At all locations in the Township where official traffic-control signals are installed, pedestrians, except where directed otherwise by pedestrian-control signals installed under § 15-1102 of this Part, shall obey the directions of those traffic-control signals, as follows:

- A. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk.
- B. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway.
- C. When facing a steady red signal, a pedestrian shall not enter the roadway.

§ 15-1102. Pedestrian-Control Signal Locations Established. [Ord. 2007-04, 11/8/2007]

- 1. At the following locations, official pedestrian-control signals shall be erected (or are ratified if previously erected):

Location

(Reserved)

- 2. Every pedestrian facing a steady or flashing "Don't Walk" signal shall obey the directions of that signal, as follows:
 - A. When facing a steady "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.
 - B. When facing a flashing "Don't Walk" signal a pedestrian shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication should proceed to a sidewalk or safety zone.
- 3. Any pedestrian who fails to obey the directions of a "Don't Walk" signal, as indicated above, shall be guilty of an offense and a violation of this chapter.

§ 15-1103. Locations Where Pedestrian Crossing in Unmarked Crosswalks Restricted. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

Except when authorized by a state police officer or other appropriately attired person authorized to direct, control or regulate traffic, it shall be unlawful for any pedestrian to cross the roadway at any of the following streets, at the intersection with that street indicated.

Street	Intersection	Direction of Travel
	(Reserved)	

§ 15-1104. Locations Where Pedestrians May Cross Only in Crosswalk. [Ord. 2007-04, 11/8/2007]

It shall be unlawful for any pedestrian:

- A. To cross any roadway in a business district within the Township except in a crosswalk.
- B. To cross the roadway, in any of the following portions of streets in the Township, except in a crosswalk.

Street	Between
	(Reserved)

Provided, nothing in this section shall permit any pedestrian to cross in a crosswalk at any location where that crossing is prohibited by § 15-1102 of this Part.

§ 15-1105. Violations and Penalties. [Ord. 2007-04, 11/8/2007]

Any pedestrian who violates any provision of this chapter shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$5 and costs.

PART 12
ABANDONED OR JUNKED VEHICLES

§ 15-1201. Definitions. [Ord. 2007-04, 11/8/2007]

The following words and phrases, when used in this Part, shall, for the purpose of this Part, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

ABANDONED MOTOR VEHICLE — A motor vehicle, or parts thereof, which has been voluntarily relinquished by its owner, with the intention of terminating his ownership, possession and control without vesting ownership in any other person.

JUNKED MOTOR VEHICLE — Any motor vehicle, or parts thereof, not in running condition, left or stored in the open and not in such an enclosure as is reasonably calculated to prevent children from playing on or about such motor vehicle.

MOTOR VEHICLE — Any vehicle which is self-propelled and also any trailer or semitrailer designed for use with such vehicle.

§ 15-1202. Prohibition. [Ord. 2007-04, 11/8/2007]

It shall be unlawful for any person, partnership, firm, association or corporation to park or store on any public or private property within Allen Township, Northampton County, Pennsylvania, any abandoned motor vehicle or junked vehicle for a period longer than 15 days.

§ 15-1203. Evidence of Violation. [Ord. 2007-04, 11/8/2007]

The following act or circumstances shall be prima facie evidence that a motor vehicle is an abandoned motor vehicle:

- A. Failure to move any motor vehicle disabled by reason of an accident for a period of 15 days from the date of said accident.
- B. The leaving of a motor vehicle that is inoperable on public property, unattended for a period of more than 15 days.
- C. A motor vehicle that has remained illegally on public property for a period of more than 15 days.
- D. A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for a period of more than 15 days.

§ 15-1204. Current Inspection or Registration Required. [Ord. 2007-04, 11/8/2007]

The failure of any motor vehicle to bear a current state registration and/or current official state inspection emblem shall be prima facie evidence that such motor vehicle is an abandoned motor vehicle and/or a junked motor vehicle.

§ 15-1205. Authority of Police; Notice. [Ord. 2007-04, 11/8/2007; as amended by Ord. 2009-02, 3/12/2009]

Any state police officer is hereby authorized to remove any abandoned motor vehicle or junked motor vehicle from the street or from public or private property after said fifteen-day period and to cause such motor vehicle to be stored temporarily pending determination of ownership and notice to the owner thereof of its removal. Such police officer shall immediately notify the owner or reputed owner of said motor vehicle of its removal and of the intention of the Township to dispose of the motor vehicle unless it is claimed and the costs of removal and storage paid within five days after the date of mailing of the notice.

§ 15-1206. Procedure for Disposal. [Ord. 2007-04, 11/8/2007]

In the event that any abandoned motor vehicle or junked motor vehicle is not claimed and the costs of its removal and storage not paid within five days of the mailing of the notice prescribed above, or in the event that the identity or whereabouts of the owner cannot be determined after a reasonable investigation, application shall be made by the Township for a title or certificate of junk in its name and the motor vehicle disposed of as provided in the Motor Vehicle Code.

§ 15-1207. Violations and Penalties. [Ord. 2007-04, 11/8/2007]

In addition to the costs of removal and storage, which are hereby placed on the owner of such abandoned motor vehicle or junked motor vehicle, any person, or any officer of any partnership, firm, association or corporation, who shall violate any provision of this Part shall, upon conviction thereof 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 less than \$10 nor 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 offence.

PART 13**REGULATION OF ATVs, DIRT BIKES, AND SNOWMOBILES****§ 15-1301. Definitions. [Ord. 2012-02, 12/13/2012]**

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

ALL TERRAIN VEHICLE (ATV) — A motorized off-highway vehicle which travels on three or more inflatable tires and which is 1) a maximum width of 50 inches and a maximum dry weight of 1,000 pounds or 2) a width which exceeds 50 inches or a dry weight which exceeds 1,000 pounds. The term "ATV" shall not include motorized vehicles for law enforcement, fire, emergency, fire emergency, military, or other authorized government purposes or off-road motorized vehicles used as utility vehicles for agriculture, husbandry, lawn care, snow removal or business operations, or any other "reasonable" property maintenance or landscaping.

DIRT BIKE — A motorcycle designed and built with special tires and suspension for riding on unpaved roads and over rough terrain.

OCCUPANT — A person who regularly resides on the property in question.

OWNER — Any person who has legal or equitable title to the property on which an ATV, dirt bike, or snowmobile is being operated.

PERSON — Any individual, group of individuals, a partnership, firm, association or any other entity.

SNOWMOBILE — An engine-driven vehicle which is all of the following: 1) is designed to travel over snow or ice, 2) has an endless belt track or tracks, 3) is steered by a ski or skis, and 4) has an overall width of 48 inches or less. The term "snowmobile" does not include a farm tractor, construction equipment, military vehicle, vehicle with inflatable tires or machinery used strictly for the grooming of snowmobile trails.

§ 15-1302. Operation and Use of ATVs, Dirt Bikes, and Snowmobiles on Private Property. [Ord. 2012-02, 12/13/2012]

The following regulations shall apply for the use of an ATV, dirt bike, or snowmobile on private real property:

- A. Owner or Occupant. Only the owner, occupant, permitted guests and family may operate an ATV, dirt bike, or snowmobile on private real property subject to the restrictions outlined herein.
- B. Setback Requirements.

- (1) A person operating an ATV, dirt bike, or snowmobile must remain at least 50 feet from any real property line.
- (2) A person operating an ATV, dirt bike, or snowmobile must remain at least 100 feet from an occupied dwelling structure.
- (3) A person operating an ATV, dirt bike, or snowmobile must remain at least 100 feet from the edge of pavement of any roadway or property road frontage and associated roadway right-of-way lines.
- (4) The provisions of Subsection B(1), (2) and (3) above shall not apply if written permission (that is duly notarized) has been obtained from the adjoining property owner to operate the ATV, dirt bike, or snowmobile within any reduced setback, and with any additional mutually agreed terms and conditions, and which written permission is carried on the person of the operator.
- (5) Additionally, a person operating a "two-stroke" engine type ATV, dirt bike, or snowmobile shall remain at least 100 feet from any property line and 300 feet from an occupied dwelling structure, including property road frontage and associated roadway right-of-way lines, unless written permission (that is duly notarized) has been obtained from the adjoining property owner to operate the ATV, dirt bike, or snowmobile within any reduced setback, and with any additional mutually agreed terms and conditions, and which such written permission is carried on the person of the operator.
- (6) It shall not be a violation of this section to operate an ATV, dirt bike, or snowmobile within the required setback for purposes of ingress and egress or to load and unload from or onto a driveway, garage or other structure used for housing ATVs, dirt bikes, or snowmobiles.

C. Additional Restrictions.

- (1) No more than three ATVs, dirt bikes, or snowmobiles may be operated at the same time on the same property. The provisions of this subsection shall not be interpreted to preclude a larger number of ATVs from traversing a property at one time to get to another destination.
- (2) A person may only operate an ATV, dirt bike, or snowmobile between the hours of 9:00 a.m. and dusk.

D. Dust and Fumes. A person shall not generate or permit to be generated, as a result of the use or operation of any ATV, dirt bike, or snowmobile, any dust or fumes which cross over onto an adjoining or adjacent property that will interfere with the reasonable use of and enjoyment of the use of the property, either inside or outside.

- E. Exhaust Equipment. All ATVs, dirt bikes, and snowmobiles shall be fitted with the original manufacturer's exhaust equipment while in operation unless the vehicle is fitted with a more restrictive and/or quieter exhaust system than the original.
- F. Environmentally Sensitive Areas. No person shall operate, allow or permit the operation of an ATV, dirt bike, or snowmobile within 50 feet of a stream, creek, waterway, drainageway or wetland or erosion-sensitive areas or any environmentally sensitive areas as determined by the Township, Pennsylvania Department of Environmental Protection, or Northampton County Conservation District.
- G. Livestock Areas. No person shall operate, allow or permit the operation of an ATV, dirt bike, or snowmobile within 300 feet of any type of livestock.
- H. Noise. No person shall operate, allow or permit the operation of an ATV, dirt bike, or snowmobile which emits excessive noise that creates a disturbance or nuisance to any adjacent or adjoining property or property owners.

§ 15-1303. Operation of ATV, Dirt Bike or Snowmobile on Township Property. [Ord. 2012-02, 12/13/2012]

No person shall operate an ATV, dirt bike, or snowmobile on Township property without the express written consent of the Township.

§ 15-1304. Exceptions. [Ord. 2012-02, 12/13/2012]

- 1. Americans with Disabilities Act (ADA). In conformance with the intent of the ADA, an owner, occupant, or person shall not be in violation of this Part when operating an ATV, dirt bike, or snowmobile if the owner, occupant, or person is proven to be certified by a medical doctor to be physically handicapped, disabled or mentally impaired and is able to prove that the use of an ATV, dirt bike, or snowmobile is the only means for general accessibility of the property. In such instance, the owner, occupant, or person shall obtain a handicap placard to display prominently on the ATV, dirt bike, or snowmobile.
- 2. Hunting. Except as otherwise permitted by Title 34 of the Pennsylvania Statutes (relating to game), no person shall operate or ride on any ATV, dirt bike, or snowmobile with any bow and arrows (unless unstrung) nor any firearm (unless unloaded) in his or her possession.

§ 15-1305. Enforcement; Violations and Penalties. [Ord. 2012-02, 12/13/2012]

- 1. Violations; Public Nuisance; Persons Liable. A violation of this Part shall be deemed a public nuisance and shall subject the Owner of the property and/or any person operating an ATV, dirt bike, or snowmobile in violation of this Part to summary enforcement proceedings.

2. Enforcement. The Code Enforcement Officer and other such appropriate officers or agents of Allen Township are hereby authorized to make an initial determination of violation of and to enforce the provisions of this Part. An initial determination of violation of this Part shall result in a verbal warning to the occupant or owner or operator of the ATV, dirt bike, or snowmobile.
3. Penalties. A second or subsequent violation of this Part shall be subject to summary enforcement proceedings, and the appropriate officers or agents of Allen Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with the provisions of this Part. Upon being found guilty of a violation of this Part, any violator shall be subject to a fine of \$600 for a second offense (following the first offense verbal warning) and \$1,000 for a third offense. Upon default in payment of a fine and upon a guilty finding of a third or subsequent offense, the violator may be subject to a term of imprisonment up to the maximum allowed by law for a summary offense. Each day that a violation continues or each section of this Part that is found to be violated shall be considered a separate violation.

§ 15-1306. Miscellaneous Provisions. [Ord. 2012-02, 12/13/2012]

1. Incorporation by Reference. To the extent applicable, this Part incorporates by reference thereto the provisions of the rules and regulations relating to the Pennsylvania Snowmobile and All-Terrain Vehicle Law, as contained in Part 6, Chapter 77, of the Pennsylvania Vehicle Code, Title 75, enacted June 17, 1976, P.L. 162, No. 81, effective July 1, 1977, et seq., as amended.⁵
2. Rules of Interpretation. The use of the singular shall include the plural. The use of headings is for convenience only.

⁵Editor's Note: See 75 Pa.C.S.A. § 7701 et seq.

CHAPTER 16
PARKS AND RECREATION

PART 1
RULES AND REGULATIONS

- § 16-101. Park Rules.**
- § 16-102. Recreational Activities.**
- § 16-103. Scheduling.**
- § 16-104. Motorized Vehicles.**
- § 16-105. Speed Limits.**
- § 16-106. Violations and Penalties.**
- § 16-107. Water Recreation Facilities.**
- § 16-108. Signs.**
- § 16-109. Pets.**
- § 16-110. Golf Practice Prohibited.**
- § 16-111. Animals.**
- § 16-112. Feeding Wild Animals Prohibited.**
- § 16-113. Policy for Recreation Facilities and Pavilions.**

PART 1
RULES AND REGULATIONS

§ 16-101. Park Rules. [Ord. 2005-03, 2/10/2005]

1. Hours. All outdoor recreation facilities shall be open to the public between dawn and 9:00 p.m., prevailing time, throughout the year, unless permitted otherwise for special events or by permit.
2. Possession of Alcohol, Drugs or Narcotics Prohibited. Possession or use of alcoholic beverages, illegal drugs or narcotics is prohibited.
3. Prohibited Conduct. Boisterous, immoral or indecent conduct is prohibited.
4. Damaging of Property Prohibited. The damaging, destroying or marring of equipment or property is prohibited.
5. Trash, Garbage and Refuse Material. All trash, garbage and refuse material arising out of the use of the park and recreation areas shall be placed in the containers provided for this purpose.
6. Open Fires. Open fires shall be permitted only in charcoal grills or other facilities provided for such purposes. Hot coals, ashes or other by-products of said fires must be disposed of.
7. Soliciting, Posting of Signs, Distribution, Sales, Servicing or Rental of Supplies. The soliciting, posting of signs, distribution, sales, servicing or rental of any supplies or equipment is prohibited. Such activities shall be conducted only by persons authorized and licensed to perform such functions by the Board of Supervisors of Allen Township.
8. Firearms and other weapons. Possession of a firearm is regulated by the laws of the Commonwealth of Pennsylvania. Possession of any other type of weapon, including but not limited to bow-and-arrow combinations, air guns, slingshots, and explosive devices, is strictly prohibited. Use or discharge of a firearm, or any other type of weapon, in a manner not authorized by the laws of the Commonwealth of Pennsylvania, is strictly prohibited. All forms of hunting and target practice are prohibited. **[Amended by Ord. 2015-05, 7/28/2015]**

§ 16-102. Recreational Activities. [Ord. 2005-03, 2/10/2005]

Use of the recreational activities shall be restricted to the locations for which such type activity is designed by the physical improvements erected on the premises or by the appropriate posting of signs designating the appropriate uses.

§ 16-103. Scheduling. [Ord. 2005-03, 2/10/2005]

Applications for advance scheduling for use of the Township recreation areas shall be directed, in writing, to the Allen Township Manager for written approval.

§ 16-104. Motorized Vehicles. [Ord. 2005-03, 2/10/2005]

The use of motorized vehicles, except for licensed motor vehicles on areas designated as driveways or for parking during the time when recreational facilities are open to the public and for Allen Township maintenance vehicles, within Allen Township recreation facilities is prohibited. The term "motorized vehicle" shall include, but not be limited to, licensed motor vehicles as defined in the Pennsylvania Motor Vehicle Code, trail bikes or dirt bikes, all-terrain vehicles (three- or four-wheeled), snowmobiles and golf carts.

§ 16-105. Speed Limits. [Ord. 2005-03, 2/10/2005]

The speed limit in all parking areas shall not exceed 15 miles per hour.

§ 16-106. Violations and Penalties. [Ord. 2005-03, 2/10/2005]

Any person, firm or corporation who shall violate any provision of this Chapter, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 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 Chapter continues or each Section of this Chapter which shall be found to have been violated shall constitute a separate offense.

§ 16-107. Water Recreation Facilities. [Ord. 2005-03, 2/10/2005]

The following regulations shall apply to the creek in Covered Bridge Park and to all other water recreation facilities as may be established, from time to time, in Township recreation facilities:

- A. Swimming is prohibited.
- B. Boating, whether powered or unpowered, is prohibited.
- C. Ice skating shall be permitted when conditions warrant, at the skater's own risk.
- D. Fishing and the operation of radio-controlled model boats shall be permitted at the participant's own risk.

§ 16-108. Signs. [Ord. 2005-03, 2/10/2005]

The appropriate Township officials or employees are hereby authorized to procure and erect signs at all Township recreational facilities showing all rules and regulations for their use.

§ 16-109. Pets. [Ord. 2005-03, 2/10/2005]

Pets shall be kept on a leash at all times within Township recreational facilities. The owner or person handling such pet within a Township recreational facility shall remove any and all fecal matter deposited by said pet while within the Township recreational facility. See also the Township ordinance regulating dogs [Chapter 2].

§ 16-110. Golf Practice Prohibited. [Ord. 2005-03, 2/10/2005]

The use of recreational facilities owned by Allen Township for golf practice is prohibited.

§ 16-111. Animals. [Ord. 2005-03, 2/10/2005]

Use of animals at events held at an Allen Township recreation facility shall be permitted only by prior permission of the Allen Township Manager or his or her designee. The person responsible for such animals shall clean the area of the facility used following any such event using animals.

§ 16-112. Feeding Wild Animals Prohibited.

Feeding of all wild animals, including, but not limited to, Canada Geese, ducks and squirrels on Allen Township park properties is hereby prohibited.

§ 16-113. Policy for Recreation Facilities and Pavilions. [Ord. 2005-03, 2/10/2005; as amended by Ord. 2007-04, 11/8/2007]

1. The Allen Township recreation facilities and the buildings and pavilions located thereon shall be available at no charge for use by all Allen Township Boards and Commissions for Township-sponsored activities. The Boards and Commissions shall have first priority in scheduling of the facility.
2. If no Township Board or Commission is using the facility, it may be made available at a charge to any other joint board, authority, commission or association of which Allen Township is a member, the Allen Township Fire Company, the Commonwealth of Pennsylvania or any agency thereof, and the United States Government or any agency thereof. Any request from such agencies shall be made to the Township Manager or his or her designee and shall be scheduled by the Township Manager or his or her designee on a first-come, first-served basis.
3. Indoor facilities and pavilions shall not be available for use by any persons, organizations or groups other than those specifically authorized by Subsections (1) and (2) of this Section, except as provided in Subsections (4), (5) and (6) of this Section.
4. A deposit for rental of outdoor facilities shall be set by resolution from time to time by the Township Board of Supervisors. The deposit shall be required to be paid at the time of reservation to ensure return of keys and cleanup of the facility to be used. Said deposit shall be in addition to the rate for use of

- the facility established in Subsection (5) of this Section, and shall be returned to the user if the facility is clean and all keys are returned on the next business day after use of the facility.
5. Request for use of the recreational facilities by persons or organizations not specifically provided for in Subsections (1) and (2) of this Section may be considered by the Township Manager or his or her designee on a case-by-case basis and on a first-come, first-served basis. Any such request shall be made to the Township Manager or his or her designee in writing not less than 24 hours prior to the proposed use of the facilities. Such use shall be at the rates established by the Board of Supervisors by resolution and the rental of outdoor facilities or pavilions shall be limited to short-term or one-time events only. The Township Manager shall maintain the schedule for each such facility. Any such use by other organizations shall be approved only if such use does not conflict with the uses specifically authorized by Subsections (1) and (2) of this Section.
 6. All persons renting such facilities shall be 18 years of age or older. Adult supervision shall be provided at all times during use of the facility.

CHAPTER 17
RESERVED

CHAPTER 18
SEWERS AND SEWAGE DISPOSAL

PART 1

SANITARY SEWER SYSTEM

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- §18-103. Use of Public Sewers Required**
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PART 2

HOLDING TANKS AND SEWAGE MANAGEMENT

- §18-201. Purpose**
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- §18-204. Use of Holding Tanks**
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SEWERS AND SEWAGE DISPOSAL

PART 3

SEWAGE PERMIT

- §18-301. Permit Required**
- §18-302. Sewage Enforcement Officer**
- §18-303. Violations and Penalties**

PART 1

SANITARY SEWER SYSTEM

§18-101. Policy.

The Board of Supervisors of Allen Township, Northampton County, Pennsylvania, has determined it is in the best interests of the health, safety, and welfare of the citizens of Allen Township to require that all owners of improved property located in Allen Township connect to the sanitary sewer system facilities owned and operated by Allen Township when certain conditions exist as further enumerated herein.

(Ord. 2002-01, 2/14/2002, §1)

§18-102. Definitions.

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

COMMONWEALTH — the Commonwealth of Pennsylvania.

CUSTOMER FACILITY — that portion of the sewer system serving the connected property from the property line or curb stop to the proposed dwelling or building to be served.

IMPROVED PROPERTY — any property within Allen Township upon which there is situated or erected a structure intended for continuous or periodic habitation, occupancy or use by humans or animals and from which structure sanitary sewage and/or industrial waste is or may be discharged.

INDUSTRIAL ESTABLISHMENT — any improved property located within the 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 in the Township from which wastes, in addition to or other than sanitary sewage, shall be discharged.

INDUSTRIAL WASTE — any solid, liquid or gaseous substance, or form of energy, which is produced as a result, whether directly or indirectly, of any industrial, manufacturing, trade or business process or activity, or in the course of developing, recovering or processing natural resources and which is discharged into the sewer system; but not cooling water or sanitary sewage. Any wastewater which contains industrial waste and which is discharged from an industrial,

SEWERS AND SEWAGE DISPOSAL

manufacturing, trade or business premises is considered industrial waste for the purposes of this Part.

LATERAL — that part of the sewer system extending from a sewer main to the curb line, or if there is 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 main 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, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

SANITARY SEWAGE — normal, domestic waterborne waste from any improved property.

SANITARY SEWER SYSTEM — the sewage collection system, sewage treatment plant, and any sewers that convey wastewater to a sewage treatment plant. For the purposes of this Part, “sewer system” shall also include any sewers that convey wastewater to any sewage treatment plant from persons who are, by contract or agreement with the Township, users of the sewer system.

SEWER — any pipe or conduit constituting a part of the sanitary sewer system, used or usable for sewage collection purposes.

SEWER MAIN — the principal or primary pipe or conduit which is used for collecting and transporting sanitary sewage and/or industrial wastes.

STREET — any street, road, lane, court, cul-de-sac, alley, public way, or public square.

TOWNSHIP — Allen Township, Northampton County, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania, acting by and through its Board of Supervisors, or, in appropriate cases, acting by and through its authorized representatives.

TREATMENT PLANT — the wastewater treatment and disposal system facilities owned and operated by the Borough of Northampton, the Borough of Catasauqua, or their respective Authorities, or Allen Township.

(Ord. 2002-01, 2/14/2002, §2)

§18-103. Use of Public Sewers Required.

1. The owner of any improved property located within the Township adjoining and adjacent to and whose principal building is within 150 feet of, the sanitary sewer system facilities owned and operated by Allen Township shall connect such improved property with and shall use such sanitary sewer system. All connections shall be made in such manner as the Township requires and within such limitations and restrictions as may be established herein or otherwise may be established by the Township. The connection shall be made by the owner within 60 days after notice by certified mail to such owner from the Township requiring the connection. The Township reserves the right to not require owner to connect to the sanitary sewer system if such a connection is not financially or physically practical for the Township.
2. Notwithstanding the provisions of subsection (1), the Township shall not require any industrial establishment to connect to the sanitary sewer system when such industrial establishment is operating a sewer treatment plant under mandate of any agency of the Federal or State government. This exemption shall last as long as such sewer treatment plant continues to meet the specifications and standards mandated by such Federal or State agency and for 45 days thereafter. If, during the days immediately subsequent to the day such a sewer treatment plant is determined to be below Federal or State mandates, and repairs cannot be made to restore the system to satisfactory condition, the Township may require such industrial establishment to connect to the sanitary sewer system. In such a situation, the full costs of connection to, and any necessary improving of the sanitary sewer system shall be borne by such industrial establishment.
3. The exemption provided for in subsection (2) shall not be available in any situation where the industrial establishment seeking to use it had actual or constructive notice, prior to the construction of its own sewage treatment plant, of the Township's intention to require that industrial establishment to connect with the sanitary sewer system.
4. All sanitary sewage and industrial wastes from any improved property required to connect to the sanitary sewer system shall be conducted into such sanitary sewer system, subject to such limitations and restrictions as may be established herein or otherwise may be established by the Township.
5. No person shall place, deposit or permit to be placed or deposited any sanitary sewage or industrial wastes upon public or private property within the Township in violation of this Part. No person shall discharge or permit to be discharged to any natural outlet within the Township any sanitary sewage or industrial wastes in violation of this Part, except where suitable treatment has been provided that is satisfactory to the Township.
6. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used or shall be maintained at any time upon any improved property that has been connected to the sanitary sewer system as required by this Part. Every such privy

SEWERS AND SEWAGE DISPOSAL

vault, cesspool, sinkhole, septic tank, or similar receptacle in existence on an improved property connected to the sanitary sewer system shall be abandoned, shall be cleansed and filled under the observation of the Township at the sole expense of the owner of such improved property. Any such privy vault, cesspool, sinkhole, septic tank, or other similar receptacle in existence which is not in compliance with the provisions of this subsection shall constitute a public nuisance, and may be abated as provided by law, at the sole expense of the owner of such improved property.

7. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall, at any time be connected to the sanitary sewer system.
8. Any notice by the Township requiring an owner of improved property to connect to the sanitary sewer system shall include a reference to this Part, including any amendments and/or supplements thereto, and shall include written notification requiring said connection in accordance with the provisions of this Part and specifying that such connection shall be made within the time limitations described herein. Such notice may be given or served at any time after a sewer is in place that can receive and convey sanitary sewage and/or industrial waste for treatment and disposal from the particular improved property. Such notice shall be served by personal service or by registered mail.

(Ord. 2002-01, 2/14/2002, §3)

§18-104. Construction of Sewers and Connections.

1. No person shall uncover, use, connect to, or otherwise alter or disturb in any manner, any sewer or portion of the sanitary sewer system without first obtaining a written permit from the Township.
2. Application for the permit required in subsection (1) shall be made by the owner of the improved property served or to be served by the sanitary sewer system, or by the authorized agent of said owner.
3. No person shall make or cause to be made a connection of any improved property with the sanitary sewer system until such person has fulfilled the following conditions:
 - A. Such person shall have notified the Secretary or other designated representative of the Township of the desire and intention to connect such improved property to the sanitary sewer system.
 - B. Such person shall have applied for and received a permit as required by subsection (1).
 - C. Such person shall give the Secretary or other designated representative of the Township at least 24 hours notice of the time when such connection will

be made, in order that the Township may inspect said connection and perform any necessary or required testing.

- D. Such person shall have furnished, if applicable, satisfactory evidence to the Secretary or other designated representative of the Township that any required tapping fee, connection fee, or other required fee or charge that may be imposed by the Township has been paid in full.
- 4. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently with the sanitary sewer system through a customer facility. Grouping of more than one improved property on one customer facility shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but, in any event, only after the permission of the Township shall have been obtained in writing and subject to such rules, regulations and conditions as may be prescribed by the Township.
 - 5. Each lateral serving a nonresidential property shall be provided with an inspection and sampling manhole accessible by the Township. This manhole shall be provided as a part of the customer facility. The manhole design and location shall be provided to the satisfaction of the Township. The nonresidential customer shall allow unlimited access by the Township to the manhole for the purposes of:
 - A. Checking flow rates.
 - B. Obtaining wastewater samples for the purpose of testing the wastewater.
 - C. Installing a plug in the lateral to prevent flows from entering into the public sewer collection system.
 - 6. All costs and expenses of construction of a customer facility and all costs and expenses of connecting said customer facility to the sanitary sewer system, including the costs and expenses of acquiring and installing a grinder pump or similar apparatus approved by the Township, shall be borne by the owner of the improved property to be connected, and such owner shall indemnify and save harmless the Township from all loss or damage that may be occasioned, either directly or indirectly, as a result of construction of a customer facility or of connection of a customer facility to the sanitary sewer system.
 - 7. A customer facility shall be connected to the sanitary sewer system at the place designated by the Township and where, if applicable, the lateral is located. The owner of each improved property shall provide the Township, with any information requested pertaining to the existing or proposed location of a customer facility. The invert of a customer facility at the point of connection shall be at the same or higher elevation as the invert of the sewer. A smooth, neat joint shall be made and the connection of a customer facility to the lateral or the designated point of connection shall be made secure and watertight.

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8. If the owner of any improved property located within the Township who is required to connect to the sanitary sewer system by the provisions of this Part, fails to make such a connection after the expiration of 60 days from receiving notice from the Township to do so, the Township, or its authorized agents, may enter upon such improved property and construct said connection and may collect from such owner the costs and expenses thereof in the manner permitted by law. Allen Township may, in its sole discretion, extend the time period for connection upon a showing of reasonable cause. The Board of Supervisors shall send an itemized bill of the cost of construction to the owner of the improved property to which connection has been made. Said bill shall be payable to the Township within 15 days of receipt or such other time period as may be approved by the Board of Supervisors in its sole discretion. If the owner fails to pay said bill within the applicable time period, the Board of Supervisors shall file a municipal lien for the cost of the construction within six months of the date of completion of the connection.

(Ord. 2002-01, 2/14/2002, §4)

§18-105. Rules and Regulations.

1. Where an improved property is served by its own sewage disposal system or device at the time connection to the sanitary sewer system is required under the provisions contained herein, the existing sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such building sewer line as a customer facility in the manner approved by the Township.
2. No customer facility shall be covered until it has been inspected and approved by the Township or its Authority. If any part of a customer facility is covered before being inspected and approved as required, it shall be uncovered for inspection at the sole costs and expense of the owner of the improved property.
3. Every customer facility of any improved property shall be maintained in a sanitary and safe operation condition by the owner of said improved property.
4. Every excavation for a customer facility shall be guarded adequately with barricades and lights to protect all persons from bodily harm or injury. Any street, sidewalk or other property disturbed in the course of the installation of a customer facility shall be restored, at the sole expense of the owner of the improved property being connected, in a manner satisfactory to the Township.
5. If any person shall fail or refuse, upon receipt of written notice from the Township, to remedy any unsatisfactory condition with respect to a customer facility, within 60 days of receipt of such notice, the Township may refuse to permit such person to discharge sanitary sewage and industrial waste into the sanitary sewer system until such unsatisfactory condition has been remedied to the satisfaction of the Township.

6. Any connection and/or extension to the Township's system must comply with the tapping fees, rates, rules, reputations and construction standards of the Township.

(Ord. 2002-01, 2/14/2002, §5)

§18-106. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 2002-01, 2/14/2002, §6; as amended by Ord. 2007-04, 11/8/2007)

PART 2

HOLDING TANKS AND SEWAGE MANAGEMENT

§18-201. Purpose.

The purpose of this Part is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses, and to establish regulations for community on-lot subsurface sewage and small flow treatment systems; 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 the Township.

(Ord. 95-2A, 12/21/1995, §1)

§18-202. Definitions.

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

BOARD OF SUPERVISORS — the Board of Supervisors of Allen Township of Northampton County, Pennsylvania.

COMMUNITY SEWAGE SYSTEMS — a sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.

- A. **Community On-Lot Sewage System.** A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating, and disposing of sewage into a subsurface soil absorption area.
- B. **Community Sewerage System.** A community sewage system which uses a method of sewage collection, conveyance, treatment, and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.

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

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

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OWNER AND/OR PROPERTY 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.

SMALL FLOW TREATMENT FACILITIES — an individual or community sewage system designed to adequately treat sewage flows not greater than 2,000 gallons per day for final disposal using a stream discharge or discharge to the surface of the ground.

TOWNSHIP — Allen Township of Northampton County, Pennsylvania.

USER(S) — any individual or individuals engaged in utilizing a community sewage system or small flow treatment system.

(Ord. 95-2A, 12/21/1995, §2)

§18-203. Right and Privileges Granted.

Holding tanks and community on-lot subsurface sewage and small flow treatment systems shall, subject to the regulations of and approval of the Pennsylvania Department of Environmental Protection, be permitted in Allen Township only as provided and in accordance with the provisions of this Part.

(Ord. 95-2A, 12/21/1995, §3; as amended by Ord. 2007-04, 11/8/2007)

§18-204. Use of Holding Tanks.

1. Holding tanks may be permitted, based upon application to and a permit granted by the Allen Township Sewage Enforcement Officer, only for the purpose of repair, replacement, or upgrading of existing malfunctioning systems in poor or overused soils unsuitable for small flow treatment facilities in accordance with the Official Allen Township Comprehensive Wastewater Plan, including all addenda or in accordance with the provisions of subsection (2) herein.
2. In no event shall holding tanks be permitted as a means of on-site sewage collection in the case of new residential subdivisions and/or commercial and industrial land development unless and until the Township determines that all of the following conditions and requirements have been met or satisfied.
 - A. No community sewage system is available to service the property.
 - B. The owner of the property has unsuccessfully applied to the Pennsylvania Department of Environmental Protection (“DEP”) for a permit to allow for the construction of on lot Small Flow Treatment Facilities, and has made

good faith, reasonable attempts to comply with all DEP requirements in order to obtain the same,

- C. The Township, in its sole opinion, has determined that a community sewage system will be available to service the subject property in the reasonably foreseeable future,
 - D. The owner agrees to connect to the aforementioned community sewage system within six months of the same becoming available to service the subject property, or, in the event the same does not become available within five years, agreed to construct a sewage treatment system upon obtaining the recommendation and approval of DEP and the Township, provided that the aforementioned five-year period may be extended, for good cause, in the sole discretion of the Board of Supervisors,
 - E. Owner has fully complied with all of the remaining provisions of this Part, or agrees to do so within a reasonable time period to be established by the Township,
 - F. The Township Board of Supervisors determines that the use of a holding tank in conjunction with the development of the subject property is in the best interests of the Township.
3. Holding tanks shall be permitted as a remedial measure or temporary measure in accordance with the following conditions:
- A. Soil is unsuitable for subsurface and small flow treatment facilities. (Reference Title 25, Subsection 71.62, 63 and 64).
 - B. A specific replacement schedule is established to provide hook-up to a central sewage collection system, which has been proposed in the official plan. (Reference Title 25, Subsection 71.63.c.i.).
 - C. Designated conveyance and disposal facilities are identified. (Reference Title 25, Subsection 71.63.b(2)).
 - D. Provision of financial guarantees in form of escrow fund deposits have been established to cover inspections, malfunctions, clean-up, if required, and removal. (Reference Title 25, Subsection 71.73.b.vi).
 - E. Tank is abandoned, emptied and removed (or filled with soil) within 90 days of which public sewerage facilities become available.
4. Nonresidential oil separation holding tanks shall be exempt from the requirements of this ordinance.
5. Chemical Toilets. Temporary use of portable chemical toilets at construction sites and at sites of public gathering and entertainment, where there is no water under

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pressure and no piped wastewater, shall be exempt from those requirements except that a permit shall be obtained from the Township Secretary a minimum of seven days prior to installation or renewal. A permit fee shall be paid at the time of issuance and shall be valid for 180 days. The permit is renewable at the discretion of the Township.

(Ord. 95-2A, 12/21/1995, §4; as amended by Ord. 2007-04, 11/8/2007)

§18-205. Use of Community On-Lot Subsurface Sewage and Small Flow Treatment Systems.

1. These systems shall be permitted in accordance with the Township Comprehensive Wastewater Plan:
 - A. In areas of marginal soils in new developments where public sewage is not available.
 - B. To allow individual small flow treatment facilities for the purpose of remediation of malfunctioning systems.
2. Community on-lot subsurface disposal systems and small flow treatment systems are permitted only in new developments.

(Ord. 95-2A, 12/21/1995, §5)

§18-206. Rules and Regulations.

The Township may enact such rules and regulations as it deems necessary to effect the purpose of this Part. 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 administrative agencies of the Commonwealth of Pennsylvania.

(Ord. 95-2A, 12/21/1995, §6)

§18-207. Inspections.

1. **Holding Tanks.** The Township Sewage Enforcement Officer (SEO) shall have the right and power to establish the time and manner of inspections of the holding tanks. Each such tank shall be inspected and tested by the SEO or his designated agent at the expense of the applicant after installation and before use. At a minimum, the SEO or his designated agent shall annually inspect and provide a written report of said inspection to the Board of Supervisors. In the event of noncompliance with the terms of this Part, including, but not limited to, evidence of leakage, seepage, or escape of any materials from the holding tank or failure to pro-

vide the Township with full and complete evidence of, and/or regular pumping receipts for, the holding tank, said holding tank shall be subject to inspection by the Township SEO or his designated agent, at such time and for such period as the Township or SEO may determine necessary in the interest of the protection, benefit and preservation of health, safety and welfare of the inhabitants of the Township.

2. Community Subsurface and Small Flow Systems.

- A. The system shall be approved by the Township and the Pennsylvania Department of Environmental Protection and subject to review and inspection by the Township Engineer or Township Sewage Enforcement Officer. The installation of the system and its start-up shall be under the supervision of the design engineer.
- B. The system shall be inspected by the Township's authorized agent quarterly during its first year of operation and, at a minimum, twice annually thereafter which inspection shall include sampling and testing of effluent. The cost of inspections and testing shall be borne by the owner. The Township's agent shall prepare a report to rate performance of the system and outline any deficiencies requiring maintenance and/or repair.

(Ord. 95-2A, 12/21/1995, §7; as amended by Ord. 2007-04, 11/8/2007)

§18-208. Rates and Charges.

The Township shall have the right and power by resolution to fix, alter, charge and collect charges for permits to install holding tanks, community subsurface and small flow systems and for the periodic inspection and/or testing of the same. Amounts for fees, permits, escrow accounts, and fines as established by this Part may be modified, from time to time, by resolution of the Board of Supervisors of Allen Township.

(Ord. 95-2A, 12/21/1995, §8)

§18-209. Official Plan Approved Required for Community Subsurface and Small Flow Systems.

1. The disposal of sewage by community on-lot and/or small flow treatment facilities shall be in accordance with Addendum #2 to the Allen Township Comprehensive Wastewater Plan. Applicant is required to prepare land planning modules for an official plan revision and submit a comprehensive report as outlined in §§II through VII of Plan Addendum #2.
2. An installation and/or operations application will not be accepted unless the Allen Township Comprehensive Wastewater Plan revision has been approved first by Allen Township and then by Pennsylvania Department of Environmental Protec-

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tion (PaDEP) as required by the ordinance and PaDEP Regulations embodied in Title 25 Chapter 71. For clarification of the permit processes, refer to the flow chart appended to this Part.¹

(Ord. 95-2A, 12/21/1995, §9; as amended by Ord. 2007-04, 11/8/2007)

§18-210. Application and Submission for Community Subsurface and Small Flow Systems.

No community on-lot sewage system or small flow treatment system, as defined in the Allen Township Comprehensive Wastewater Plan shall be permitted to be installed, constructed, or operated to service any structure or use as permitted by Allen Township Zoning Regulations [Chapter 27] until such facility has been permitted by the Township and PaDEP. Permit applications shall be on PaDEP forms and shall be accompanied by an administrative processing fee and posting of an escrow account to be established by resolution of the Board of Supervisors.

- A. For Sewage Facility Plan Revision. Accompanying the form for plan revisions shall be the following:
 - (1) Planning modules to revise the Township Act 537 Sewage Facilities Plan.
 - (2) A site topographic plan drawn to a scale of 50 feet to the inch or larger and, if to a stream or ground surface, extending 400 feet beyond the owner's property line. The site topographic plan shall be prepared by a registered engineer and surveyor. Plan shall show existing and proposed contours at two feet intervals, wooded areas, buildings, wells, wetlands, streams, on-lot sewage systems, plantings, grading, fences, and other pertinent topographical features.
 - (3) Data as required per Title 25, Chapter 71, and the Township's Comprehensive Plan.
 - (4) System design calculations and report.
 - (5) If sludge or wastes are to be disposed of offsite, a signed agreement with the facility accepting the waste.
 - (6) Township application fee and escrow fee.
- B. For Construction Plan Approval.
 - (1) Part I NPDES Permit Application.

¹ Flow chart is on file and may be seen at the Township office.

- (2) Part II DER Construction Permit Application.
- (3) Design report prepared by a Pennsylvania registered professional engineer.
- (4) Plans and specifications prepared by a Pennsylvania registered professional engineer.
- (5) Township application fee and escrow fee.

(Ord. 95-2A, 12/21/1995, §10; as amended by Ord. 2007-04, 11/8/2007)

§18-211. Standards for Design, Construction and Operation for Community Subsurface and Small Flow Systems.

- 1. All wastewater systems constructed and installed in accordance with this Part and other applicable ordinances in the Township of Allen after the effective date of this Part shall be designed and installed in strict conformity to the requirements of the Pennsylvania Sewage Facilities Law (52 P.S. 750.1 et seq.), the Pennsylvania Clean Streams Law (35 P.S. 691.1 et seq.), the regulations of the Department of Environmental Protection applicable thereto, and the design standards set forth in this Part. All permits, licenses and approvals as may be required and necessary to be obtained at the applicant's sole cost and expense from any and all Federal, State, and local agencies, departments or boards.
- 2. Applicants shall, prior to any installation, construction, or acquisition of materials, obtain and provide at applicant's sole cost and expense five copies or sets of design documents consisting of complete and detailed drawings and specifications of the collection, conveyance, or treatment facility and appurtenances prepared by a professional engineer registered in the State of Pennsylvania, copies of which design documents shall be submitted to the Township for review. The sole cost and expense shall be borne by applicants, which design documents shall be subject to the following conditions:
 - A. The design of community on-lot sewage system and small flow treatment systems shall be prepared in accordance and compliance with:
 - (1) PaDEP Title 25, Chapter 73 entitled "Standards for Sewage Disposal Facilities."
 - (2) PaDEP Domestic Wastewater Facilities Manual, Publication No. DEP 1397 latest edition.
 - (3) PaDEP Technical Supplement for Small STP's, A Supplemental Guide to the Sewerage Manual.

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- (4) PaDEP Operation and Maintenance Considerations in the Design of Treatment Facilities, A Supplemental Guide to the Sewerage Manual.
 - (5) PaDEP “Design Guidelines” for Spray Irrigation.
 - (6) The latest edition of the Allen Township Authority’s Construction Specifications for the Installation of Sanitary Sewers and Appurtenances.
 - (7) BOCA Plumbing Code.
- B. A topographic plan shall be specifically prepared by field survey and/or photogrammetric methods in accordance with national map accuracy standards attached hereto as Exhibit “A” and shall depict the site by specifically delineated boundaries including any evidence or information regarding ownership, topography, vegetation cover, watercourses, and further identifying, if required by the Township, the proposed location for an all weather access road to the treatment facility of a minimum width of 10 feet constructed from the nearest public roadway, a vehicle turnaround providing a minimum paved area of 200 square feet, a fence, a screen planting and lawn order to enhance the aesthetic quality of the site.
- C. Such designs and standards as will achieve the Township’s policy to maximize the efficiency and reliability of the facility while providing reliable and consistent access for service by operating personnel, minimizing maintenance and upkeep and avoiding such adverse impacts to the health, safety and welfare of the Township in the operation, use and maintenance of said system.
- D. Any wastewater conveyance or treatment facility requiring a building to house equipment shall be constructed of concrete block or brick, designed and installed in such a manner to be compatible with the surrounding, neighboring, or adjacent structures with any and all controls and/or generators to be held within said superstructure, the same being in conformity with the then applicable municipal building code to the extent such code establishes minimum standards and regulates health and fire safety issues, demands for integrity to withstand exterior weathering conditions and ingress and egress factors for individuals in the operation, and maintenance of the system and equipment installation or removal as may be determined necessary by the Township.
- E. Complete installation drawings of all proposed equipment and materials for the collection, conveyance or treatment facility shall be submitted for review and written approval of the design engineer prior to acquisition, purchase, fabrication, delivery or installation of the same. A copy of the approved drawings shall be provided to the applicant and the Township. If the equipment/material to be installed differs from that approved at the time of de-

sign, it shall also be approved by the Township prior to acquisition and installation.

- F. Operations and/or instruction manuals explaining how the system is to be operated and maintained, as well as manuals for any and all equipment, materials, or machinery installed in said system shall be provided by the design engineer to the township for review and approval prior to plant start-up. Adequacy of manual shall be approved by the Township. Upon approval by the Township, the manual shall be distributed by the design engineer to the Township (two copies), the owner of the system, and a copy kept at the facility.
- G. Any and all equipment, material, and machinery to be incorporated or installed in any such facility shall be inspected by the applicant's (design) engineer prior to installation of the same to assure that it conforms to the approved design documentation and shop drawing, which compliance shall be certified in writing to the Township by applicant's engineer prior to installation.
- H. Applicant shall provide for initial testing and "start-up" of all such equipment, materials, and machinery by the manufacturer or fabricator's representative and shall secure from said representative at applicant's sole cost and expense a written certification as to property installation of such equipment, materials or machinery providing copies of any operating materials, manuals or certifications and warranties prior to said installation and to provide for any and all necessary on-site training and demonstration of such equipment, materials and machinery for the operating personnel or licensed operator of such facility.
- I. Applicant shall schedule tests as deemed appropriate by applicant's engineer and a final facilities inspection with the Township representative prior to any active operation of the facility and shall correct, at applicant's expense, to the satisfaction of the Township, any defects or problems noted during such tests for final inspection or within the applicable maintenance period as hereinafter set forth as part of which final inspection the applicant's engineer shall present a written certification that the facility and all appurtenances thereto have been installed and constructed in accordance with the approved design documents and shop drawings.
- J. When determined appropriate by the Township Engineer, every such facility shall have installed on-site, an emergency generator.
- K. Any and all excavation, grading, and/or earthmoving activities must be conducted in full and complete compliance with the rules, regulations, and requirements for soil and sedimentation control activities established by the Northampton County Soil Conservation District and the Pennsylvania Department of Environmental Protection and must be done subject to and in compliance with any and all appropriate permits as may be issued by the

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aforesaid agencies or other departments, bureaus, or agencies having appropriate authority to regulate the same.

(Ord. 95-2A, 12/21/1995, §11; as amended by Ord. 2007-04, 11/8/2007)

§18-212. Duties of Property Owner.

1. Holding Tank. The owner of an improved property that utilizes a holding tank shall:
 - A. Maintain the holding tank in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of any Federal governing body, the Township and/or any administrative agency of the Commonwealth of Pennsylvania.
 - B. Shall provide monthly to the SEO, pumping receipts and disposal receipts for the permitted tank, the same to be certified by property owner to be true and correct pumping and/or disposal receipts. Said property owner shall also provide, within 30 days of occurrence, and reports of inspections or repairs.
 - C. Permit only persons approved in writing by the Township to collect, transport, and dispose of the contents of the holding tank.
 - D. As a condition precedent to the issuance of a permit for a holding tank pursuant to the provisions of this Part, the owner shall execute an Escrow Holding Tank Agreement and establish an escrow account to be held by the Township in an amount calculated at the rate of \$300 per 1,000 gallons of tank capacity. Interest from the escrow account shall inure to the Township. The Township may use the funds held in said escrow account at any time and at its sole discretion to correct any maintenance, service, or pumping deficiency regarding the holding tank which the owner fails to perform as required by the terms of this Part. In the event the sum of money held in escrow by the Township is depleted below 50% of the original amount (or the then current amount required by the Township to be maintained in the escrow account), the owner shall, within 30 days of demand by the Township, deposit with the Township sufficient funds to restore the account balance to the initial amount. In the event said amount is not deposited with the Township within thirty-day period, all rights to owner to the within Part or any agreement entered into in accordance therewith shall be revoked automatically.
 - E. As a further condition of the issuance of a permit for a portable chemical toilet pursuant to this Part, the property owner shall obtain a permit from and pay a permit fee of \$5 to the Township Secretary. Permit/fee shall be filed with the Township a minimum of seven days prior to installation of the portable toilet. Property owner shall notify the Township when the portable

toilet is removed. The permit fee shall also apply to renewable permits. The Township shall be exempt from all permit fees.

2. Community Subsurface and Small Flow Treatment System.

- A. Installation and Maintenance Agreement. The Township and the owner of the land upon which the system shall enter into an installation, maintenance, and escrow agreement which shall include the following provision:
- (1) The system shall be designed, installed, operated, and maintained in accordance with the requirements of applicable State laws and regulations and the requirements of the Township as set forth in this Part.
 - (2) If required, the Township shall issue a maintenance/repair order to the applicant stipulating the extent of required maintenance, the system performance criteria, and a time frame by which repairs need to be completed. The Township may issue a temporary operating permit until such time that all maintenance and repair work is completed. A temporary operating permit shall expire after 90 days of issuance.
 - (3) Upon failure of the system/property owner to properly repair or maintain the system, the Township shall have the right to enter the property in order to perform required maintenance or repairs, charge the cost thereof to the owner, and file a municipal lien in default of payment.
 - (4) The agreement will be recorded and run with the land and will be binding upon the owners, their successors, and assigns.
- B. Annual Operating Permit. At least 30 days prior to each anniversary of the date on which the system is placed in operation, the owner shall apply for or obtain from the Township an annual operating permit for the system and shall pay therefore a fee of \$100 per year which shall be applied against the cost of the Township of the inspections required in the installation and maintenance agreement.

(Ord. 95-2A, 12/21/1995, §12)

§18-213. Exclusiveness of Rights and Privileges.

1. The collection and transportation of all sewage from any improved property utilizing a sewage disposal system permitted under this ordinance shall be done by a hauler approved by the Township or the SEO. Disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

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2. The Township SEO shall receive, review and retain pumping and disposal receipts from property owners (or their designated agents) of permitted holding tanks and treatment systems. Receipts shall be maintained for a period of six years by the Township.

(Ord. 95-2A, 12/21/1995, §13; as amended by Ord. 2007-04, 11/8/2007)

§18-214. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 95-2A, 12/21/1995, §14; as amended by Ord. 2007-04, 11/8/2007)

§18-215. Abatement of Nuisances.

In addition to any other remedies provided in this Part, any violation of §18-212 above shall constitute a nuisance and shall be immediately abated by the Township.

(Ord. 95-2A, 12/21/1995, §15)

§18-216. Automatic Indemnification.

By accepting an installation and/or operating permit, the system/property owner agrees to indemnify and hold harmless the Township and their duly authorized representatives for any adverse condition, claims, or pollution resulting from or relating to the operation of the system.

(Ord. 95-2A, 12/21/1995, §16)

§18-217. Scope.

The standards, terms, and conditions of this Part set forth the minimum standards which are acceptable to the Township, it being recognized that no single document can fully or adequately describe or consider all specific details of every anticipated system, and it is therefore assumed that any such standards, terms, or conditions shall be supplemented by the design review and appropriate comments and communications by the Township Sewage Enforcement Officer and/or consulting engineer and the applicant's engineer.

(Ord. 95-2A, 12/21/1995, §17)

PART 3

SEWAGE PERMIT

§18-301. Permit Required.

The Township of Allen hereby requires sewage permit for a rural residence, pursuant to Title 25, Chapters 71 and 73, entitled “Rules and Regulations of the Department of Environmental Protection”; and the distinction of rural residence and the exemption thereon as contained in the above mentioned chapters, shall not be exempt in the Township of Allen §2. The installation of any treatment tank, any absorption area or any holding tank, shall constitute either the installation of an individual or a community sewer system (whether classified as a rural residence or not) and require a sewer permit prior to beginning the installation of the system or beginning the construction installation or occupancy of any building or buildings for which a system will be installed. For purposes of this Section, the installation of an individual or community sewage system shall include the repair, replacement or enlargement of any treatment tank, any absorption area or holding tank unless the Department determines that a permit is not required in a particular case.

(Ord. 84-2, 6/28/1984, §1; as amended by Ord. 2007-04, 11/8/2007)

§18-302. Sewage Enforcement Officer.

The Sewage Enforcement Officer of Allen Township is hereby directed not to make any distinction as to a rural residence, as provided in the above-sited Sections, and shall require a permit for the installation of an individual or community sewage system for any installation pursuant to Chapters 71 and 73 of Title 25, entitled “Rules and Regulations of the Department of Environmental Protection.”

(Ord. 84-2, 6/28/1984, §2; as amended by Ord. 2007-04, 11/8/2007)

§18-303. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 84-2, 6/28/1984, §3; as amended by Ord. 2007-04, 11/8/2007)

CHAPTER 19

[RESERVED]

CHAPTER 20

SOLID WASTE

PART 1

SOLID WASTE AND RECYCLING

- §20-101. Title**
- §20-102. Policy**
- §20-103. Definitions**
- §20-104. Establishment of Curbside Collection Program**
- §20-105. Dumping/Litter**
- §20-106. Preparation and Storage of Municipal Waste**
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- §20-112. Property Owners to Furnish Name and Address to Collector**
- §20-113. Disposal of Leaf Waste**
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- §20-115. Presumption of Ownership of Municipal Waste or Recyclables**
- §20-116. Authorization of Collectors**
- §20-117. Licensed Authorized Collectors to Provide White Goods Removal Service**
- §20-118. Service Fees and Billings**
- §20-119. Violations and Penalties**
- §20-120. Severability**
- §20-121. Construction**

PART 1

SOLID WASTE AND RECYCLING

§20-101. Title.

This Part shall be known as the “Municipal Solid Waste and Recycling Ordinance of Allen Township.”

(Ord. 98-9, 12/10/1998, §I)

§20-102. Policy.

The Board of Supervisors of Allen Township has determined that the health and welfare of the citizens of Allen Township requires the licensing of authorized collectors engaged in the collection of municipal waste in the Township and further requires the mandatory collection of recyclables by said collectors.

(Ord. 98-9, 12/10/1998, §II)

§20-103. Definitions.

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

AGENT — anyone who performs an act for his immediate family or for another person gratuitously (without any form of monetary or material compensation therefor).

APPLICANT — any person desirous of being licensed as an authorized collector.

ASHES — the residue from the burning of wood, coal, coke or other combustible materials.

AUTHORIZED COLLECTOR — a person or persons authorized and licensed by Allen Township to make collections of municipal waste and/or recyclables in accordance with the terms of this Part.

BOARD OF SUPERVISORS — the Board of Supervisors of Allen Township, Northampton County, Pennsylvania.

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COLLECTION AREA — all premises of residential properties, as that term is hereinafter defined.

COLLECTOR — a general term referring to any person who collects, for removal from premises, municipal waste and/or recyclables.

COMBUSTIBLE RUBBISH — paper, rags, street sweepings, excelsior, straw, boxes, old cloths, mattresses, old shoes, leather, scrap, oilcloth, carpet, Christmas trees, prunings from shrubs and trees, grass, trash and other flammable waste materials which result from ordinary conduct of housekeeping.

COMMERCIAL — pertaining to any wholesale, retail, industrial, manufacturing, transportation, or financial or professional service or office enterprise, business or establishment located in the Township of Allen, County of Northampton, Pennsylvania.

COMMERCIAL PROPERTIES — all wholesale, retail, industrial, manufacturing, transportation, financial or professional service or office enterprise, or any similar establishment located in the Township of Allen, Northampton County, Pennsylvania.

COMMUNITY ACTIVITY — any activity or event sponsored or organized by a public or private nonprofit organization for recreational, educational, cultural, or civic purposes, which may be attended by members of the public, whether or not an entrance or participation fee is charged therefor.

CONTRACTOR — any person, corporation or partnership performing municipal waste collection and disposal and recycling services for the Township pursuant to the awarding of a bid under the terms of this Invitation to bid.

CORRUGATED PAPER — structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packaging cartons and boxes.

DISPOSAL — the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

FARM — shall mean any property of at least 10 contiguous acres for which the primary use of the land is the raising of crops or animals. For purposes of this Ordinance residential structures on a farm shall be considered Residential Properties so long as only ordinary Municipal Waste is placed for collection as part of the Township's Municipal Waste collection program.

FARM WASTE — shall mean any waste generated during the normal course of farming activities or operations, including but not limited to baling wire or other

strapping materials, residual agricultural products, farm machinery or implements, manure or other livestock by-products, and other similar wastes.

GARBAGE –

- A. All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including, but not limited to, table refuse, animal and vegetable, offal of meat, fish and fowl, vegetables and fruits and parts thereof and other articles and materials ordinarily used for food and which have become unfit for such use or which are discarded for any reason.
- B. All combustible rubbish, including, but not limited to, paper, straw, excelsior, rags, rubber shoes, and such other rubbish as may result from ordinary housekeeping or residential pursuits and which may be burned by fire.
- C. All ashes, including, but not limited to, the residue from the burning of wood, coal, coke and other combustible materials for the purpose of heating or cooking.
- D. A incombustible rubbish, including, but not limited to, discarded articles or materials except sewage, liquid waste, grass clippings, garbage and combustible rubbish and other articles and materials ordinarily resulting from ordinary housekeeping or residential pursuits, including household appliances (white goods), furniture (indoor and outdoor), and other bulky items generated by residential households.

HAZARDOUS WASTE — hazardous wastes, hazardous substances, hazardous materials, toxic substances, hazardous air pollutants or toxic pollutants, as those terms are used in any law, guideline, regulation or ruling of any official governing body and petroleum products, including gasoline, diesel fuel, motor oil, waste or used oil and heating oil.

INSTITUTIONAL — any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, universities, churches, and social or fraternal societies and organizations.

LEAF WASTE — leaves from trees, bushes, and other plants, garden residues, chipped shrubbery and tree trimmings, and similar material capable of composting, but excluding grass clippings.

LICENSED AUTHORIZED COLLECTOR — any person licensed by the Township to collect, haul, transport, and dispose of municipal waste.

MAGAZINES — printed matter, also known as “periodicals,” containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.

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MULTIFAMILY HOUSING PROPERTY — a type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains five or more dwelling units.

MUNICIPAL — any office or other property under the control of any branch or arm of the Federal government of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania, including, but not limited to, the Township of Allen, and any counties, cities, boroughs, townships and municipal authorities.

MUNICIPAL WASTE — any garbage, refuse, industrial lunchroom, or office waste and other material including solid, liquid, semi-solid, or contained gaseous material resulting in the operation of residential, municipal, commercial, industrial, or institutional establishments and from community activities, including any trace amounts of hazardous waste normally found in household trash, garbage, or refuse, and any sludge not meeting the designation of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, industrial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term municipal waste specifically includes leaf waste, brush, grass clippings, and large appliances or white goods which are not recyclables. The term does not include recyclables or non-collectibles as said terms are defined herein.

NEWSPAPER — paper of the type commonly referred to as “newsprint” and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term “newspaper” expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, office paper, and any other paper products of any nature.

NON-COLLECTIBLES — shall include, but not be limited to, automobile parts, building materials, farm waste and hazardous waste, as herein defined, and shall not include municipal waste.

PERSON — any individual, partnership, corporation, association institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject or rights and duties. In any provisions of this Part prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

PLASTIC CONTAINERS — empty plastic food and beverage containers, the specific types of which may, from time to time, be designated by resolution of the Township.

PROCESSING — any technology used for the purpose of reducing the volume or bulk of municipal waste, or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include but are not limited to transfer stations, composting facilities, and resources recovery facilities.

RECYCLABLES — food and beverage containers made of clear or colored glass; aluminum, steel and bi-metallic cans; scrap metal not exceeding three feet in any dimension; plastic containers made from PET, and HDPE plastic and bearing the standard plastic industry labels 1-PETE and 2-HDPE; newspaper; corrugated paper; large appliances (white goods); and any other materials which may be designated, from time to time, by Allen Township.

RECYCLING CONTAINERS — the standardized containers issued or approved by the Township for the purpose of collecting, storing and placing recyclables at the curbside for collection by a licensed authorized collector.

REFUSE — shall have the same meaning as municipal waste.

RESIDENTIAL PROPERTIES — shall be of or pertaining to any dwelling unit used as a place of human habitation where one or more individuals live and which is not commercial, municipal, institutional, or a community activity. The term shall apply equally to owner occupied dwellings and apartment buildings consisting of two or less dwelling units, as well as to full-time and/or part-time residences. Home occupations incidental to a residential use within a building are considered “residential.”

RESIDENT or RESIDENTS — any person or person living within the boundaries of the Township of Allen, County of Northampton, Pennsylvania, and shall not include Commercial properties.

RIFFRAFF — all materials not included in the definitions of garbage, combustible materials and ashes. This term includes furniture, washers and dryers, bicycles, stoves, refrigerators and any other large items which may be the result of ordinary housekeeping.

RUBBISH — leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, leather, rags, grass, straw, manure, and all solid combustible matter not included in this Section under the definition of “Garbage.”

STORAGE — the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of 90 days constitutes disposal. This presumption can only be overcome by clear and convincing evidence to the contrary.

TOWNSHIP — the Township of Allen, Northampton County, Pennsylvania.

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TRANSPORTATION — the off-site removal of any municipal waste at any time after generation thereof.

WASTE — a material whose original purpose has been complete and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials, as that term is herein defined, or material approved by the Commonwealth of Pennsylvania Department of Environmental Protection for beneficial use.

(Ord. 98-9, 12/10/1998, §III; as amended by Ord. 2007-04, 11/8/2007)

§20-104. Establishment of Curbside Collection Program.

A curbside collection program is hereby established for the collection of municipal waste and the separate collection of recyclables from all residential properties located within the Township of Allen. This curbside collection program shall not be applicable to commercial, industrial, or institutional establishments, nor shall it apply to any farm waste generated by farming activities except for that waste generated by residential activities located on a farm. The owner of an apartment building consisting of three or more dwelling units shall leave the option of providing for the collection of municipal waste through the Township's curbside collection program or through another authorized commercial collector. The Allen Township Board of Supervisors may, in its sole discretion, designate one authorized collector as the sole provider of the Municipal Waste Curbside Collection program within Allen Township, and one authorized collector as the sole provider of the Recyclables Curbside Collection Program. Nothing contained herein shall prevent the Board of Supervisors, if it determines that the same is in the best interests of the Township, from designating one authorized collector as the sole provider for the collection of both municipal waste and recyclables within Allen Township.

(Ord. 98-9, 12/10/1998, §IV)

§20-105. Dumping/Litter.

1. It shall be unlawful for any person to store, dump, discard, or deposit, or to permit the storage, dumping, discarding, or depositing of, any municipal waste or recyclables upon the surface of the ground or underground within the jurisdictional limits of the Township, except in proper containers for purposes of storage or collection and except where the waste is of such size or shape as not to permit their being placed in such containers. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables in any stream or body of water within the jurisdictional limits of the Township.
2. Every owner of property or occupant thereof responsible for such property's day-to-day operation or maintenance shall pick up and discard in an appropriate receptacle any municipal waste, recyclable, or other debris deposited or accumulated on the sidewalk or gutter area in front of or adjacent to such property. All owners

or operators of commercial, industrial, institutional and municipal establishments in the Township shall take all reasonable precautions to prevent the deposit and accumulation of debris in front of their premises, and in furtherance of that end, may place appropriate waste containers in front of or adjacent to their premises at a point which will not create a hazard to traffic or pedestrians. Any such receptacle so placed shall be emptied on a regular basis by an authorized commercial collector and maintained in a neat and clean appearance.

3. It shall be the duty of every owner of property and every person occupying a dwelling unit, premises, or place of business within the Township where municipal waste or recyclables are generated and accumulated, at his own expense and cost, except as otherwise specified in this Part, to provide and keep at all times a sufficient number of containers to hold all municipal waste accumulated between intervals of collection of such waste by an authorized collector; and to ensure the sanitary and legal disposal of such waste in accordance with this Part and all other Township, State and Federal applicable laws and regulations.
4. All waste materials resulting from the building, structural alteration, repair, construction or demolition of buildings or structures shall be disposed of as permitted by the regulations of the State Department of Environmental Protection or pertinent ordinances or regulations of the Township. It shall be the responsibility of the property owner to ensure the disposal of such waste in accordance with applicable laws and regulations.
5. Nothing contained herein shall be deemed to prohibit any person from hauling municipal waste or recyclables on an irregular and unscheduled basis to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Protection provided that such hauling shall be in addition to, and not in place of, the regular removal of municipal waste or recyclables as required in §20-108 below.
6. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural wastes.

(Ord. 98-9, 12/10/1998, §IV)

§20-106. Preparation and Storage of Municipal Waste.

1. The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding, or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which may create fire and other safety hazards, odors, unsightliness, or public nuisance.
2. It shall be unlawful for any person to deposit for collection any waste not generated at the address from which collection is made or to bring any waste into the

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Township or from one address to another in the Township for the purpose of taking advantage of the collection service or to avoid the cost of collection.

3. Any person accumulating or storing municipal waste on private or public property in the Township for any purpose whatsoever shall place the same, or cause the same to be placed in sanitary closed or covered containers in accordance with the following standards:
 - A. Containers used for the storage of municipal waste shall be of metal, plastic or fiberglass construction; rust and corrosion resistant, equipped with lids and waterproof and leakproof (except that lids shall be optional on large bulk containers commonly known as “dumpsters”).
 - B. All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers described above, and all ashes shall be free of any burning material before being deposited for collection.
 - C. No person, except the occupants of the property on which a waste container is placed, an authorized licensed collector, and the Township’s Code Enforcement Officer or other authorized representative of the Township shall remove the lids of the container and/or remove the contents thereof.
 - D. All hazardous waste, including, but not limited to, municipal waste of a highly flammable or explosive nature, or highly infectious or contagious municipal waste, shall not be stored for ordinary collection, but shall be specially disposed of in accordance with the directions of the Township or of any State or Federal authority having jurisdiction.
 - E. Containers, other than bulk containers, shall be placed at such locations as referred to in §20-107 herein.
 - F. Bulk containers (such as dumpsters) shall be placed, whenever possible, at ground level and at a point on the property being serviced by the collector which will enable clear and easy access to the container by the collector’s vehicle.
 - G. Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Part by the person on whose property the bulk container is located, if it is located on private property.

(Ord. 98-9, 12/10/1998, §V)

§20-107. Preparation and Storage of Recyclables.

1. The storage of all recyclables shall be practiced so as to prevent the attraction, breeding, or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which may create fire and other safety hazards, odors, unsightliness, or public nuisance.
2. Each resident of the Township shall recycle all recyclables. Residents shall have a duty to place all recyclables except newspapers and corrugated paper in the recycling container which shall be supplied by the Township to each residence in the Township. Newspaper shall be placed in paper bags or tied both across and lengthwise in bundles not exceeding 35 pounds nor exceeding one foot in thickness and shall be placed next to or in the recycling container. Corrugated paper shall be tied both across and lengthwise in bundles not exceeding 35 pounds nor exceeding one foot in thickness and shall be placed next to the recycling container.
3. All recycling containers provided by the Township shall remain the property of the Township. Whenever a resident moves out of the Township, recycling containers shall be turned into the Township at the time said resident obtains his moving permit. The Township shall issue the recycling container to the next succeeding resident. No person shall damage, take, remove, deface or use for purposes other than approved recycling storage and collection, any recycling container issued by the Township.
4. Each resident is required to have a recycling container as provided by the Township, for storage of recyclables.

(Ord. 98-9, 12/10/1998, §VI)

§20-108. Required Collection and Hours of Collection.

All owners of property within the Township of Allen shall provide for the regular preparation, collection and removal of all municipal waste and recyclables generated at such properties in one of the approved manners set forth herein.

1. It shall be the responsibility of each and every Resident to place the refuse and recyclable receptacles at the curb line, where applicable; and, in the event of streets without curbing, at the berm of the state or township road, but in no case more than 10 feet from the edge of pavement. Further, it shall be the responsibility of resident to clear a pathway to the refuse receptacles in the event of snow so as to make the same easily accessible to the collector.
2. Collections of municipal waste shall be made by the collector one time a week, on a regular schedule. Collections of recyclables shall be made by the collector on a regular schedule on at least a bi-weekly basis and on the same day as collection of municipal waste. In the event a national holiday falls on a regularly scheduled collection day, the collection may, at the option of collector, be changed to the next

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day following said national holiday. In this regard, it will be the responsibility of the collector to notify residents of said change by advertising the same in the Morning Call, no less than one time and no less than one-week prior to the regularly scheduled collection day; said advertisement to be placed in a timely fashion so that residents are assured of notification prior to the regularly scheduled collection day; or, alternatively, provide each resident, prior to the beginning of the calendar year or initial service, a schedule denoting exceptions to the normally scheduled collection day.

3. If a person or establishment (being so authorized by the terms hereof) collects and removes their own municipal waste or recyclables, they shall do so at intervals short enough to prevent accumulations of refuse or garbage that may be unsafe, unsightly, or potentially harmful to the public health.
4. Every owner or occupant of residential property and every other person who, or establishment, shall either:
 - A. Utilize the services of the authorized residential collector designated by the Township as the sole provider of collection services for municipal waste, recyclables, or both; or
 - B. Contract with an authorized, licensed commercial collector for the regular, scheduled collection and removal of the municipal waste and recyclables at least once each week or as otherwise provided for herein.
5. As stated above, municipal waste shall be prepared for collection and be collected and removed from such person's or establishment's properties at least once each week.
6. No person other than an authorized, licensed collector shall collect or remove municipal waste or recyclables from any other person's property. All agreements for collection, transportation, and disposition of municipal waste and recyclables for commercial properties shall be by private contract between the owner or occupant of the property where the waste is generated and the authorized, licensed commercial collector who is to collect such waste.
7. Hours of collection shall be set by the authorized, licensed collector with the approval of the Township. All collection services however shall be performed in such a way as to not disturb any neighbors at the time of collection.
8. Nothing herein shall limit the right of the Township to implement public collection of solid waste or recyclables either by entering into contracts or by engaging in any collection practice permitted by law.
9. Nothing in this Section shall impair the ability of the Township to provide a system of placement for removal and public collection of leaf waste, or for Township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

10. Authorized, licensed collectors shall be responsible for the sorting and/or marketing of any recyclables collected.

(Ord. 98-9, 12/10/1998, §VII)

§20-109. Transportation of Municipal Waste.

1. Any person transporting municipal waste or recyclables within the Township shall prevent or remedy any spillage from vehicles or containers used in the transport of such materials.
2. All persons authorized to collect municipal waste or recyclables shall do so in vehicles that are provided with either closed, covered containers or which have measures taken to prevent waste from being blown or falling from the vehicle.
3. All collection vehicles to be used by collector shall be self-propelled, be of metal construction, be securely covered, watertight and kept thoroughly cleansed and painted. Identification numbers shall be permanently affixed to each vehicle, and the name and telephone number of collector shall be displayed on either side of the vehicle in letters and numbers easily legible. The collector shall at all times maintain a sufficient number of back-up vehicles to assure an uninterrupted collection schedule. Further, said vehicles shall conform to all local, state and federal laws, rules and regulations, having jurisdiction to regulate said vehicles.
4. The transfer of waste from one collection vehicle to another may not take place in the Township of Allen, except on private property in those areas of the Township for which a waste transfer station or facility is permitted. No such transfer may take place on any public right-of-way, and no such transfer operation may block traffic, create litter, or in any other manner constitute a nuisance, create a health hazard, or violate any other ordinance of the Township or provision of statutory law.

(Ord. 98-9, 12/10/1998, §VIII)

§20-110. Dumpster Permits.

Any authorized collector or other person who desires to place any large bulk container commonly known as a “dumpster” on a street or other public right-of-way in the Township of Allen shall, prior to such placement, obtain from the Township a permit authorizing such placement. One such permit shall be obtained for each dumpster to be placed on any public street or right-of-way. A fee may be collected by the Township for each such permit issued, in an amount to be established by resolution of the Board of Supervisors of the Township. The permits required hereunder shall be in the form of a sticker or other device capable of being affixed to the dumpster for which the permit is issued, and the permit shall be so affixed to the dumpster by the permittee in accordance with

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instruction of the Township pertaining thereto. The permits issued pursuant to this Section shall be nontransferable and may be used only by the permittee to whom originally issued, for the dumpster and at the location for which originally issued.

(Ord. 98-9, 12/10/1998, §IX)

§20-111. Public Litter Baskets.

The Township is hereby authorized to collect municipal waste from Township property, to provide public litter baskets on sidewalks in the Township, and to dispose of such waste in either a receptacle of a licensed authorized collector or at designated disposal sites.

(Ord. 98-9, 12/10/1998, §X)

§20-112. Property Owners to Furnish Name and Address to Collector.

All owners of nonresidential property within the Township of Allen shall, upon request by the Township, furnish to the Township, on a form to be provided therefor, the name and address of the licensed collector servicing the property in question.

(Ord. 98-9, 12/10/1998, §XI)

§20-113. Disposal of Leaf Waste.

Leaf waste shall be kept separate from other forms of municipal waste, and shall be disposed of in a manner to be designated, from time to time, by resolution of the Board of Supervisors.

(Ord. 98-9, 12/10/1998, §XII)

§20-114. Refuse Packaging.

Brush will be tied by Resident in bundles not to exceed 50 inches in length and 16 inches in diameter. Each garbage can and/or bag shall not exceed 50 pounds.

(Ord. 98-9, 12/10/1998, §XIII)

§20-115. Presumption of Ownership of Municipal Waste or Recyclables.

The presence of any articles containing a person's name among municipal waste or recyclables shall create a rebuttable presumption, for purposes of this Part, that said mu-

municipal waste or recyclables is the property of the person whose name is found therein. This presumption can only be rebutted by clear and convincing evidence to the contrary.

(Ord. 98-9, 12/10/1998, §XIV)

§20-116. Authorization of Collectors.

1. It shall be unlawful for any person, other than such persons as are duly authorized by the Township, to collect and to transport municipal waste or recyclables of any nature within or from the Township. Authorization shall be given only as set forth below. Authorization to collect, transport, and dispose of municipal waste or recyclables for persons other than one's self or for whom one is acting as an agent (as defined in this Part) may be given only by the Township through the issuance of an "Authorized Residential Collector's License" or "Authorized Commercial Collector's License."
2. All licensed authorized collectors shall have an affirmative duty to follow and conduct themselves in accordance with their current license, failure of which shall be a violation of this Part.
3. All applications for such licenses shall be evaluated and approved in accordance with the following criteria:
 - A. An Authorized Collector's License may be issued to only those persons who can comply with the provisions and intent of this Part.
 - B. Applicants for an Authorized Collector's License must furnish the following information on a form to be prescribed and provided therefor by the Township:
 - (1) The name, address and telephone number of the authorized collector making application.
 - (2) The vehicle registration number, state of registration and the make, model and size of each vehicle to be used for collection and hauling.
 - (3) A list of all of the applicant's current customers in the Township, upon demand made for the same by the Township.
 - (4) A certificate of the applicant's insurance coverage certifying the maintenance by the applicants of complete third-party comprehensive and liability insurance covering Bodily Injury and Property Damage and Personal Injury limits of which shall be not less than \$1,000,000 per occurrence/\$1,000,000 aggregate as well as a \$4,000,000 Commercial Umbrella Liability Policy.

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- (5) A certificate of the applicant's Workman's Compensation Insurance, as required by law.
 - (6) Any and all additional information which the Township may request and deem necessary prior to the issuance of a license.
- C. The Township may deny an Authorized Collector's License for any of the following reasons:
 - (1) If the applicant's license has previously been revoked or suspended.
 - (2) If the applicant has violated, or is violating any ordinance of the Township of Allen, the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act, or any regulations of the Department of Environmental Protection relating to the environment and to solid waste, or has been convicted of any such violation.
 - (3) If the applicant has any uncollected judgments filed against him resulting from lawsuits filed against him by any customer.
 - (4) Where, in the Township of Allen or elsewhere, the applicant has failed to fulfill his duties as a municipal waste collector in general, or in particular has failed to pick up municipal waste in a workmanlike manner on a regularly scheduled basis.
- D. Authorized Collector's Licenses shall be issued on a calendar year basis, but may be revoked at any time by the Township in accordance with the following:
 - (1) Failure of the licensee to furnish and provide collection and disposal of municipal waste in accordance with the terms of this Section and the conditions under which the license was issued.
 - (2) Administrative Proceedings.
 - (a) In case of violation or failure to comply with the provisions of this Section, the Board of Supervisors shall give the licensee an opportunity for a hearing thereon. Any licensee so entitled to a hearing shall have 10 days after notice of his right to a hearing is given to him pursuant to this Section within which to request such a hearing in writing. Failure of the licensee to so request a hearing shall be deemed to constitute an admission of the violation with which he is charged and which forms the basis of the revocation of his license. In case the licensee does request a hearing in accordance with this Section, a hearing shall be scheduled before the Board of Supervisors, and the licensee

shall be given 10 days, written notice of the time and place of the hearing at which he may appear and answer the charge,

- (b) Upon determination that a violation did occur, the Board of Supervisors may issue a warning or may revoke the license.
- (3) The issuance of an Authorized Collector's License under this Section does not grant a vested right to any collector to a continued right to haul or collect refuse in the Township of Allen and the Township of Allen, and the Township reserves the right to amend its Municipal Solid Waste Management Plan at any time or to contract for municipal waste or to initiate the public collection of municipal waste.

E. Conditions relating to Authorized Collector's Licenses.

- (1) An annual fee shall be paid for an Authorized Collector's License in accordance with a schedule of charges established by resolution of the Board of Supervisors. The license fee shall not be pro-ratable. The fee shall be submitted with each application for a license. Payment shall be made by check only, payable to the "Township of Allen."
- (2) Number of Vehicles. Persons receiving an Authorized Collector's License shall not vehicles other than those designated on the application. A license applies only to the vehicles listed on the license and may not be transferred to any other vehicle not listed on the license. Any change in the listed vehicles as reported in the application for license must be reported to the Township at least five days prior to the date such a change will take place except in an emergency, provided the Township is promptly notified thereof. The use of a temporary replacement vehicle by reason of the withdrawal of a vehicle from service for scheduled or unscheduled maintenance shall not require modification of the license, but shall be reported to the Township immediately by the collector.
- (3) Licensees shall have placed on the doors or each side of the body of each vehicle the name of the authorized collector, the telephone number of the authorized collector's office and Headquarters, the type of waste being transported therein. The size of such lettering shall be no less than six inches in height and clearly legible. Vehicles shall be so marked within 10 days after the commencement of their use in the Township.
- (4) The licensee shall be responsible for maintaining each vehicle used for collection in the Township in good operating condition to assure that the schedule of collections can be maintained. The vehicles must be kept clean and painted so as to present a favorable appearance. The Township shall have the right to inspect all vehicles prior to the issuance of a license and during the period the license is in effect.

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- (5) Licensees shall be responsible for the manner in which their employees perform work pertaining to collection, hauling and disposal of municipal waste under the terms of this Part.
- (6) Licensees shall comply with the limitations on hours of collection set forth in §20-108 of this Part.
- (7) The licensee shall pay all costs charged for the use of any disposal facilities which he utilizes.
- (8) The Licensee shall provide written documentation of the tonnage of recyclables collected and marketed on an annual basis in sufficient detail for the Township to submit required reports to the Pennsylvania Department of Environmental Protection or other authorized agency. This data is to include the marketing date, the weight receipt number, the market's name and address, the weight of the material sold, the range and average price received per ton for each recyclable during the year and other data which may be required by the Township for reporting compliance.

(Ord. 98-9, 12/10/1998, §XV)

§20-117. Licensed Authorized Collectors to Provide White Goods Removal Service.

All licensed authorized collectors doing business within the Township shall make available to their customers the service of removal of "white goods" (discarded major appliances, television sets, and similar articles).

(Ord. 98-9, 12/10/1998, §XVI)

§20-118. Service Fees and Billings.

1. It shall be the duty and responsibility of every owner of property and every person occupying a dwelling unit, premise, or place of business within the Township where municipal waste is produced and is accumulated to pay a service fee for the collection and disposal of this waste, except as otherwise provided by this Part, to a licensed authorized collector, exclusive contractor or to the Township. For purposes of this Part any owner of property containing more than one dwelling unit shall be solely responsible for payment of said service fees for the entire number of dwelling units located therein. A licensed authorized collector, exclusive contractor or the Township may discontinue service for non-payment of service fees by a resident or by a commercial, institutional or industrial establishment. Discontinuance of service due to non-payment of service fees shall not relieve the resident or establishment from abiding by all of the requirements of this Part.

2. All service fees established under an exclusive contract for the collection of waste by the Township shall be established by a resolution of the Board of Supervisors. Service charges so established shall be reviewed at least annually and adjusted as necessary to insure that costs involved in the collection and disposal of municipal waste and/or recyclables under the exclusive contract, including the administrative costs of the Township, are covered by the service charges.

(Ord. 98-9, 12/10/1998, §XVII)

§20-119. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 98-9, 12/10/1998, §XVIII, as amended by Ord. 2007-04, 11/8/2007)

§20-120. Severability.

In the event any of the provisions of this Part is declared unconstitutional, unlawful, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Part or of this Part as a whole, but shall continue in full force and effect as though the unconstitutional, unlawful, or unenforceable provision had never been a part hereof,

(Ord. 98-9, 12/10/1998, §XIX)

§20-121. Construction.

The various headings used throughout this Part are intended only as an aid in its organization in order to facilitate ease of reading and are not to be considered a substantive part of this Part. In this Part, unless the context clearly indicates otherwise, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

(Ord. 98-9, 12/10/1998, §XX)

CHAPTER 21
STREETS AND SIDEWALKS

PART 1
OPENING OR EXCAVATING OF STREETS OR HIGHWAYS

- § 21-101. Intent.**
- § 21-102. Bonding and Insurance Requirements.**
- § 21-103. Permit Costs.**
- § 21-104. Permit Life.**
- § 21-105. Drainage.**
- § 21-106. Permit Provisions.**
- § 21-107. Violations and Penalties.**

PART 2
CONSTRUCTION, RECONSTRUCTION AND REPAIR OF CURBS

- § 21-201. Construction of Curb.**
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PART 3
CONSTRUCTION STANDARDS

- § 21-301. Applicability.**
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- § 21-311. Streetlighting.
- § 21-312. Survey Monuments.
- § 21-313. Subdrains.
- § 21-314. Dedication.
- § 21-315. Ground Restoration.
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PART 4

BUILDING NUMBERING AND ROADWAY NAME SIGNS

- § 21-401. Definitions.
 - § 21-402. Numbering of Buildings; Building Number Signs; Exceptions.
 - § 21-403. Naming of Roadways; Sign Specifications.
 - § 21-404. Mailing Address Change and Liability.
 - § 21-405. Violations and Penalties.
- Exhibit A
- Exhibit B

PART 1**OPENING OR EXCAVATING OF STREETS OR HIGHWAYS****§ 21-101. Intent. [Ord. 2006-09, 11/9/2006]**

1. It shall be unlawful for any person or persons, firm, association or corporation, to connect to, open or break the surface of the ground within the boundaries of any public lands, public right-of-way, public highway, road, street, avenue, public lane, public alley, sidewalk or footpath, for the purpose of driveway construction, laying pipes, sewers, drains or conduits of any description, for making connections therewith or repairs thereto, or for the setting or planting of telegraph, telephone, electric light or other utility poles, or, for repairs thereto or renewals thereof, or to break the surface of any improved sidewalk or curb for the purpose of building any driveway across same or for any other purpose without first obtaining a highway occupancy permit from the Board of Supervisors before such work is begun, and complying with the other requirements herein specified.
2. Before such a highway occupancy permit is issued and said work begun, a written application on a blank form, to be finished for that purpose by the Board of Supervisors, must be filed with the Township, setting forth the purpose for which the highway, road, street, avenue, public alley, sidewalk or footpath is to be opened, excavated or occupied, and the location of the proposed work. In such application the applicant shall agree to assume all liability for all or any damages to person or property occurring to the public or to the Township, which may or might result from the opening, excavating or occupying of the highway, road, street, avenue, public lane, public alley, sidewalk or footpath. In case of necessity for emergency opening, a highway occupancy permit must be obtained within 72 hours after start of the work.

§ 21-102. Bonding and Insurance Requirements. [Ord. 2006-09, 11/9/2006]

1. The application must be signed and filed, together with a bond payable to the Township, in the amount required by the Township, but not less than \$500 with surety approved by the Township, conditioned to save the Township from loss or damage to its property and conditioned to indemnify the Township against any and all claims, demands, suits, or actions for damages sustained to persons or property by reason of anything done in pursuance of the highway occupancy permit. Furthermore, the applicant shall file with the Township a certificate showing the issuance of a policy or policies of insurance as follows:

Form	Minimum Limits
A. Worker's Compensation	Statutory
B. Contractor's Public Liability (including specific contractual liability)	\$500,000/\$1,000,000

Form	Minimum Limits
C. Contractor's Property Damage Liability (including explosion collapse hazard, underground damage hazard and blasting XCU coverages)	\$500,000 each accident
D. Principal or Owner's Protective for:	
Bodily Injury	\$500,000/\$1,000,000
Property Damage	\$500,000/\$1,000,000
E. Automobile Bodily Injury	\$300,000/\$500,000
Automobile Property Damage	\$300,000
F. If subcontractors are employed, Contractor's Protective (contingent) Liability Protection — Bodily Injury; Property Damage	Same as Prime Contractor
G. Hold Harmless Agreement. The Contractor agrees to indemnify and "hold harmless" the owner and engineer for any and all liability resulting from bodily injury, including death and damage to property arising out of any act of omission in performance of the work undertaken under this contract	
2. The permittee will submit to the Township of Allen, certificate or certificates of insurance for public liability and property damage, in sufficient amount to cover any loss, that may be incurred for or on account of any matter, cause or thing arising out of the construction, reconstruction, repair, relocation or installation of the permitted facilities, except in those instances where the Township by prior arrangement has authorized the permittee to provide other means of protecting the Township and its employee.	
3. Public service corporations may file a covenant with the Township indemnifying it from damage in lieu of filing said bond and producing evidence of liability insurance. Such covenant shall be in a form satisfactory to the Township and shall indemnify the Township from all costs, losses, charges, suits, actions, claims, payments, demands and damages which the Township may or might sustain or be subject to incident to or growing out of the laying, maintenance and use of pipes, conduits, and the erection of poles within the Township.	
4. Applicants for the installation of a driveway including a storm drainage pipe in regard thereto to serve a single-family residential dwelling on a single lot in separate and single ownership shall be exempt from providing a bond or evidence of liability insurance.	

§ 21-103. Permit Costs. [Ord. 2006-09, 11/9/2006]

1. Before the issuance of a highway occupancy permit, the applicant shall make payment to the Township of the sums hereinafter mentioned:
 - A. Crossing — Unimproved Surfaces.
 - (1) Crossings from one side of highway, road, street, avenue or public alley, sidewalk or footpath.
 - (2) Two dollars per square yard or fraction thereof.
 - B. Crossing — Improved Surfaces.
 - (1) Crossings from one side of highway, road, street, avenue or public alley.
 - (2) Five dollars per square yard or fraction thereof.
 - C. Parallel Openings — Unimproved or Improved Surface.
 - (1) Parallel to highway, road, street, avenue or public alley.
 - (2) Ten dollars for each length along highway not to exceed 50 feet.
 - (3) Five dollars for each additional 100 feet or fraction thereof.
 - D. Openings or Breaks — Sidewalks and Curbs.
 - (1) Ten dollars length not to exceed 50 feet.
 - (2) Five dollars for each additional 100 feet or fraction thereof.
 - E. Poles. For the erection, setting or planting of any pole, the sum of \$200 for each pole. In case of renewals the application must be made, but no highway occupancy permit fee shall be charged.
 - F. Driveways. Driveway openings including storm drainage pipe in regard thereto for single-family residential dwelling — \$5.
 - G. Escrow Deposit. The Township Manager, upon receipt of a properly completed application, shall determine, with the assistance of the Township Engineer, the amount of the escrow deposit to be made by the permittee. The escrow deposit will be used to reimburse the Township for the cost(s) of plan reviews, inspection fees, legal fees, and any other incidental services which the Township may have to perform during the course of the project. The minimum deposit shall be \$1,000 for main line construction and \$250 for service lateral construction. The highway occupancy permit will not be issued and no work shall commence until the set escrow deposit is received by the Township Manager.

- H. Form of Escrow Deposit. The escrow deposit may be in the form of cash, certified treasurer's check or cashier's check payable to the Township.
 - I. Debits from Escrow Deposit. The balance of the escrow deposit shall at no time be in an amount less than 50% of the original amount set by the Township Manager. In this regard the Township shall review the amount of the escrow deposit on a periodic basis and provide an accounting to the permittee of all costs incurred by the Township in connection with the highway occupancy permit. The permittee shall have 15 days after receipt of each notification given the permittee by the Township to comply with the Township's request to replenish the escrow deposit to the 50% level of the initial deposit.
 - J. Refund of Escrow Deposit. Upon completion and final inspection of the work, the Township shall make a final accounting to the permittee of all costs incurred by the Township in connection with the highway occupancy permit, to which the Township may add any reasonable sum to cover anticipated costs of future engineering inspections, legal fees and any other incidental services. Any interest accumulated from the deposited escrow funds will inure to Allen Township.
2. All backfilling of openings by the applicant must be performed under supervision of Township in accordance with Township regulations. Restoration and repairs by the applicant shall be made under the supervision of the Township and in accordance with the Township regulations for the restoration. The applicant is responsible for all costs associated with this inspection.

§ 21-104. Permit Life. [Ord. 2006-09, 11/9/2006]

- 1. No highway occupancy permit shall be issued until the application has been approved by the Township. Highway occupancy permit shall be issued by the Township Manager and shall not be operative for more than 60 days from the date of issue.
- 2. No highway occupancy permit fee paid under this Part shall be considered to be in lieu of any annual license fee now required to be paid, or which may, at any time, be required to be paid by ordinance of the Township of Allen.

§ 21-105. Drainage. [Ord. 2006-09, 11/9/2006]

Every lane, drive and entrance road connecting with any public highway, street, road or avenue of the Township of Allen shall be so constructed or altered so that the water and surface drainage shall not be blocked or diverted from the course of the gutter, and that the surface drainage from such lane, drive or entrance road shall flow into the gutter of said public highway, road, street or avenue, and not upon the roadbed thereof. If no gutter exists, the applicant is responsible to provide for sufficient conveyance of the water runoff.

§ 21-106. Permit Provisions. [Ord. 2006-09, 11/9/2006]

1. General Provisions.

- A. The work authorized by a highway occupancy permit shall be done at such time and in such a manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the Township of Allen. If at any time it shall be found by the Township that the work is not being done or has not been properly performed, the permittee and/or its contractor upon being notified in writing by Township, shall immediately take the necessary steps, at its own expense, toward placing the work in condition to conform to said requirements or standards.
- B. In the event of willful failure or neglect by said permittee and/or its contractor or their employees to perform and comply with the conditions, restrictions, and provisions of this highway occupancy permit, the Township may revoke and annul this highway occupancy permit and order and direct said permittee and/or its contractor to remove any or all structures or property belonging to said permittee and/or its contractor from the legal limits of the highway right-of-way and/or public property.
- C. If work is stopped on a project for any reason including by order of Township's representative and the ditch or trench, in the opinion of the Township, remains open for an unreasonable period, the permittee and/or its contractor, if so directed, shall refill the ditch or trench and work shall not be resumed thereon until the permittee and/or its contractor is prepared to proceed with the work until completion. In the event that the permittee and/or its contractor fails to refill the ditch or trench or proceed until completion of the work upon notice from the Township to do so, the Township may perform the necessary and required work subject to reimbursement by the permittee and/or its contractor.
- D. The permittee shall pay all costs and expenses incident to or growing out of the project, including the prescribed fees for the same, the cost of making and maintaining the temporary restoration of the disturbed areas and making permanent restoration, and further shall reimburse the Township for any and all inspection costs which the Township may deem it necessary to incur, including both the salaries and expenses of the inspectors, and the permittee shall reimburse the Township for costs by the Township within 30 days after receipt of the statement setting forth sums expended by the Township.
- E. If the permittee and/or its contractor, after making an opening in the highway and/or property to place or repair pipe or for any other purpose, fails to restore any portion of highway right-of-way or public land to conform with specifications of the Township, the Township

reserves the right to do the work and bill the permittee for the cost of restoration.

- F. The permission herein granted does not relieve the permittee and/or its contractor from obtaining any consent otherwise required from the owner of the abutting property and does not confer upon the permittee and/or its contractor the right to cut, remove or destroy trees or shrubbery within the legal limits of the highway or public lands except under such conditions, restrictions and regulations as the Township may prescribe.
- G. If at any time the structure or facility shall become a hazard from any cause whatsoever the permittee and/or its contractor shall have the same removed or repaired within 48 hours after receipt of written notification, except at times of extraordinary happenings when extension of such time limit may be given by the Township.
- H. After each and every excavation made by the permittee and/or contractor in any public property, road or highway right-of-way covered by the highway occupancy permit incident to the erection, repair, resetting or removals of any poles, manholes, conduits, water, steam, oil, gas pipes, sewers or any other obstructions or construction, said permittee and/or its contractor shall, under the supervision and direction of the Township, restore the road or property to a condition conforming to requirements and/or specifications of the Township. So long as said permittee and/or its contractor leaves in place such structures and appliances, in, upon or along said highway right-of-way, the permittee and/or its contractor shall maintain and keep in good order and repair the said structures and appliances. By issuance of the highway occupancy permit, the permittee covenants and agrees to fully indemnify and save harmless the Township of Allen and local authorities of and from all liability for damages or injury occurring to any person or persons or property at or on said roads or property through or in consequence of any act or omission of any contractor, agent, servant, employee or person engaged or employed in, about, or upon the said work, by, at the instance or with the approval of consent of the permittee, or from the failure of the permittee and/or its contractor to comply with the provisions for maintenance as set forth herein.
- I. If at any time in the future, the highway is widened or the alignment or grades change, the permittee must change or relocate, at its own expense, any part of the structure covered by this highway occupancy permit which interferes with the improvement of the highway.
- J. During the time when the highway right-of-way covered by this highway occupancy permit is under process of construction and/or until said road or highway is accepted by the Township or local authorities, no permittee and/or its contractor will be authorized to

enter upon said highway right-of-way for the purpose of erecting poles, laying conduits, water, steam, oil or gas pipes or sewers, or doing any other work whatsoever which might interfere with the construction of the road or highway, unless said permittee and/or its contractor shall first file with the Township or local authorities a duly attested certificate signed by the contractor or other authority constructing said road or highway, which certificate shall contain full consent to such proposed operation of said permittee and/or its contractor within the lines of the said highway right-of-way, together with a satisfactory waiver, release, and quitclaim to the Township and the local authorities, of all damages and all defenses whatsoever for delays by reason of such operations and occupation of said roadway by said permittee and/or its contractor, or from any cause whatsoever resulting by reason of such operation and occupations, provided that the provisions of this paragraph shall not apply in case of emergency; in such case the permittee and/or contractor shall procure the written consent of the Township to do such work as may be deemed necessary to correct the existing emergency conditions.

- K. Any work done under any issued highway occupancy permit shall be subject to the conditions, restriction, and provisions of this highway occupancy permit which shall govern all excavations, openings, and trenches for the purpose of making repairs to any poles, conduits, water steam, oil, or gas pipes, or sewers, or other structures, or property and appurtenances thereto belonging, erected on or in the highway right-of-way.
- L. Any highway occupancy permit issued is subject to any additional rights which the Township or other local authority in which the work is to be done may have in such matters.
- M. After a highway occupancy permit is granted by the Township it shall not be assigned nor transferred without prior approval from the Township.
- N. To protect the property, highway surface or pavement on said projects, all equipment used by the permittee and/or its contractor shall be approved by the Township. Equipment operating on pavement shall have rubber runners or wheels. In the event that other than rubber equipped machinery is used the pavement shall be protected by the use of heavy rubber or similar matting which shall be a minimum of four inches wider on each side than the tracks or wheels of the equipment used.
- O. If, in the construction work, the permittee will be required to use certain blasting operations in the excavation the permittee agrees to make, execute and deliver to the Township of Allen, a bond in the sum stipulated by the Township with surety in the form of a surety company, duly registered and authorized to do business in

Pennsylvania, conditioned that the permittee will save harmless the Township of Allen, from any damages whatsoever to its property, subgrade, special subgrade, subbase, drainage facilities, road material, and any other installations or matters in, under or on the property or highway right-of-way for an eighteen-month period from the date of the completion of the last work covered by this agreement. Said bond to be executed, simultaneously with the execution of any agreement to the date of approval by the Township of an application filed by surety for release of liability. Also, the permittee must provide copies of the license of the registered blaster and of the State permit for blasting.

- P. Traffic control for work authorized by this occupancy highway occupancy permit must be carried out in accordance with the requirements of the Pennsylvania Department of Highways, Bulletin 203. In this connection, the permittee shall use due diligence in the execution of the work authorized under this highway occupancy permit in order not to obstruct unnecessarily or endanger travel along said highway. All safety provisions for the free movement of traffic shall be provided by the permittee.
- (1) Warning signs shall be placed beyond each end of the actual operation a distance of at least 300 feet in such a manner as to be visible to the traveling public. These signs shall display the name of the permittee and/or the contractor. Special employees shall be assigned by the permittee and/or its contractor to direct traffic when it becomes necessary to limit it to one way. Advance permission must be obtained from Township, or its authorized representative before directing traffic through one lane. Substantial barricades with adequate illumination shall be provided and maintained for any open trench or hole in the highway right-of-way in a manner approved by the Township.
 - (2) Flagmen will be required as specified and in accordance with PennDOT Publication 408.
- Q. If it would become necessary to open the surface of the highway, plates or bridging will be required on all openings made within the improved surface which have a shortest dimension in length or width of six feet or less whenever work cannot be completed within the same day, during peak traffic hours or in the manner specified on the highway occupancy permit. The plate or bridging is to be extended a minimum of 18 inches on either side of the opening and tied into the existing cartway.
- R. A marker for identification showing the name of the permittee shall be placed in each opening or impairment made for service installations or repairs within the improved surface of state highway. The marker shall have a head at least 1 1/2 inches in diameter with a

six-inch spike. It shall be placed at the nearest edge of the cut closest to the edge of the improved surface and shown on the plans attached to the application.

- S. Where an underdrain, storm sewer, or other structure or facility is encountered, it shall be replaced or restored by the permittee and/or its contractor in accordance with the prevailing standard of the Township.
 - T. The permittee and/or its contractor shall place the top of manholes so that it shall be even with the elevation of the highway and slope of its shoulder, unless a lower elevation is approved by the Township.
 - U. All excess excavated material shall be removed and disposed of outside the legal limits of the highway as the work progresses, unless the approval of the Township is obtained for disposal of the material within the legal limits of the highway. All parts of the highway and various structures disturbed shall be restored to a condition equal to that which existed before starting the work. Guide rails shall be replaced to the present alignment, and any guide posts discolored through the work of the permittee and/or contractor shall be refinished by washing or repainting.
2. Subsurface Road Crossing Operations.
- A. Bituminous road surface placed within last five years. Any opening or impairment of any nature whatsoever of any improved surface within a Township right-of-way as authorized by a Township highway occupancy permit of any kind shall be made in accordance with the following specified provisions if the roadway surface was placed within five years prior to highway occupancy permit application.
 - (1) In case it is necessary to cross under any improved road or highway, the opening for a pipeline shall be drilled, bored, or driven on a horizontal plane at a minimum depth of three feet below the surface of the road or highway, or the structure may be placed otherwise by tunneling when approved by the Township. Trenching will be authorized by the Township, in writing, where tunneling would present any danger to life. Where necessary to cross the improved road or highway by tunneling, the crossing shall be made, except in solid rock formation, under 1/2 of the improved road width, and the pipe or structure placed and the hole carefully backfilled with 1:3:6 concrete of a dry consistency thoroughly tamped, and allowed to stand 24 hours before traffic is permitted to use that half of the road. The second half of the tunneling is to be completed in the same manner, so at least one way traffic will be maintained over 1/2 the improved road or highway while the second half is being tunneled. In solid rock formation the crossing may be

made by trenching when approved by the engineer representing the Township, but not more than 1/2 of the width of the pavements shall be opened, the structure placed, the trench backfilled as specified in Subsection 2B below.

- (2) No openings for the purpose of placing pipe lines or other structures under the improved surface of the road or highway by drilling, boring, driving, or tunneling shall be made closer than three feet to the edge of the improved surface of the road or highway.
- (3) The permittee is responsible for all costs and expenses of making and maintaining immediately temporary or permanent restoration of disturbed areas. Temporary restoration within the highway paving shall consist of a minimum eight-inch stone base with a two-inch bituminous material and shall be kept in place for a minimum of 90 days. Permittee shall make final restoration as required by the Township of such areas and be responsible for any subsequent failure of the highway surface during a period of two years following completion of the permanent restoration work. Restoration may include the requirement of full lane overlays if deemed necessary by the Township.

B. Bituminous Road Surface Placed More Than Five Years Prior To Permit Application.

- (1) Trenching may be authorized in writing by the Township.
 - (a) If tunneling is required, Subsection 2B above shall apply.
 - (b) If trenching is authorized, not more than 1/2 of the width of the pavement shall be opened, the structure placed and trench backfilled as specified in Subsection 2B(2) and (3) below.
- (2) Suitable material from the excavated trench may be retained to provide insulation around and over the utility to a height not to exceed 12 inches over the top of the pipe, conduit, etc. This material shall be compacted in four-inch layers. This material shall be placed or stored on the side of the operation farthest from the road material or pavement, unless otherwise authorized by the Township, and in such a manner that there will be no interference with the flow of water in any gutter, drain, pipe, culvert, ditch, or waterway. The remaining excavated material must be removed from the site. The trench must then be backfilled with flowable fill (unless compacted 2A is authorized by the Public Works Superintendent) as provided

by an approved concrete plant, up to the bottom elevation of the road base. Flowable fill shall conform to PennDOT strike-off letter 430-97-38 and the related details and specifications.

- (3) Prior to the replacement of the Base Course the exiting Base and Surface must be sawed or drilled (holes six inch on centers if drilled) one foot on each side of the trench and removed. The binder, and/or wearing course shall be placed and should conform to the existing type of road paving courses, with a minimum depth of five inches BCBC and 1 1/2 inches of wearing.

C. Reinforced Cement Concrete Pavement.

- (1) If the existing pavement is a Reinforced Cement Concrete Pavement the method of trench backfilling shall be in accordance with the requirements as set forth in the preceding section for Bituminous Pavement, Subsection 2B. The pavement shall be sawed or drilled in a neat straight line one foot on each side of the trench prior to the replacement of the base.
- (2) The replacement base must consist of High Early Strength Concrete equal in depth of the original concrete pavement. The surface must be cured in accordance with PennDOT Publication Form 408.
- (3) After surface corrections have been completed and just before the concrete becomes non-plastic, the surface shall be given a drag finish in accordance with PennDOT Publication Form 408.

3. Utilities Installed Parallel to Road Center line.

- A. Trenches for conduits, water, steam, oil, gas pipes, and sewers and other obstructions placed parallel with the road or highway shall be dug so that the near edge of the trench is at least three feet outside of the edge of the road material, unless the Township shall authorize in writing a lesser clearance. A greater distance shall be used wherever practicable.
- B. Any trench for construction shall not be opened for a distance of more than 200 feet at any one time, unless specifically authorized by Township. At no time will the permittee be permitted to leave more than 25 feet of trench open at the end of a working day whenever utilizing the shoulder of a Township highway for the utility.
- C. The Board of Supervisors may grant specific permission for utilities to be located within the shoulder of the roadway. Backfilling and final

restoration of the shoulder of Township highways shall be made as follows:

- (1) Local material excavated from the trench may be used for insulation around the utility to a height not to exceed 12 inches over the utility. The remaining backfill must be made with 2A aggregate mechanically compacted in four-inch layers. If the length of the utility exceeds 50 feet, the shoulder must be restored to the specifications directed by the Township.
- (2) The permittee is responsible for all costs and expenses of making and maintaining immediately temporary or permanent restoration of disturbed areas. Temporary restoration within the highway paving shall consist of a minimum eight-inch stone base with a two-inch bituminous material and shall be kept in place for a minimum of 90 days. Permittee shall make final restoration as required by the Township of such areas and be responsible for any subsequent failure of the highway surface during a period of two years following completion of the permanent restoration work. Restoration may include the requirement of full lane overlays if deemed necessary by the Township.

4. Surface or Overhead Operations.

- A. Utility poles, guys and other ground mounted utility appurtenances shall be placed as far from the edge of the traveled roadway as possible and still be within the right-of-way or easement. No poles or other overhead structures shall be placed where they will obstruct the view of traffic on the highway, nor within five feet of any warning or direction sign, unless specifically permitted in writing by the Township.
- B. All wires, except power transmission and supply lines, appurtenances, or supports attached to poles which cross the highway shall be placed or erected so as to provide a minimum vertical clearance of 18 feet within right-of-way limits of highway. Where power transmission and supply lines cross a highway in urban and rural areas, vertical clearance and other requirements of the National Electrical Safety Code must be complied with. All guys shall be placed so as to avoid interference with traffic of all kinds on the highway and must present a neat appearance when installed; if for electric power lines they must be adequately insulated at a point not less than 10 feet vertical above the ground; if for telephone lines when in proximity to electric light or power lines they must be adequately insulated at a point not less than eight feet vertical above the ground.
- C. Exception:

- (1) When guys are permanently grounded in conformity with accepted grounding practice; insulators may be omitted provided, however, that permittee states in the application for highway occupancy permit the method whereby such guys, when installed, will be properly grounded, and will, thereafter, be maintained, through periodic inspection of all ground connections. This exception applies primarily to guys exposed to circuits carrying more than 14,000 volts and to guys permanently grounded throughout in connection with any grounded supply circuits using continuous ground wires.
- D. All poles installed on the right-of-way of a Township highway which requires marking, shall be equipped at the time of installation with three size (A) crystal colorless reflector buttons, mounted in a vertical row, spaced six inches apart, six feet above the grade of the crown of the road. The row of buttons shall face approaching traffic forming an axis with a five-degree angle toward the roadway, as indicated by the current standards of the Department of Transportation. When present pole markings are in need of replacement or repainting, the reflector buttons shall be installed on those poles, in conformity with aforesaid standards.
- E. All poles that may be erected shall be numbered, and each number, together with the initials of the permittee, shall be plainly designated thereon by and at the expense of said permittee.

§ 21-107. Violations and Penalties. [Ord. 2006-09, 11/9/2006]

Any person, partnership, or corporation who has violated any of the provisions 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 \$1,000 plus all court costs plus 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 judgement, 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 violation 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 5th day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that the violation continues shall constitute a separate violation.

PART 2**CONSTRUCTION, RECONSTRUCTION AND REPAIR OF CURBS****§ 21-201. Construction of Curb. [Ord. 97-6, 5/28/1997, § 1]**

The Allen Township Board of Supervisors may require the owners of property abutting on any street within Allen Township (including state highways) to construct, reconstruct or repair, at the owner's sole expense, curbing and gutters for the safety and convenience of the public along such property in accordance with the specifications contained herein.

§ 21-202. Notice of Curb Construction. [Ord. 97-6, 5/28/1997, § 2]

1. It shall be the duty of all property owners as described in § 26-201 above to construct, reconstruct, or repair all curbs along their property in accordance with the provisions of this Part upon written notice to do so issued by the Allen Township Board of Supervisors.
2. Said written notice shall be given by certified mail or personal service, and shall require that the property owner commence construction, reconstruction or repair within 30 days of the issuance of the aforementioned notice, and complete the same within 60 days said date. In the event that the property owner fails to comply with the notice provided herein, the Township shall be authorized to construct, reconstruct, or repair the curb at the sole expense of the property owner as hereinafter specified.

§ 21-203. Payment of Construction Costs. [Ord. 97-6, 5/28/1997, § 3]

1. When any curbs are constructed, reconstructed or repaired by the Township of Allen under the provisions of this Part, the expense of the construction of the curbs shall be paid by the abutting property owners in proportion to their street frontage. Provided, that no property owner shall be liable for the costs of construction of the curb in an amount greater than 15% of the assessed valuation of the abutting property.
2. Within 15 days after the completion of the construction, reconstruction, or repair of said curbs by the Township, the Township Engineer shall file with the Township an itemized statement setting forth the costs of construction, along with a list of each owner of property or real estate abutting said curbing. Thereafter, the Township Secretary shall give notice to said property owners, by certified mail, personal service, or by leaving said notice at the affected property, that the costs of construction, which may include a 5% administration charge, are due and payable at the Allen Township Municipal Offices. If an abutting property owner fails to remit the payment for which they are liable within 30 days subsequent to the date of said notice, the Board of Supervisors may recover the amount by action of

assumpsit or may file municipal liens therefore against the abutting properties under law for the filing and collection of municipal liens.

§ 21-204. Construction and Repair at Owner's Initiative. [Ord. 97-6, 5/28/1997, § IV]

Nothing contained herein shall prevent any property owner from constructing, reconstructing or repairing any curb abutting his property at his own initiative, provided that said owner shall make application to Allen Township prior to commencing any such work, which shall conform to the specifications contained herein. In addition any property owner acting pursuant to the provisions of this section shall notify the Township Engineer within two working days after the completion of the work.

§ 21-205. Specifications. [Ord. 97-6, 5/28/1997, § V]

Curb design, specifications, and construction procedures are to be in accordance with the standards contained in the Township Subdivision and Land Development Ordinance [Chapter 22], latest edition, as amended.

§ 21-206. Inspections. [Ord. 97-6, 5/28/1997, § VI]

All work done in accordance with this Part shall be subject to inspection and approval by the Township Engineer. The Township Engineer is hereby empowered to order cessation of work in the event that it is being done in violation of this Part and all owners subject to the provisions of this Part shall cease work immediately upon receipt of notice either oral or written by the Township Engineer.

§ 21-207. Violations and Penalties. [Ord. 97-6, 5/28/1997, § VII; as amended by Ord. 2007-04, 11/8/2007]

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.

PART 3
CONSTRUCTION STANDARDS

§ 21-301. Applicability. [Ord. 98-7, 11/12/1998, § 1.0]

All improvements required to be installed by the Allen Township Subdivision and Land Development Ordinance [Chapter 22], the Allen Township Zoning Ordinance [Chapter 27], and any other applicable ordinance, shall be constructed, built, installed, and maintained pursuant to the standards contained in this Part. In the event that an improvement required to be installed is not covered by the provisions of this Part, then the provisions of the Allen Township Subdivision and Land Development Ordinance [Chapter 22] or other applicable ordinance shall then apply. The Board of Supervisors, in its sole discretion, may waive the standards set forth in the within Part provided that an applicant requesting such a waiver provides good cause for the same.

§ 21-302. General Construction and Maintenance Standards. [Ord. 98-7, 11/12/1998, § 2.0]

The following General Construction Standards shall apply for the construction of all improvements:

- A. Construction Season.
 - (1) General Construction Season. The installation of all improvements shall begin on March 15th and shall end on December 31st, of any year, except with written permission of the Township Engineer.
 - (2) Placement of Paving Mixtures. Bituminous paving mixtures shall not be placed between October 31st and April 1st, of any year, except with written permission of the Township Engineer. Also, bituminous paving mixtures shall not be placed when prohibited by weather as specified in PennDOT Publication 408, § 401.3.
- B. Cement Concrete Structures. All poured in place concrete structures shall be cured and protected as specified in PennDOT Publication 408, § 1001.3.
- C. Improvements. Any and all improvements required to be installed by the Township or offered for dedication to the Township shall be completed in a first class condition in accordance with the Township's specifications. The Township shall not approve said required improvements nor accept dedication of any improvements unless and until the Township Engineer certifies that the same have been completed in accordance with those specifications.
- D. Sinkholes. All sinkholes which exist within any easement or any area being dedicated to the Township shall be repaired to the satisfaction of the Township Engineer. Sinkholes may not be filled with construction waste materials or any other type of debris.

- E. Limit of Open Trench. Not more than 100 feet of trench shall be excavated in advance of pipe or utility installation and backfilling. All trenches shall be closed at the end of each working day or appropriate safety precautions shall be taken to guard against accidents or collapse of trench walls.
- F. Safety. Compliance with all State and Federal and/or local regulations and rules regarding the safety of all the workers and citizens and the construction site is the developer's responsibility.
- G. Control of the Work. The Township, its agents, employees and consultants have reviewed any plans and/or documents submitted as part of the approval process for the sole purpose of determining compliance with applicable Township ordinance and regulations. Any construction methods and procedures, safety issues surrounding the installation of any improvements are the sole responsibility of the property owner and/or developer.
- H. Observation of Work and Approvals.
 - (1) Township and/or its Inspectors shall have a right to make observations of the work in progress and perform or observe performance of tests as necessary to record compliance or noncompliance of construction of improvements for use in making decisions as to whether or not the developer is in compliance with approved development plans, specifications and/or local ordinances. The Township remedies for noncompliance or ordinance violation include but may not be limited to:
 - (a) Non-release of construction security.
 - (b) Request for additional construction security.
 - (c) Non-acceptance of improvements.
 - (d) Remedies specified in a developer's agreement.
 - (2) Observation of the construction and/or performance or observation of tests can be conducted by the Township and/or its Inspectors or, (as appropriate) by the Public Utility Authority or Public Utility Company responsible for a particular required service utility.
- I. Maintenance of Improvements. After construction and dedication of improvements, the developer is responsible for maintenance of improvements for a period of 18 months and to post financial security to secure their structural integrity and functioning. After the expiration of the developer's responsibilities for installation, the maintenance responsibilities for improvements shall be as follows:
 - (1) For any public utility such as water service, sanitary service, electric or gas, the maintenance by the Utility Authority or Company shall extend to the limit of a public right-of-way line or public easement line

or a shut-off valve or terminal connecting manhole or other similar private line connection point, unless otherwise regulated in the utility owners rates, rules and regulations, or other specific ordinances or agreements either currently in effect or which may be approved in the future.

- (2) For public streets rights-of-way, the Township or State maintenance responsibility shall extend to the limit of the traveled cartway and shoulders. In the case of a curbed road, the Township or State maintenance responsibility shall extend to the curb face. The Township, along Township Roads and the State, along State roads have a right to take on additional maintenance beyond the curb or shoulder limits as they might determine necessary or desirable, on a case by case basis. The curb, sidewalk and street trees and planting screens and grass located in or along the edge of the roadway is the maintenance responsibility of the abutting private property owner, unless otherwise specifically defined by existing or future ordinances or amendments.
 - (3) Public parks or dedicated and accepted open space, recreation areas, or stormwater management areas accepted by Fee Simple Deed and by Township resolution as public lands, shall be maintained by the Township to the limits of the lands so accepted.
 - (4) Storm drainage easements or rights-of-way, emergency access easements or rights-of-way, and/or pedestrian easements or rights-of-way located on a private property shall be maintained by the owner of the private property. The owner of the private property shall maintain the easement or right-of-way in grassed or improved condition in accordance with the elevations, grades and designs shown on the Approved Development Plans. These easements or rights-of-way shall be maintained free of obstructions such as fill, temporary or permanent structures, and plants, except as may be shown on approved development plans. The Township shall, however, have the right to maintain, alter or improve these easements or rights-of-way or amend the approved development plans for these areas.
- J. Reference to Other Specifications. Throughout this Part references will be made to various industry standard specifications. When such standards are referenced, they are to be considered as being fully incorporated and repeated into and as part of this Part. These document references, in part, refer to "PennDOT Publication 408." This document is the Pennsylvania Department of Transportation Standard Specification Publication 408, as amended.

§ 21-303. General Road Requirements. [Ord. 98-7, 11/12/1998, § 3.0]

The elements of street and road right-of-way construction shall consist of road grading to the full right-of-way, concrete curbing, paving and concrete sidewalk as required in this Section.

- A. Arterial roads shall have an eighty-foot design right-of-way minimum and at least two twelve-foot traffic lanes and two paved ten-foot pull off lanes/shoulders. Curbs and sidewalks are required.
- B. Collector roads shall have a sixty-foot design right-of-way minimum, and at least two twelve-foot traffic lanes and two eight-foot paved shoulders. Curbs and sidewalks are required in all developments except single-family detached residential developments with densities of less than one dwelling unit per acre. Further, by special permission of the Board of Supervisors sidewalk requirements can be waived in residential subdivisions with densities of less than three dwelling units per acre, if the Board finds that they would not be needed for convenient access or pedestrian safety of the area.
- C. Local Streets.
 - (1) In nonresidential developments and residential developments with a density of three dwelling units per acre or more, the local street right-of-way shall be 60 feet and shall consist of at least:
 - (a) Two ten-foot traffic lanes.
 - (b) Two eight-foot parking/gutter lanes.
 - (c) Concrete curb and concrete sidewalk.
 - (2) In residential subdivisions with a density of less than three dwelling units per acre but more than one dwelling unit per acre, the local street right-of-way shall be 50 feet and shall consist of at least:
 - (a) Two twelve-foot traffic lanes.
 - (b) Two four-foot paved shoulders/gutters.
 - (c) Concrete curbing and sidewalk.
 - (3) In residential subdivisions with a density of less than one dwelling unit per acre, the local street right-of way shall be 50 feet and shall consist of at least:
 - (a) Two ten-foot traffic lanes.
 - (b) Two four-foot paved shoulders.

- D. All paved shoulders, pull-off lanes, gutters and widened portions of road are to be constructed to the same standard as required for the abutting road.
- E. Culs-de-sac shall be provided with a fifty-two-foot radius right-of-way and a forty-foot radius paved area. The maximum length of a permanent cul-de-sac shall be 600 feet, measured from the center of the intersecting road to the center of the cul-de-sac.
- F. Residential density shall be interpreted as being the number of dwelling units in the total development divided by the area of the development, excluding dedicated street rights-of-way and dedicated park or open space areas.

§ 21-304. Specific Road Requirements. [Ord. 98-7, 11/12/1998, § 4]

All roads and streets shall be constructed and built in accordance with current Pennsylvania Department of Transportation Specifications Form 408 and with the following standards:

- A. Width and grading of streets shall be as shown on Exhibit A.¹
- B. Subgrade shall be compacted and crowned with the required street crown and shall be prepared to PennDOT Form 408 § 210 Requirements.
- C. Subbase shall be provided and installed in accordance with PennDOT Form 408 § 350, to a compacted depth of three inches for collectors and arterials and two inches for local streets. 2A coarse aggregate may be utilized.
- D. Base shall be provided and installed in accordance with PennDOT Form 408 to the following Specification Section: (Note — All depths are measured after compaction.)

Section 305. Bituminous Concrete Base Course.

Six inches in depth for Arterials.

Five inches in depth for Collectors and Local Streets.

- E. Prime coat material shall be required just prior to the construction of the surface course. Such prime coat shall be applied to the base in accordance with PennDOT Form 408 § 461 at a rate of 0.15 to 0.25 gallons per square yard.
- F. Surface Course shall be provided and constructed in accordance with PennDOT Form 408 to the following Specification Section: (Note — All depths are measured after compaction)

Section 420 and 421.

ID 2 binder and wearing laid as individual courses.

¹Editor's Note: Exhibit A is included at the end of this chapter.

Two-inch binder 1 1/2 inch wearing for Arterials and Collectors.
One and one-half-inch wearing for local streets.

- G. Repairs shall be made to the same specification as new paving. Repairs shall be done neatly and shall be sealed at the joint with hot bituminous material. The seal is to be at least 12 inches wide and is to be coated with sand or screenings.
- H. Crown is to be 1/4 inch per foot minimum and 3/8 inch per foot maximum unless the street has a designed super elevation.
- I. Any fill or embankment material placed in the street right-of-way or adjacent thereto, for street construction purposes, shall be placed in accordance with PennDOT Form 408 § 206.
- J. Trench backfill shall be done in accordance with the requirements of PennDOT Form 408 § 601. For street areas being paved, backfill must be made with 2A coarse aggregate meeting the requirements of Form 408 § 350.2.

§ 21-305. Parking Lots or Private Roads. [Ord. 98-7, 11/12/1998, § 5.0]

All parking lots or private road specifications subject to approval by the Board of Supervisors by other ordinances shall meet or exceed the width requirements for local streets and shall be constructed of paving or concrete to a depth as recommended by the design engineer.

§ 21-306. Concrete Curb and Sidewalk. [Ord. 98-7, 11/12/1998, § 6.0]

Concrete curbing and sidewalk shall be provided when required as shown on Exhibit B.²

- A. Concrete material and placement and curing shall be provided as required by the Pennsylvania Department of Transportation Specification Form 408 (current edition) for Type A concrete 3,300 psi twenty-eight-day strength, in § 704.
- B. All exposed surfaces are to be finished.
- C. Expansion joints of 1/2 inch premolded bituminous expansion joint material are to be provided at intervals of 30 feet or less and against all structures.
- D. Contraction joints shall be provided at equal intervals of five feet or less for sidewalks and 10 feet or less for curb.
- E. Sidewalk and curb depressions are to be provided at intersections for handicap access. A maximum slope of sidewalk of 1:12 and a maximum

²Editor's Note: Exhibit B is included at the end of this chapter.

- exposure of curb of 1/2 inch will be allowed. The access ramp shall be at least four feet wide.
- F. Subgrade or base must be tamped and stable prior to placement of concrete.
 - G. Radius curb forms shall be used on all returns, on all culs-de-sac, and on all road curves with a center line radius of 500 feet or less.
 - H. Curb cut sheets shall be submitted to the Township Engineer for his review a minimum of three working days prior to forming the curb. The stake out for the curb shall have stakes at a maximum of 10 feet on all curve and 20 feet on all straight or tangent sections. Stakes shall be set at all points on curve and points on tangent of all curves and their station numbers shall be provided.
 - I. Sidewalk thickness: residential four inches; other — five inches; at residential driveways — six inches with minimum No. 6, six by six mesh; at industrial driveways — eight inches with minimum No. 6, six by six mesh. The sidewalk shall be placed upon a four inches thick compacted 2A stone base.

§ 21-307. Street Trees. [Ord. 98-7, 11/12/1998, § 7.0]

No trees, shrubbery, or structures shall be permitted to be planted, placed, or constructed within the right-of-way width of a road regardless of the classification of the same. The within restrictions shall not be applied to prevent the planting of flowers or the placement of mailboxes of a type approved by the U.S. Postal Service, within said right-of-way width.

§ 21-308. Water Systems. [Ord. 98-7, 11/12/1998, § 8.0]

- 1. When proposed or required, water systems for community or public needs shall be provided, installed, and maintained in conformance with the following regulations:
 - A. Pennsylvania Department of Environmental Protection Standards.
 - B. Pennsylvania Public Utilities Commission Standards for systems under their jurisdiction.
 - C. Regulations or specifications of the water service company or Authority providing the water service.
 - D. Specifications to be provided by the developer at the time of Preliminary Plan review must meet or exceed the minimum standards and specifications of the water company and which are subject to review and approval by the Township and its Authority.
- 2. Fire Service must be provided for residential developments containing 100 dwelling units or more and for all developments in existing areas of

community or public water supply. Such fire service must provide for at least 500 GPM at each fire hydrant for two hours with at least 20 psi residual pressure. Fire hydrants shall be located no more than 500 feet from any proposed structure. Fire hydrant threading must be compatible with the local fire department.

§ 21-309. Sanitary Sewer Systems. [Ord. 98-7, 11/12/1998, § 9.0]

When proposed or required sewer systems for community or public needs shall be provided, installed and maintained in conformance with the following regulations:

- A. Pennsylvania Department of Environmental Protection Standards.
- B. Pennsylvania Public Utilities Commission Standards for systems under their jurisdiction.
- C. Regulations or specifications of the sewer company or authority providing the service.
- D. Specifications to be provided by the developer at the time of Preliminary Plan review must meet or exceed the minimum standards of the Allen Township Municipal Authority and which are subject to review and approval of the Township and its Authority.

§ 21-310. Storm Sewer Systems. [Ord. 98-7, 11/12/1998, § 10.0]

- 1. Storm sewer facilities shall be provided, installed and maintained in accordance with the specifications of the Pennsylvania Department of Transportation Form 408 (current revision) and Standard Construction Drawing Standards (current revision). The design and specifications for all facilities shall be presented at Preliminary Plan stage during a subdivision or development plan submission and review, and shall be subject to the review and approval of the Township and must conform with the requirements of the Allen Township Stormwater Management Ordinance.
- 2. All storm facilities shall be designed by a Registered Professional Engineer and three copies of all computations shall be forwarded to the Township for review and approval.

§ 21-311. Streetlighting. [Ord. 98-7, 11/12/1998, § 11.0]

Complete streetlighting facilities shall be provided by the developer, at his expense, at each park, fire hydrant, street intersection and between intersections, if necessary, at a maximum distance of 250 feet from any lot within the subdivision. Streetlights shall be separated by at least 100 feet from each other. Plans for the placement shall be prepared in cooperation with appropriate public utility and by the Township. The subdivider shall have the right to select public utility approved wood or metal poles, however, the type selected shall be the only type installed in the entire development.

§ 21-312. Survey Monuments. [Ord. 98-7, 11/12/1998, § 12.0]

1. Concrete survey monuments shall be provided along one side of each proposed or existing street on the right-of-way line at each point of curve or change in direction, and at every tract boundary corner unless existing monumentation is found for that corner. The location of all monuments shall be shown on the Final Plan. The concrete monuments shall be 36 inches long and eight inches square or in diameter at the base and four inches square or in diameter at the top with a steel cap top, unless otherwise approved by the Township. The top of the monument or bar shall be set flush with the final grade of the property.
2. Lot pins shall be 3/4 inch steel pins or iron pipes at least 30 inches in length.

§ 21-313. Subdrains. [Ord. 98-7, 11/12/1998, § 13.0]

Subdrains may be required adjacent to concrete curb during construction of roads, if it is determined by the Township that such drains are necessary to preserve road integrity in high water table conditions. Such subdrains shall be installed in accordance with Exhibit B.³ The developer must provide a suitable outlet for each subdrain outside the Township right-of-way or into a storm piping system.

§ 21-314. Dedication. [Ord. 98-7, 11/12/1998, § 14.0]

Upon completion and approval by the Township Engineer, of any improvements in areas required or intended for dedication to the Township (or Township Authority) the developer shall execute a Deed of Dedication, in a form satisfactory to the Township Solicitor, for the land being dedicated and the improvements thereon and the developer shall deliver such Deed to the Township (or Township Authority) within 60 days of the approval of the installation of the same by the Township Engineer. The developer shall have no more than two years to complete the improvements from the date of the approval of the Final Plan.

A. The Deed of Dedication should include:

- (1) One original executed deed and three copies.
- (2) Only one street or parcel of ground for each deed.
- (3) A legal description of the property being dedicated with references to the Subdivision or Land Development Plan which shows the land to be dedicated, and with a reference to the date the plan was recorded and the map book and page number of the recorded plan.
- (4) An engineering drawing of the land being dedicated on 8 1/2 inches by 11 inches or 8 1/2 inches by 14 inches paper. If the land being dedicated is a street the plan should show the width of the right-of-way, width of paving, length of street in feet and length of street in miles.

³Editor's Note: Exhibit B is included at the end of this chapter.

- B. Upon review of all documents and upon a specific finding that:
- (1) The developer has satisfactorily completed required improvements in the area being dedicated.
 - (2) The developer has entered into an eighteen-month maintenance agreement and posted maintenance security in an amount equal to 15% of the improvements construction security.
 - (3) The area being dedicated has legal access to existing Township rights-of-way.
 - (4) There is a public need or good served by the land area being dedicated. The Township (or Township Authority) may, at its sole discretion accept such dedication in the manner provided by law.

§ 21-315. Ground Restoration. [Ord. 98-7, 11/12/1998, § 15.0]

1. Surface restoration with topsoil and grass shall be required in all areas of land being dedicated to the Township in Fee Simple or by way of easements, if such areas are not planned for some other type of improved surface.
2. In these grassed areas and in all other areas planned for grass or similar vegetated soil cover, the following specifications shall be utilized for the surface restoration, unless the approved project plans show some alternate method of surface restoration:
 - A. PennDOT Publication 408 Specifications shall be used for topsoil installation; seed bed or sod bed preparation, fertilization, seeding or sodding and mulching.
 - B. Subsoil grading shall be done to a smooth and uniform condition, without sharp breaks and with 5:1 slopes or flatter, unless otherwise approved on the development plans.
 - C. Topsoil shall be at least four inches thick.
 - D. Type "D" seed shall be used in drainage ways.
 - E. Type "B" seed shall be used in other areas.
 - F. Sod may be used as desired or as needed to stabilize erodible areas.
 - G. No such area shall be accepted or approved by the Township unless the grass or approved ground cover has satisfactorily grown and stabilized the soils.

§ 21-316. Violations and Penalties. [Ord. 98-7, 11/12/1998, § 16; as amended by Ord. 2007-04, 11/8/2007]

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.

PART 4
BUILDING NUMBERING AND ROADWAY NAME SIGNS

§ 21-401. Definitions.

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

ADDRESSABLE BUILDING — Any habitable residential structure and any nonresidential structure containing single or multiple retail, commercial or other units, whether vacant or occupied part-time or full-time.

§ 21-402. Numbering of Buildings; Building Number Signs; Exceptions.

1. Building Numbers Required. It is and it shall be the duty of each and every owner, trustee, lessee, agent, occupant, and possessor of each and every existing addressable building located in Allen Township, whether on a public or private roadway, to provide for the numbering of said building with the official building number assigned by Allen Township in conformity with the Northampton County 911 Address Project. The building number sign shall be installed on an approved post and/or mounted at the intersection of the driveway to the building and the private or public road, mounted on the building or structure in accordance with the provisions of this Part, or as otherwise provided for herein. The building number shall be permanently posted and affixed as set forth herein. All persons required to number existing or proposed addressable buildings shall contact Allen Township and secure an assigned building number.
2. Specifications of Building Number Posts and Signs; Location of the Sign. The building number sign shall be placed on a clearly visible approved post or mount or other similar approved structure located upon the subject property where the driveway intersects with the Township, state, or private roadway. The building number sign shall not be placed in the right-of-way, unless placed on a preexisting approved structure, but rather on the property upon which the building is located immediately adjacent to the right-of-way. However, if the building or structure is located within 30 feet of the roadway and the other provisions set forth herein are complied with, the building number sign may be placed conspicuously on the structure itself.
3. Sign Specifications. The building number sign shall have four-inch-high white reflective numbers with a green reflective background, visible both during the day and the night, and shall be placed on a six-inch-by-eighteen-inch rectangular sign displayed either vertically or horizontally. The sign shall be placed where the driveway to the addressable building intersects with the public or private roadway on the same side of the street as the addressable building and at a location clearly visible when approaching the driveway from either direction. Building numbers shall be positioned such that snow, leaves, tree branches, shrubs or other such impediments shall not

impair the visibility required by this Part. Building numbers shall also satisfy the following criteria:

- A. Numbers shall be four inches in height and spaced in a manner so that the reader can easily read the building number.
- B. The numbers may be displayed either horizontally or vertically.
 - (1) Horizontal Display: The numbers shall be positioned horizontally and correctly read from left to right.
 - (2) Vertical Display: The numbers shall be positioned vertically and correctly read from top to bottom.
- C. The numbers shall be in reflective white numerals and shall be visible from both directions on the roadway, that is, the sign must be a two-sided sign.
- D. The background shall be reflective green so that the reflective white numbers are more visible.
- E. The building number sign shall be easily visible by emergency responders as they approach the subject property and from either direction on the roadway.
- F. The top of the building number sign installed as provided herein shall be at least three feet but no greater than six feet from the ground surface.
- G. Unless otherwise approved by the Township, the building number sign shall be mounted on one of the following configurations:
 - (1) Mounted on the property's U.S. Postal Service mailbox, so long as the mailbox is located at the end of the property's driveway and such numbering is not contrary to U.S. Postal Service regulations. No mailbox which is located off premises (i.e., not at the end of the property's driveway) may be used to mount any sign which is substantially similar to the building number signs required herein.
 - (2) Mounted on the building or structure if such is located within 30 feet of the adjacent roadway.
 - (3) Mounted on a stand-alone post or pole in a manner approved by the Township.
- H. If the building number sign post and/or mount is knocked down and/or removed and/or otherwise rendered ineffective by an unforeseen occurrence, the owner of the subject property shall repair and/or reinstall the building number sign within 30 days of the occurrence.

4. Covering Building Number Prohibited. It shall be unlawful to cover any building number sign with any other sign, drapery, or other obstruction tending to conceal such building number, and all inaccurate, obsolete, or nonconforming building numbers shall be removed from any property, house, building, or other structure when a new number has been assigned, or when so directed by the designated Township representative.
5. Time for Numbering Buildings. All persons required to number buildings, as set forth herein, shall install the requisite building number signs for existing houses, buildings, or structures within six months of the adoption of this Part. The owners of new structures, those structures constructed after the effective date of this Part, shall install a building number sign prior to being issued an occupancy permit.
6. Waiver. The provisions of this Part regarding placement of signs on the property may be modified, upon significant cause shown, by written consent of Board of Supervisors or its appointed designee.
7. Exemption. The provisions of this Part shall not be applicable to multifamily dwellings if the requirements of the Uniform Construction Code, as amended, and any regulations promulgated thereunder, have been met to the satisfaction of the Township's Building Code Official.

§ 21-403. Naming of Roadways; Sign Specifications.

1. Street Names and Signs.
 - A. For purposes of this Part, the term "roadway" shall mean any and all public and/or private roads, streets, lanes, drives, avenues, easements and/or other similar rights-of-way used for vehicular traffic.
 - B. All roadways within Allen Township, whether they be publicly dedicated and publicly maintained, publicly dedicated and privately maintained, or private and privately maintained, having two or more addressable buildings located adjacent thereto which have primary access through such roadway, existing prior to the effective date of this Part or any time in the future, including but not limited to all existing and future mobile home parks, shall apply for and/or be assigned by the Township a designated roadway name that shall be placed on the Township's Official Map or Road Map, and used to identify the roadway on an approved roadway sign. Assignment of new roadway names shall be in conformity with § 22-407 of the Code of the Township of Allen.
 - C. Any such naming or designation of a privately maintained roadway shall not impose any obligation or liability upon the Township for the maintenance, inspection, or improvement of said roadway.

2. Street Signs Specifications. All roadways within Allen Township, both public and private, shall be properly marked with roadway signs in a manner and form acceptable to the Township, and said signs shall comply with the following specifications:
 - A. The sign and pole on which the sign is mounted shall be made of a material and installed in a manner approved by the Township and shall meet the approved current Township and/or Pennsylvania Department of Transportation standards and specifications for street and/or road signs as set forth within the current edition of the Manual on Uniform Traffic Control Devices, as amended (MUTCD).
 - B. The text of the sign shall be six inches in height, in accordance with MUTCD, as amended, and spaced in a manner so it is identifiable and readable from both sides of the roadway. The sign face shall be eight inches in height exclusive of the border, if any.
 - C. The text shall be in reflective white letters and/or numbers in accordance with the minimum retro reflectivity requirements of MUTCD.
 - D. The sign shall be located on a ten-foot-tall pole or in a manner otherwise acceptable to the Township and in compliance with the MUTCD.
 - E. The background of the sign shall be green in color from the reflective text so that the text of the sign is more visible in accordance with MUTCD.
 - F. The signs shall be mounted at each roadway intersection in accordance with MUTCD.
 - G. Signs naming the roadways at the intersection shall be installed with their faces parallel to the roadways they name.
 - H. The sign shall be retro reflective or illuminated to show the same shape and color both day and night.
 - I. All private road signs shall have a reflective white background and reflective green color letters that are of the same color as the public road signs' background color, in order to distinguish private from public roads.
 - J. Abbreviations may be used on street signs (i.e., Rd, St, Blvd, etc.).
3. Time for Repair. If a private roadway sign is knocked down and/or removed and/or otherwise rendered ineffective by an unforeseen occurrence, the owner shall cause the repair and/or reinstall the roadway sign within 15 days of the occurrence.

4. Time for Installing Signs. All persons required to install roadway signs, as set forth herein, shall install said signs for existing roadways, both public and private, within six months of the adoption of this Part. The owners of any new roadways shall procure the official roadway name assignment and complete the requisite sign installation as part of the normal subdivision and land development process. New roadways shall be assigned a name, and the requisite sign shall be installed prior to final Township inspection of the roadway construction.

§ 21-404. Mailing Address Change and Liability.

All persons required to number buildings who do not have another duly authorized mailing address, such as a post office box, approved by the United States Postal Service, and who, as a result of the implementation of this Part, are required to change their mailing address are solely responsible for obtaining and confirming any new mailing address with the United States Postal Service and are solely responsible for notifying any and all other persons and entities of the persons' new mailing address. Consistent with the Political Subdivision Tort Claims Act, Allen Township, its officers, agents and employees, are not liable for any damages or injury occurring to any person or property resulting from any failure to so notify the United States Postal Service or other persons of the address change or for any other act or omission related to the implementation and enforcement of this Part.

§ 21-405. Violations and Penalties.

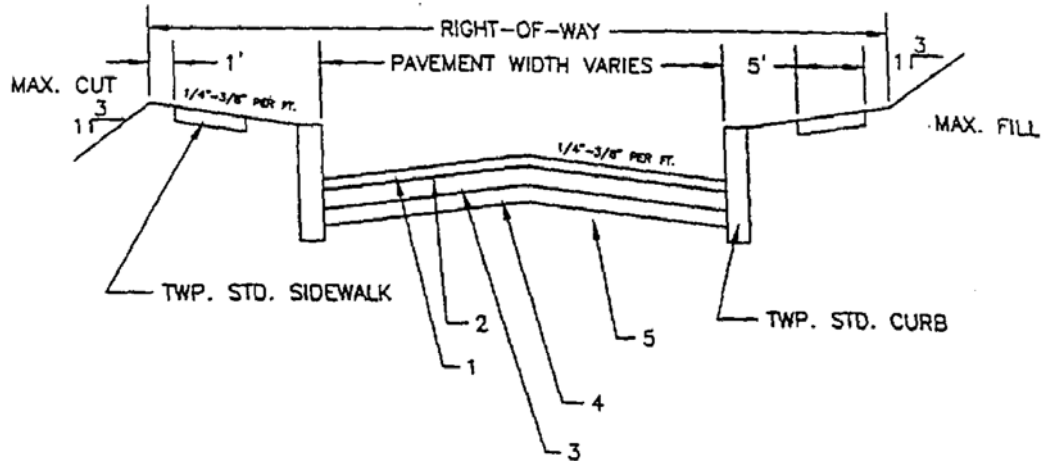
Any persons, firm or corporation who shall number or attempt to number any house, building, or structure contrary to this Part or who shall after six months of the adoption of this Part, and within 30 days of notification by the Allen Township Code Enforcement Officer, fail or neglect to number their building, or structure in accordance herewith, or who shall fail to change the number thereof or fail to remove the old number in cases of a number change, and any person or persons who shall alter, deface, remove, or destroy any number or sign required to be displayed by this Part, or any person or persons, firm or corporation who fails to install the requisite street or road signs required herein and/or attempts to deface and/or remove any such street or road sign, or who shall otherwise violate any of the provisions of this Part, shall be guilty of a summary offense and, upon conviction thereof, shall, at the discretion of the court, be sentenced to pay a fine of not less than \$25 for the first offense and not more than \$50 for the second and all other offenses, the costs of prosecution, and reasonable attorney's fees and, in default of payment thereof, to imprisonment of not more than 30 days. Each day's violation of any of the provisions of this Part shall constitute a separate offense.

STREETS AND SIDEWALKS

21 Attachment 1

Township of Allen

Exhibit A

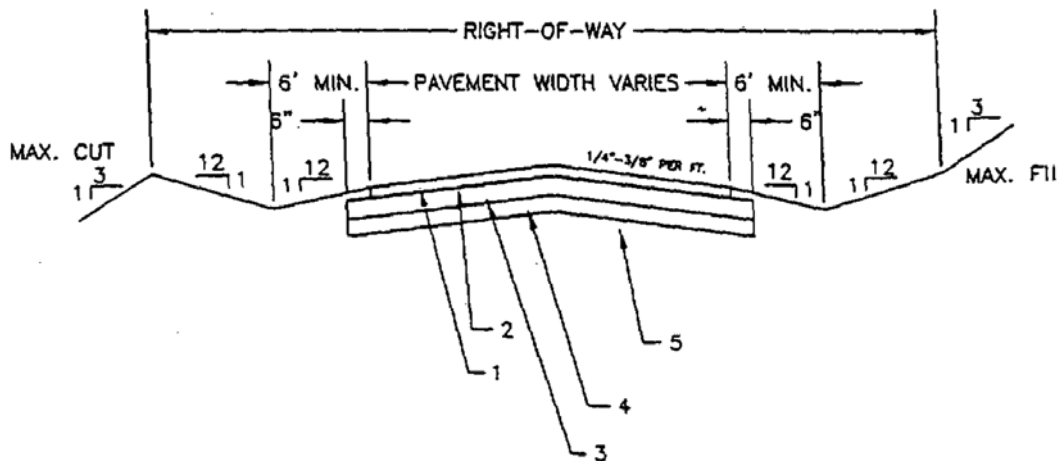


STREET CROSS-SECTION W/ CURB & SIDEWALK

TYPICAL PAVEMENT ELEMENTS

- 1 - SURFACE COURSE(S)
- 2 - PRIME/TACK COAT
- 3 - BASE COAT
- 4 - SUB-BASE
- 5 - SUB-GRADE

NOTE: STREETS WITHOUT CURB OR SIDEWALK SHALL BE GRADED WITH SWALES AS SHOWN BELOW.



STREET CROSS-SECTION W/O CURB & SIDEWALK

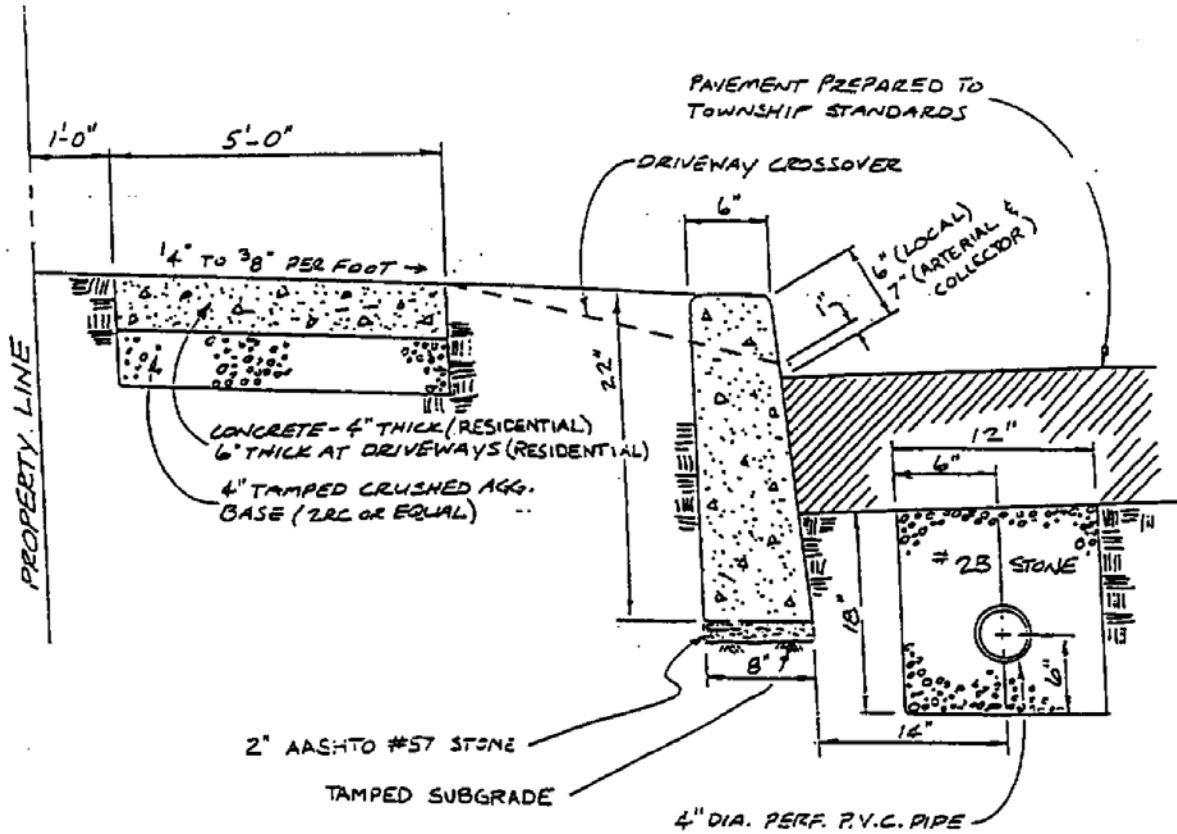
EXHIBIT A

STREETS AND SIDEWALKS

21 Attachment 2

Township of Allen

Exhibit B



CONCRETE CURB, SIDEWALK,
AND SUBDRAIN DETAILS

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- § 22-303. Sketch Plan.**
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- § 22-306. Major Subdivision or Land Development; Preliminary Plan.**
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- § 22-309. Construction Inspection.**
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- § 22-313. Insurance.
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- § 22-402. Required Improvements.
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- § 22-406. Streets and Roads; General Requirements.
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- § 22-414. Storm Drainage.
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- § 22-416. Water Supply, Distribution and Fire Protection.
- § 22-417. Swimming Pools.
- § 22-418. Electrical and Gas Utilities.
- § 22-419. Unusual Hazards.
- § 22-420. Soil and Erosion Control Plan.
- § 22-421. Wetlands or Waterway Encroachment.
- § 22-422. Streetlighting.
- § 22-423. Survey Monuments.
- § 22-424. Subdrains.
- § 22-425. Phasing.
- § 22-426. Geologic Analysis.
- § 22-427. Ground Restoration.

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- § 22-502. Preliminary Plan.
§ 22-503. Final Plan.

PART 6
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§ 22-602. Application Procedures and Plan Requirements.
§ 22-603. Design Standards and Improvements.
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§ 22-702. Modifications.
§ 22-703. Appeals.
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PART 1
PURPOSE AND AUTHORITY

§ 22-100. Purpose and Authority. [Ord. 2001-08, 11/8/2001]

1. An Ordinance of the Township of Allen, adopted pursuant to the authority granted to Allen Township by the Pennsylvania Municipalities Planning Code, establishing rules, regulations and standards governing the subdivision and land development of land located within Allen Township, and setting forth procedures to be followed by applicants, the Township Planning Commission and the Board of Supervisors for complying with and administering these rules, regulations and standards, and setting forth the penalties for violation thereof.
2. Now, therefore, be it ordained by the Allen Township Board of Supervisors under the authority of the "Pennsylvania Municipalities Planning Code," Act No. 247 of the 1968 Pennsylvania General Assembly, as amended.

§ 22-101. Title. [Ord. 2001-08, 11/8/2001, § 1.01]

These regulations, rules, and standards for planning, subdividing, and developing the land within Allen Township, County of Northampton, Pennsylvania, including procedures for the application and administration, and penalties of the violation, thereof, shall be known, cited, and referred to as the Allen Township Subdivision and Land Development Ordinance of 2001.

§ 22-102. Purpose. [Ord. 2001-08, 11/8/2001, § 1.02]

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 citizens of Allen Township.

§ 22-103. Objectives. [Ord. 2001-8, 11/8/2001, § 1.03]

It is intended that the provisions of this Chapter shall be applied to achieve the following objectives:

- A. Orderly development of the land within Allen Township to obtain harmonious and stable neighborhoods.
- B. Safe and convenient vehicular and pedestrian circulation.
- C. Adequate and economical provisions for utilities and public services to conserve the public funds.
- D. Ample public open space for schools, recreational, and other public purposes.
- E. Accurate surveying of land; preparing and recording of plats.

- F. Discouraging of premature, uneconomical, or scattered subdivisions.
- G. Coordination of land development in accordance with the Township Zoning Ordinance, the Township Official Map, the Township Comprehensive Plan, and any other applicable plans, ordinances, and regulations of the Township.
- H. Stormwater management, by reducing stream erosion and maintaining natural stormwater runoff characteristics.
- I. Control subdivision and land development of floodplain areas in order to promote and protect the general health, safety and welfare of the community; to require that each subdivision lot in floodplain areas be provided with a safe building site with adequate access; that public facilities be designed and installed to preclude flood damage; to minimize future flood hazards and future property damage by regulating building construction and land development on floodplain lands.

§ 22-104. Interpretation. [Ord. 2001-08, 11/8/2001, § 1.04]

The provisions of this Chapter shall be held to be minimum requirements to meet the above-stated purposes and objectives. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Chapter shall prevail. Where the provisions of any applicable statute, other ordinance or regulation impose greater restrictions than those of this Chapter, the provisions of such statute, ordinance or regulation shall prevail. Where special circumstances warrant, the Board of Supervisors may impose stricter standards.

§ 22-105. Scope. [Ord. 2001-08, 11/8/2001, § 1.05]

This Chapter shall govern all subdivision and land development within the Township, except that:

- A. Minor land development shall be exempted.
- B. Subdivisions solely involving transfer or dedication of land requested for acquisition by Allen Township or one of its Authorities for municipal purposes shall be exempted.

§ 22-106. Application of Ordinance. [Ord. 2001-08, 11/8/2001, § 1.06]

Within the scope of this Chapter:

- A. No subdivision of any lot, tract, or parcel of land located in the Township shall be affected; no street, sanitary sewer, storm sewer, water main, or other facilities in connection, therewith, shall be constructed, opened, or dedicated for public use or travel until a Final Subdivision or Land Development Plan has been approved by the Board of Supervisors in the manner prescribed herein, and recorded: nor otherwise used except in strict accordance with the provisions of this Chapter. However, improvements

required on the basis of Preliminary Plan Approvals can be undertaken in accordance with this Chapter.

- B. 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 buildings may be erected in a subdivision or land development unless and until a Final Subdivision Plat has been approved by the Board of Supervisors and recorded and until construction of the improvements required in connection, therewith, have been completed and approved by the Board of Supervisors; or until construction of the improvements required in connection, therewith, have been guaranteed in accordance with this Chapter.
- C. No land development shall be commenced unless and until a Final Land Development Plan has been approved by the Board of Supervisors, except as specifically permitted after a Preliminary Plan Approval.

§ 22-107. Conformance With Other Regulations. [Ord. 2001-08, 11/8/2001, § 1.07]

All subdivision and land development shall be in conformance with these regulations, the Comprehensive Plan, the Township Act 537 Sewage Facilities Plan, the Zoning Ordinance [Chapter 27], the Official Map, and such other ordinances and regulations as may be adopted from time to time.

§ 22-108. Repealer. [Ord. 2001-08, 11/8/2001, § 1.08]

This Chapter specifically repeals the existing Allen Township Subdivision and Land Development Ordinance, as amended. All other Ordinances or parts of Ordinances or Resolutions or parts of Resolutions, which are inconsistent, herewith, shall be and the same are hereby expressly repealed.

PART 2
DEFINITIONS**§ 22-201. Intent. [Ord. 2001-08, 11/8/2001, § 2.01]**

The following terms shall have, throughout this Chapter, the meaning given herein. Any word or term not defined herein shall be used with a meaning of standard usage.

§ 22-202. General Terms. [Ord. 2001-08, 11/8/2001, § 2.02]

1. Words used in the singular include the plural, and those used in the plural include the singular.
2. Words used in the present tense include the future tense.
3. The words "person," "developer," "subdivider," and "owner" include a corporation, unincorporated association, a partnership, a trust, a company, or other legal entity, as well as an individual.
4. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."
5. The words "should" and "may" are permissive; the words "shall," "must," and "will" are mandatory and directive.
6. The word "Commission" and the words "Planning Commission" always mean the Allen Township Planning Commission.
7. The word "Board" and the words "Township Supervisors" always mean the Allen Township Board of Supervisors.
8. The word "Engineer" always means the Allen Township Engineer.
9. Except as may be otherwise qualified, the meaning of the word "subdivision" also includes "land development."

§ 22-203. Specific Terms. [Ord. 2001-08, 11/8/2001, § 2.03; as amended by Ord. 2002-09, 12/30/2002, § 1]

ALLEY — A public or private minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

ALLUVIAL SOILS — An azonal great group of soils, developed from transported and relatively recently deposited material (alluvium), characterized by a weak modification (or none) of the original material by soil-forming processes.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

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.

APPROVAL — The official sanction of plans or documents by the Allen Township Board of Supervisors.

AUTHORITY — A Municipal Authority which may at any time be formed by the Allen Township Board of Supervisors in accordance with the Municipal Authorities Act.

BLOCK — A tract of land or a lot or group of lots bounded on one side by a street, and other three sides by a street, railroad right-of-way, waterway, unsubdivided area, Township boundary, or other definite barrier.

BOARD OF SUPERVISORS — The Allen Township Board of Supervisors, Northampton County.

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 commercial or manufacturing activity. This definition shall include all mobile homes and trailers utilized for human habitation.

BUILDING, ACCESSORY — A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as the principal building.

BUILDING SETBACK LINE — The line parallel to the street at a distance there from equal to the depth of the front yard required for the district in which the lot is located.

- A. **SETBACK, FRONT** — The distance between the street line (right-of-way line), or front property line, and the front closest point a structure may be constructed to that line, projected the full width of the lot. Commonly called "front yard."
- B. **SETBACK, REAR** — The distance between the rear lot line and the rear closest point a structure may be located to that line, projected the full width of the lot. Commonly called "rear yard."
- C. **SETBACK, SIDE** — The distance between the side lot line and the closest a structure may be located to that line, projected from the front to the rear yard. Commonly called "side yard."

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.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

COMMON OPEN SPACE — A parcel or parcels of land, an area of water, or a combination of land and water within a 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. Common open space shall be substantially free of structures but may contain such improvements as are appropriate for recreational use by the residents.

COMPREHENSIVE PLAN — The Comprehensive Plan of Allen Township.

CONSERVATION DISTRICT — Northampton County Conservation District, Pennsylvania.

COUNTY — Northampton County, Pennsylvania.

COUNTY PLANNING COMMISSION — Lehigh Valley Planning Commission.

CROSSWALK — A sidewalk or pathway located in a right-of-way or pedestrian easement, municipally or privately owned, at least 20 feet in width, which cuts across a block or furnishes access for pedestrians to adjacent streets and properties.

CUL-DE-SAC — A street terminating in a vehicular turn-around.

CUT and/or FILL — Process of earthmoving by excavating part of an area and/or using excavated material from embankment or fill areas.

DEDICATION — A grant of land or improvements for public use made by a property owner.

DETENTION BASIN — 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.

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. The words "subdivider" or "builder" are construed to mean the same as Developer when used in this Chapter.

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.

DEVELOPMENT PLAN — The provisions for development of, 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 the Development Plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition.

DOUBLE OR REVERSE FRONTAGE LOT — A lot extending between and having frontage on two generally parallel streets with vehicular access from only one street; also called "through lot."

DRIVEWAY — A minor vehicular access between a street and a parking area or garage within a lot or property.

DWELLING UNIT — Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating by one family.

EASEMENT — A right-of-way granted for the use of the property of another.

EROSION —

- A. The wearing away of land surface by running water, wind, ice, chemical or other geological agents;
- B. Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

FINANCIAL SECURITY — Any security which may be accepted by the Township in lieu of a requirement that certain improvements be constructed by an applicant/developer before the Final Plan is approved and recorded, including escrow agreements and other similar collateral or surety agreements.

FLOOD, ONE-HUNDRED-YEAR — The flood having a 1% chance of being equaled or exceeded in any given year.

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

FLOODWAY — The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this Chapter,

the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

GRADES —

- A. The slope of a road, channel, or natural ground;
- B. The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared for the support of construction like paving or laying a conduit;
- C. To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation.

IMPROVEMENTS — Physical additions and changes to the land necessary to produce usable and desirable lots.

- A. OFF-SITE IMPROVEMENTS — Those public capital improvements which are not on-site improvements and that serve the needs of more than one development.
- B. ON-SITE IMPROVEMENTS — All improvements constructed on the applicant/developer's property or the improvements constructed on the property abutting the applicant/developer's property, necessary for the ingress and egress to the applicant/developer's property and required to be constructed by the applicant developer pursuant to any Township ordinance, including, but not limited to, the Township Building Codes, Subdivision and Land Development Ordinance and Zoning Ordinance [Chapter 27].

INDUSTRIAL PARK — One or more industrial uses located on a single parcel of land or on separate parcels contiguously arranged to form a planned development of industrial sites or industrial buildings.

LAND DEVELOPMENT —

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

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 persons having a proprietary interest in land. The word "Owner" means the same as landowner and may be used interchangeably.

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

LOT AREA — 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 acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area, but the area of any easement shall be included.

MAJOR SUBDIVISION — Any subdivision, as regulated by this Chapter, which is not otherwise classified as a minor subdivision, shall be termed a major subdivision.

MINOR LAND DEVELOPMENT — Any land development occurring outside the floodplain when the total area of impervious cover proposed and existing on the lot is equal to or less than 10,000 square feet, or when the total area of impervious cover proposed on the lot is equal to or less than 2,000 square feet.

MINOR SUBDIVISION — A minor subdivision is any subdivision which meets all of the following requirements:

- A. All lots abut existing dedicated streets.
- B. No new streets or other improvements are required for the property involved to be in conformance with the Township ordinances and standards.
- C. The resulting subdivision does not involve more than two lots.
- D. Each owner of a parcel of land, existing as of the date of this Chapter and/or after the effective date of this Chapter, may submit only one minor subdivision for that parcel within a twelve-month period.
- E. A Lot Line Adjustment Plan (creating no new lots) is considered a Minor Subdivision and is not subject to Subsection (D) above.

MOBILE HOME (MOBILEHOME) or MANUFACTURED HOME — A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term does not include recreational vehicles or travel trailers; however, for floodplain management purposes, the term "mobile home" also includes park

trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

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.

MULTIPLE-FAMILY DEVELOPMENT — One or more multiple-family dwelling buildings planned as a unit.

NATURAL AREAS — Those areas designated as common open space within certain development plans that exhibit existing landscape features, as further defined in § 22-412F(3), which are intended to be preserved and enhanced.
[Added by Ord. 2014-01, 3/25/2014]

OFFICIAL MAP — A map adopted by the Board of Supervisors as the Official Map of Allen Township pursuant to the Pennsylvania Municipalities Code, Act 247, as amended.

PennDOT — Pennsylvania Department of Transportation.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE — Adopted as Act 247 of 1968, 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 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 Plan.

PLANNING COMMISSION — Allen Township Planning Commission.

PLAN, PRELIMINARY — A subdivision or land development plan showing proposed street and lot layout and other information required by this Chapter as a basis for consideration prior to preparation of a Final Plan.

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.

PUBLIC GROUNDS — Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas, and other public areas; and
- B. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

RECREATION PLAN — The latest Recreation Plan adopted by the Board of Supervisors.

REGISTERED PROFESSIONAL ENGINEER — A person registered as a professional engineer by the Commonwealth of Pennsylvania.

REGISTERED PROFESSIONAL LAND SURVEYOR — A person registered as a Surveyor by the Commonwealth of Pennsylvania.

REGULATORY FLOOD — A one-hundred-year flood.

REGULATORY FLOOD ELEVATION — The one-hundred-year flood elevation based upon the information contained in the Official Flood Insurance Study of the Federal Emergency Management Agency or other acceptable sources of floodplain information or as identified by the applicant/developer's engineer and approved by the Board of Supervisors and/or the Commonwealth of Pennsylvania and/or agencies of the U.S. Government.

RESUBDIVISION — Any replatting or resubdivision of land, limited to changes in lot lines on approved Final Plans or Recorded Plans as specified in this Chapter. Other replattings shall be considered as constituting a new subdivision of land.

REVIEW — The official examination of plans of subdivision as required by law by appropriate agencies, commissions, or bodies, and authenticated by the signature of an authorized representative.

RIGHT-OF-WAY — The total width of any land reserved or dedicated for use as a street or for any other public purpose.

RUNOFF — Water that is derived directly from precipitation and passes over the ground into watercourses.

SANITARY SEWAGE DISPOSAL CENTRALIZED — Any privately owned sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a single land development, subdivision, or neighborhood.

SANITARY SEWAGE DISPOSAL, ONLOT — A sanitary sewage disposal system designed to treat sanitary sewage within the boundaries of an individual lot.

SANITARY SEWAGE DISPOSAL, PUBLIC — A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or licensed public utility company.

SEDIMENT — Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice and has come to rest on the earth's surface either above or below sea level.

SLOPE — Degree of deviation of a surface from the horizontal usually expressed in percent or degrees.

SOIL DRAINAGE — A condition of the soil, referring to the frequency and duration of periods when the soil is free of saturation.

STORM DRAINAGE SYSTEM — All facilities and features such as pipes, culverts, open channels, ditches, swales, stormwater detention facilities, etc. used to transmit or temporarily store surface water runoff.

STREET — Includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET, ARTERIAL — A street serving a large volume of comparatively high speed and long distance traffic, as identified by the Township Official Map.

STREET, COLLECTOR — A street which, in addition to providing access to abutting properties, intercepts local streets to provide a route giving access to community facilities and/or other collector or arterial streets. Streets in Industrial and Commercial Subdivisions shall generally also be considered classified as collector streets.

STREET, LOCAL — A street used primarily to provide access to abutting residential properties.

STREET, MARGINAL ACCESS — A local street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major street.

STREET, PARTIAL (HALF) — A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

STREET, PRIVATE — A strip of private land providing access to abutting properties and not offered for dedication or accepted for municipal ownership and maintenance.

STREET, STUB — A street or road extending from within a subdivision boundary and terminating there with a temporary vehicular turn-around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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 or 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 division or subdivision by lease of land for agriculture purposes into parcels of more than 10 acres, not involving any new street or easement of access, or any residential dwelling, shall be exempted.

SUBSOIL — Material immediately underlying topsoil consisting of, but not limited to, either singly or in combination clay, sand, gravel, or crushed rock, but not including, bedrock or other impervious surface as more fully defined and set forth in the most recently adopted and approved Northampton County Soil Survey exclusive of the A Horizon.

SWALE — A low-lying stretch of natural or man-made land which gathers or carries surface water runoff.

TOPSOIL — The top most layer of ground cover containing humus in some concentration capable of supporting plant growth as more fully defined and set forth in the most recently adopted and approved Northampton County Soil Survey under the designation of the A Horizon, but not including subsoil as defined elsewhere in this Chapter.

TOWNSHIP — The Township of Allen in Northampton County, Pennsylvania, as governed and represented by the Board of Supervisors of Allen Township.

TOWNSHIP ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for Allen Township Board of Supervisors and Planning Commission.

TRACT — A continuous area of land, whether divided by a public street or not; containing certain contiguous parcels or lots of land in common ownership at the time an application is filed pertaining to any of those parcels or lots.

WATER SUPPLY, CENTRALIZED — A privately owned system for supplying and distributing water from a common source to two or more dwellings and/or other buildings, generally serving a single land development, a subdivision, or neighborhood.

WATER SUPPLY, ONLOT — A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

WATER SUPPLY, PUBLIC — A system for supplying and distributing water from a common source to dwellings or other buildings, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or a licensed public utility company.

WATERCOURSE — A natural or man-made stream, river, brook, creek, channel, swale, or ditch for water.

WETLANDS — Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

ZONING ORDINANCE — The adopted Allen Township Zoning Ordinance [Chapter 27], as may be amended from time to time.

PART 3
PROCEDURES**§ 22-301. Intent. [Ord. 2001-08, 11/8/2001, § 3.01]**

1. The procedures established in this Chapter are intended to define the steps by which a property owner or developer shall make an application, design a subdivision plan, record plans, construct and maintain improvements, and by which the Planning Commission and Board of Supervisors may review, make recommendations, approve or disapprove the plans, and otherwise administer this Chapter.
2. For those subdivisions or land developments hereinafter classified as Minor Subdivisions or Land Developments, 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 Plan procedure is established.
3. Appendix D¹ provides the typical, but not mandatory, distribution list used by the Board of Supervisors during and after the various steps of the Plan Review Process.

§ 22-302. Preapplication. [Ord. 2001-08, 11/8/2001, § 3.02]

The Board of Supervisors shall make available to applicant/developer copies of these subdivision and land development regulations, the Zoning Ordinance [Chapter 27], the Stormwater Ordinance, and other adopted regulations, the Official Map, 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 this Chapter and all other applicable regulations, ordinances, or statutes.

§ 22-303. Sketch Plan. [Ord. 2001-08, 11/8/2001, § 3.03]

1. Prior to the formal submission of a Major or Minor Subdivision Plan or Land Development Plan for review and approval, the applicant/developer may submit a Sketch Plan to the Planning Commission and Board of Supervisors for advice on the requirements necessary to achieve conformity to the standards of this Chapter, as well as, to alert the applicant/developer as early as possible to factors which must be considered in the design of a subdivision or land development, such as pertinent elements of any County or Township land use and community plans.
2. Such Sketch Plan submissions are not required but, if they are provided, they are considered informal in nature. The Board of Supervisors shall be under no obligation to respond formally or informally to such a submission.

¹Editor's Note: Appendix D is included at the end of this Chapter.

All opinions and advice given to the prospective applicant during a Sketch Plan review will be unofficial and not binding on the Board of Supervisors or applicant/developer.

§ 22-304. Minor Subdivision Plan. [Ord. 2001-08, 11/8/2001, § 3.04]

1. The application for Minor Subdivision Plan approval shall be processed in accordance with the procedures detailed in Appendix D.²
2. The Board of Supervisors may approve the plan as submitted, reject the plan for reasons stated, or approve the plan subject to reasonable conditions acceptable to the Applicant. The action of the Board, including any conditions imposed, shall be transmitted to the applicant/developer by Certified Mail requesting that the applicant/developer accept or reject such conditions, in writing, within 10 days of receipt of such notification, and advising the applicant/developer that the Board's approval of the plan shall be rescinded automatically upon the applicant/developer's failure to accept the imposed conditions, in writing, within said 10 days.
3. Upon approval of the Minor Subdivision Plan, the Township Secretary and the Board Chairman will sign all copies and certify that it was approved on the date shown. Two certified paper copies will be returned to the applicant/developer. The certified reproducible copy shall be retained in the Township file for certification referral and under no circumstances shall be altered, revised, or defaced without resubmittal. In no case shall a building permit be issued without prior certification of the Minor Subdivision or Land Development Plan for any lot or development shown thereon and the recording of the plan.

§ 22-305. Minor Subdivision; Recording. [Ord. 2001-08, 11/8/2001, § 3.06]

One Mylar copy is to be recorded in the Office of the Recorder of Deeds of Northampton County. Recording data shall be entered on the reproducible copy retained in the Township file. The Township shall record the approved Final Plan within 90 days of approval (or within 90 days of the applicant/developer meeting all approval conditions). The Final Plan shall be construed as representing the final "as-built" development. A copy of the Final Plan shall be furnished to the Lehigh Valley Planning Commission, Applicant/Developer, and Township Engineer.

§ 22-306. Major Subdivision or Land Development; Preliminary Plan. [Ord. 2001-08, 11/8/2001, § 3.06]

1. The application for Preliminary Plan approval shall be processed in accordance with the procedures detailed in Appendix D.³

²Editor's Note: Appendix D is included at the end of this Chapter.

³Editor's Note: Appendix D is included at the end of this Chapter.

2. If the Board of Supervisors approves the Preliminary Plan, the Township Secretary will so certify thereon. At least one certified copy is to be retained in the Township file for certification referral, and under no circumstances shall be altered, revised or defaced.
3. The Board of Supervisors may approve the plan as submitted, reject the plan for reasons stated, or approve the plan subject to reasonable conditions acceptable to the applicant. The action of the Board, including any conditions imposed, shall be transmitted to the applicant/developer by Certified Mail, requesting that the applicant/developer accept or reject such conditions, in writing, within 10 days of receipt of such notification, and advising the applicant/developer that the Board's approval of the plan shall be rescinded automatically upon the applicant/developer's failure to accept the imposed conditions, in writing, within said 10 days.
4. Where no Final Plan, for all or part of the approved Preliminary Plan, is filed and accepted within five years from the date of the original Preliminary Plan submission, such approval shall no longer be effective for that section or those sections not finalized, unless extended in writing by the Board of Supervisors in its sole discretion.
5. Prior to any construction of improvements called for by Preliminary Plan approval, the applicant/developer shall enter into an Inspection Agreement with the Board of Supervisors insuring the proper inspections of all improvements.

§ 22-307. Major Subdivision or Land Development; Final Plan. [Ord. 2001-08, 11/8/2001, § 3.07]

1. The application for Final Plan approval shall be processed in accordance with the procedures detailed in Appendix D.
2. The Board of Supervisors may approve the plan as submitted, reject the plan for reasons stated, or approve the plan subject to reasonable conditions acceptable to the Applicant. The action of the Board, including any conditions imposed, shall be transmitted to the applicant/developer by Certified Mail, requesting that the applicant/developer accept or reject such conditions, in writing, within 10 days of receipt of such notification, and advising the applicant/developer that the Board's approval of the plan shall be rescinded automatically upon the applicant/developer's failure to accept the imposed conditions, in writing, within said 10 days.
3. A Final Plan may be approved by the Board of Supervisors when the required improvements have been installed in strict accordance with the certified Preliminary Plan and Township Standards and Specifications, or the Board of Supervisors is assured by means of a proper completion guarantee in the form of security acceptable to the Township Solicitor and/or the Board of Supervisors, sufficient to cover the cost of the improvements (in an amount as stipulated in § 22-312(2)), that the improvements will

- subsequently be installed. In no case shall a building permit be issued or a lot sold without prior certification of a Final Plan and the recording of the Final Plan.
4. Upon approval of the Final Plan, the Township Engineer shall sign all copies certifying that the Final Plan conforms with the approved Preliminary Plan and that the improvements have been installed or guaranteed; the Township Secretary shall sign all copies certifying that the Final Plan was approved by the Board of Supervisors on the date shown. Two signed paper copies will be given to the applicant/developer.
 5. One Mylar copy is to be recorded in the Office of the Recorder of Deeds of Northampton County. Recording data shall be entered on the reproducible copy retained in the Township file. The Township shall record the approved Final Plan within 90 days of approval (or within 90 days of the applicant/developer meeting all approval conditions). The Final Plan shall be construed as representing the final, "as-built" development. One copy of the Final Plan shall be furnished to the Lehigh Valley Planning Commission.

§ 22-308. Fee and Costs. [Ord. 2001-08, 11/8/2001, § 3.08]

The developer or applicant will be required to pay the following fees and costs during the application and construction phases of his subdivision or land development.

- A. Filing fees for applications shall be set by resolution by the Board of Supervisors and posted at the Township Building. These fees are intended to cover the Township cost of handling, mailing, and Township personnel administration of plan reviews.
- B. Filing fees for applications or permits required for submission of plans and/or permit applications to other review agencies.
- C. Municipal Expense Reimbursement Cost. The applicant or developer is to reimburse the Board of Supervisors for review, approval, and inspection costs associated with subdivision and land development plans and improvements. These costs shall be reimbursed to the Board of Supervisors via the Township's escrow account system.

§ 22-309. Construction Inspection. [Ord. 2001-08, 11/8/2001, § 3.09]

1. In no case shall any construction of required improvements be done without notifying the Township Engineer.

At least three working days' notice shall be given to the Township Engineer prior to any such construction so that a representative of the Township Engineer may be present at the time the work is to be done, if deemed necessary.

2. The Township Engineer shall be notified at each of the following phases of the work so that he or his representative may inspect the work:
 - A. Grading of rights-of-way and during fill operations.
 - B. Setting form of crosswalks and sidewalks.
 - C. Preparation of road subgrade.
 - D. Setting curb and/or gutter forms.
 - E. Installation of road and/or sidewalk base.
 - F. Prior to road paving or placing concrete.
 - G. Road paving after each coat in the case of priming and sealing.
 - H. Installation of drainage pipe and other drainage structures and before backfilling.
 - I. Installation of sanitary sewer laterals, submains, mains, and appurtenances before backfilling and treatment plants before construction.
 - J. Installation of water and sewer submains, laterals, and appurtenances before backfilling and wells and pumping storage facilities before construction.
 - K. During backfill of trenches.
 - L. During testing of utility lines.
 - M. During repairs.
3. Final Inspection. Upon receipt of Notice of Completion from the developer, the Board of Supervisors shall request the Township Engineer to conduct a final inspection of all improvements and utilities to determine whether the work is satisfactory and in substantial compliance with the approved Preliminary or Final Plan drawings and specifications. The general condition of the site shall also be considered.
4. Construction inspection is required by the Board of Supervisors to verify that the improvements proposed and required are being installed to Township specifications and approved drawings. The inspector is not provided as a representative of the applicant/developer and the Township Inspector has no authority to direct contractors in construction means and methods or safety matters.
5. The applicant/developer is responsible to reimburse the Township for inspection costs via the Township's Escrow System. The applicant/developer

- is also responsible to perform and pay for any laboratory or other testing of materials deemed appropriate by the Township.
6. The Township remedies for noncompliance or ordinance violation include, but may not be limited to:
 - A. Non-release of improvements security.
 - B. Request for additional improvements security.
 - C. Non-acceptance of improvements.
 - D. Remedies specified in the development agreements.

§ 22-310. Maintenance Inspection. [Ord. 2001-08, 11/8/2001, § 3.10]

1. A maintenance inspection of all the improvements and utilities will be made by the Township Engineer to determine whether the improvements have been maintained and kept in good serviceable condition.
2. The Township Engineer shall report his findings, in writing, to the Board of Supervisors and to the applicant/developer.
3. The applicant/developer shall be notified by certified letter, return receipt requested, of all required improvements which fail to pass the maintenance inspection of the Township Engineer. All such improvements shall be repaired by the applicant/developer to specifications acceptable to the Board of Supervisors within 60 days of such notification by the Board of Supervisors.
4. All such repairs shall be performed and inspected in accordance with the requirements for new construction. Final inspection shall be made no less than two weeks prior to the release date of the maintenance security or no later than four weeks after notice has been given by the applicant/developer that all requested repairs have been completed, whichever last occurs.
5. An extension of time to repair improvements may be granted by the Board of Supervisors upon written request of the applicant/developer.

§ 22-311. Dedication Requirements and Procedures. [Ord. 2001-08, 11/8/2001, § 3.11]

Upon completion of improvements in areas required or intended for dedication to the Board of Supervisors (or applicable Authority) or upon request of the Board of Supervisors, the applicant/developer shall execute a Deed of Dedication and a Maintenance Agreement, in a form satisfactory to the Township Solicitor for the land or easement being dedicated and the improvements thereon and the applicant/developer shall deliver such Deed and Maintenance Agreement to the Board of Supervisors (or applicable Authority) within 60 days of the completion of the designated improvements. The applicant/developer shall have no more than two

years to complete the improvements from the date of the approval of the Final Plan and the signing of the Development Agreements by the Board of Supervisors, unless an extension of time is granted by the Board of Supervisors.

A. The Deed of Dedication should include:

- (1) One original executed Deed and three copies.
- (2) Only one street or parcel of ground for each deed.
- (3) A legal description of the property being dedicated with references to the Subdivision or Land Development Plan which shows the land to be dedicated and with a reference to the date the plan was recorded and the Map Book and Page Number of the Record Plan.
- (4) An engineering drawing of the land being dedicated on 8 1/2 inch by eleven-inch paper. If the land being dedicated is a street, the plan should show the width of the right-of-way, width of paving, length of street in feet, and length of street in miles.

B. Upon review of all documents and upon a specific finding that:

- (1) The applicant/developer has satisfactorily completed required improvements in the area being dedicated, and
- (2) The applicant/developer has entered into an eighteen-month Maintenance Agreement and posted maintenance security in a form and amount satisfactory to the Board of Supervisors, and
- (3) The area being dedicated has legal access to existing Township rights-of-way, and
- (4) There is a public need or good served by the land area being dedicated.

C. The Board of Supervisors (or Authority) may, at their sole discretion, accept such dedication in the manner provided by law.

§ 22-312. Agreements and Security. [Ord. 2001-08, 11/8/2001, § 3.12]

1. Agreement. Prior to final approval of any Major Subdivision or Land Development, the applicant/developer shall construct all required improvements and obtain approval, thereof, or execute Improvements Development Agreements or a Contract approved by the Board of Supervisors agreeing to construct the required improvements as shown on the approved Preliminary Plans and Final Plan. The Improvements Development Agreements shall be guaranteed by financial performance security. The deadline for completion of improvements shall be 12 months from date of the Agreement unless an extension is granted by the Board of

Supervisors, but no later than five years from the date of Preliminary Plan submission.

2. Performance Security. Prior to final plan approval of any major subdivision or land development, the applicant/developer shall construct all the required improvements and obtain final approval, thereof, or provide sufficient financial security in an amount stipulated in the Subdivision Improvements Development Agreements and in a form approved by the Township Solicitor and Board of Supervisors to guarantee the performance construction of the above required improvements and to secure the completion of the improvements listed with the Subdivision Improvements Development Agreements within the time specified.
 - A. Amount of Guarantee. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the applicant/developer. Annually, the Board of Supervisors may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth-day after either the original date scheduled for completion or a rescheduled date of completion.
 - B. Subsequent to said adjustment, the Board of Supervisors may require the applicant/developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the applicant/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 the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost as evaluated at the Prevailing Wages set by the Pennsylvania Department of Labor and Industry (or its heirs or assigns). 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.
 - D. If the party posting the financial security requires more than one 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% of each year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above-bidding procedure. An

applicant/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 completion and approval of all improvements shall be a violation of this Part.

3. 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 Plan, the Board of Supervisors is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, as its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant/developer or both, shall be used solely for the installation of the improvements covered by such security and not for any other Township purpose. Failure to properly install the required improvements shall also constitute a violation of this Chapter punishable as provided by § 27-705 of this Chapter.

§ 22-313. Insurance. [Ord. 2001-08, 11/8/2001, § 3.13]

The applicant/developer shall agree to indemnify and save harmless the Township, its employees, the Board of Supervisors, and the Township's professional consultants against and from any and all loss, cost, damage, liability and expense on account of damage to property of or injury to or death of any person of the parties thereto or third person caused by, growing out of, or in any way whatsoever attributable to the construction of subdivision and land development improvements and the use of the street delineated on the subdivision plat during construction. The applicant/developer shall further agree, but without limiting its liability to indemnify the Township, its employees, the Board of Supervisors, and the Township's professional consultants Engineer to carry liability insurance contracts with a reliable insurance company covering the period of said construction in the sum of \$500,000 to \$1,000,000 for injury to or death of person(s) and in the sum of \$200,000 for damage to or destruction of property, which insurance contracts shall include the Township, its employees, the Board of Supervisors, and the Township's professional consultants Engineer as named insured.

§ 22-314. Resubdividing or Vacation. [Ord. 2001-08, 11/8/2001, § 3.14]

An application for resubdividing or vacation of a Subdivision or Land Development Plan shall be made by the owner or owners thereof to the Board of Supervisors in the same form as for an original subdivision application along with all required maps and other information. The original lots shall be shown by dotted lines, lot numbers, and other references made to previously recorded subdivision plan.

§ 22-315. Building Construction and Occupancy. [Ord. 2001-08, 11/8/2001, § 3.15]

1. No Building or Zoning Permit shall be issued or building construction commenced until the Final Plan is recorded at the Northampton County Courthouse.
2. Occupancy permits shall not be issued until:
 - A. All street improvements are constructed from a now existing paved street to and across the front of the lot on which the house is located and/or to a sufficient depth along the side of the lot to service any driveway or parking spaces. For the purposes of this policy, street improvements are defined as, curbing, storm sewer and at least one course of roadway paving.
 - B. The Township receives certification from the water provider, if any, that the water lines and hydrants have been installed, inspected, tested and approved for use by future occupants of the lots.
 - C. The Township received certification from the sewer provider (if serviced by public sewer) that the sewer system has been installed, inspected, tested, and approved for discharge by future occupants of the lot.
 - D. The Township receives an acceptable final inspection report for any onlot sewer facilities from the Township Sewage Enforcement Officer if onlot sewer is provided.
 - E. All applicable building codes have been met.
 - F. Any applicable notes or restrictions contained on the relevant subdivision plan regarding occupancy have been met.

PART 4**REQUIRED IMPROVEMENTS AND DESIGN STANDARDS****§ 22-401. Intent. [Ord. 2001-08, 11/8/2001, § 4.01]**

1. The land improvements which are required to be installed by this Part shall be designed, furnished and installed by the applicant/developer in accordance with the provisions of this Part and other Codes of the Township. They shall be installed before the Final Plan is approved or in lieu, thereof, Development Agreements have been signed to guarantee the installation of those improvements which shall be approved concurrent with the approval of Final Plans.
2. It is intended that the applicant/developer shall dedicate all land required for rights-of-way within the subdivision or land development and to furnish and install all improvements to provide a complete and coordinated system of streets and utilities for the neighborhood in accord with the Comprehensive Plan and neighboring approved developments.
3. Unless otherwise specifically approved by the Allen Township Board of Supervisors, all improvements to be constructed, built and/or planted and/or maintained on Township property or private property located within the Township or dedicated to the Township, when required by this Part or by other ordinances of the Township, shall be constructed, built and/or planted and/or maintained or dedicated pursuant to the standards of this Part.

§ 22-402. Required Improvements. [Ord. 2001-08, 11/8/2001, § 4.02]

The following improvements shall be constructed by the applicant/developer and dedicated without cost to the Township as required by this Part and/or as stipulated in the Development Agreements and in a manner approved by the Board of Supervisors consistent with sound construction methods.

A. Grading including:

- (1) Grading of road or street rights-of-way and grading of slopes outside the road or street right-of-way.
- (2) Grading of all drainage swales on public or private property and grading of individual lots to effect positive drainage away from buildings and eliminate low spots.
- (3) Grading of all open space and recreation areas to produce a smooth usable surface and accomplish proper drainage unless the open space and recreation area is intended to remain in a natural or undisturbed condition.

- (4) Implementation of soil erosion control and sedimentation control facilities.
 - (5) Replacement of topsoil and vegetative restoration in disturbed areas not stabilized with building, paving or other non-vegetative ground cover.
 - (6) Removal of temporary soil erosion and sedimentation control facilities when they are no longer required.
- B. Street or road subbase, base, and paving.
- C. Curbs and gutters.
- D. Sidewalks, crosswalks, and pathways.
- E. Underground facilities for electric, telephone and television cable lines.
- F. Storm sewers and drainage facilities.
- G. A public or centralized sanitary sewer disposal system including, but not limited to, sanitary sewer laterals, submains, mains, and a treatment plant (if required).
- H. A public or centralized water supply and distribution system including, but not limited to, wells, pumping equipment, water laterals, and submains.
- I. Street name signs at all street intersections and regulatory signs.
- J. Permanent monuments and lot pins.
- K. Fire hydrants and streetlighting.
- L. Trees and landscaping.
- M. Recreation area improvements.
- N. Open space and/or recreation areas.
- O. Off-site Improvements. When the development or subdivision proposed is of such a nature as to cause a specific impact on an existing Township and/or public facility, the applicant/developer and the Township shall work together to take corrective action required to alleviate the impact. The applicant/developer is encouraged to propose such corrective action required, including any action which he is willing to undertake to make the necessary corrections or any contribution he is willing to make toward the cost of the necessary correction.

§ 22-403. Waivers and Exceptions. [Ord. 2001-08, 11/8/2001, § 4.03]

The standards of design in this Part should be used to judge the adequacy of subdivision and land development proposals. Where, in the opinion of the Township Planning Commission, the literal application of these standards in certain cases would work undue hardship or be plainly unreasonable, the Township Planning Commission may recommend to the Board of Supervisors such reasonable exceptions as will not be contrary to the public interest.

§ 22-404. Construction of Facilities. [Ord. 2001-08, 11/8/2001, § 4.04]

The applicant/developer shall construct and install, with no expense to the Township, the streets, curbs, sidewalks, water mains, sanitary and storm sewers, surface drainage facilities, fire hydrants, landscaping monuments, lot pins, streetlighting, and other facilities and utilities specified in this Chapter on or adjacent to the subdivision or development being proposed and/or off-site, if required. Construction and installation of such facilities and utilities shall be subject to inspection by appropriate Township, public agency, or public utility officials during the process of the work and shall be in conformance with the Construction Standards and Specifications of the Township, the public Agency, or public Utility regulating the improvement.

§ 22-405. General Standards. [Ord. 2001-08, 11/8/2001, § 4.05]

The following principals of subdivision and land development, general requirements, and the minimum standards of design shall be observed by the applicant/developer in all instances:

- A. Low lying land subject to flooding shall not be plotted for residential development or for such other uses as may involve danger to health, safety, morals, and general welfare of the citizens.
- B. Provision shall be made in lot grading so that surface drainage shall be directed away from the main structures on all sides and provisions shall be made so that no surface water shall drain from the street right-of-way onto the adjoining lots unless into an approved drainage way.
- C. When a new public or centralized public water supply is proposed for a subdivision or development, the applicant/developer shall obtain from the Pennsylvania Department of Environmental Protection certificates of approval as to the quality and adequacy of the water supply proposed to be utilized by the applicant/developer and approval of the type and construction methods to be employed in the installation of the proposed water supply system.
- D. Soil testing shall be undertaken prior to subdivision or development approval to assure that adequate on-site sewage disposal systems can be provided when connection to the Township sewer system is not possible or practical.
- E. Proposed subdivision and land development shall be coordinated with the existing nearby neighborhood so that the community as a whole may develop

harmoniously. Provisions shall be made to assure that the street patterns included in a proposed subdivision shall complement the existing or proposed streets shown on the current Township Street and Road Map, the Official Map and on nearby approved developments.

- (1) Stub streets with temporary turn-around shall be required to extend to the boundary line of adjacent, undeveloped tracts; where deemed appropriate by the Township.
 - (2) Any public stub street, improved or on paper, extending from other tracts shall be extended into the property being subdivided, where deemed appropriate by the Township.
- F. Improvement construction requirements will be completed in accordance with Township Regulations and Standards, the Pennsylvania Department of Transportation Construction Specifications, the Pennsylvania Department of Environmental Protection Regulations, or regulations or standards of other appropriate agencies or public utility, whichever specifications shall result in the more favorable interpretation of this Part by the Board of Supervisors.
- G. Any water and/or sewer facilities provided must be extended by the applicant/developer along the full frontage length of their property along all streets, as deemed necessary by the Township.

§ 22-406. Streets and Roads; General Requirements. [Ord. 2001-08, 11/8/2001, § 4.06; as amended by Ord. 2004-06, 6/22/2004]

All new streets and culs-de-sac and widened portions of all existing rights-of-way, intended for public use, shall be dedicated to the Township or State subject to final acceptance based on compliance with the following requirements:

- A. Arrangements. Streets shall be arranged and considered in relation to both existing and planned streets, as shown on the Township Street and Road Map and/or Official Map and located so as to allow proper development of surrounding properties in accordance with the Comprehensive Plan.
- B. Construction Details. All construction details for street improvements shall be reviewed and approved by the Township Engineer.
- C. Street Planning. Proposed streets shall be properly related to the Official Map of the Township.
- D. Traffic Pattern. Local residential streets shall be laid out to discourage through traffic, but provisions for street connections into and from adjacent areas will be generally required.
- E. Street Classification. The Township Engineer, with the approval of the Board of Supervisors, shall determine the classification of streets, i.e., arterial, collector or local.

- F. Conformity with Topography. Street profile grades shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable grade. A transition slope from the right-of-way line to the elevation of the abutting property(s) must be provided.
- G. Grading. Street shoulder strips shall be graded to the full width of the street right-of-way. If areas adjacent to the right-of-way permit stormwater to drain toward the curblines, grading shall be done in such a way as to prevent silting or erosion within the street right-of-way.
- H. Street Width. The minimum widths of the right-of-way and the paving shall not be less than those of an existing street, of which the new street is to be a continuation, nor less than the following:

Street Type	Right-of-Way Width (feet)	Paving Width (feet)
Arterial Street or Highway	80	44
Collector Street	60	40
Local Street	60 or 50 (depending on development type)	40, 32 or 28 (depending on development type)

- I. Arterial roads shall have an eighty-foot design right-of-way minimum and at least two twelve-foot traffic lanes and two paved ten-foot pull off lanes/shoulders. Curbs and sidewalks are required on all arterial roads.
- J. Collector roads shall have a sixty-foot design right-of-way minimum and at least two twelve-foot traffic lanes and two eight-foot paved shoulders. Curbs and sidewalks are required on all collector roads.
- K. Local streets shall have a fifty-foot right-of-way minimum for single family detached lot subdivisions and 60 feet of right-of-way for nonresidential or townhouse and multifamily subdivisions or subdivisions with densities of three dwelling units per acre or more.
- (1) In nonresidential developments and residential developments with townhouses or multifamily dwellings and with a density of three dwelling units per acre or more, the local street shall consist of at least:
- Sixty-foot right-of-way.
 - Two twelve-foot traffic lanes.
 - Two eight-foot parking/gutter lanes.
 - Total paved width 40 feet.

- (e) Concrete curb and concrete sidewalk.
- (2) In residential subdivisions with a density of less than three dwelling units per acre but more than one dwelling unit per acre, the local street shall consist of at least:
 - (a) Fifty-foot right-of-way.
 - (b) Two twelve-foot traffic lanes.
 - (c) Two four-foot paved shoulders/gutters and concrete curbing.
 - (d) Total paved width 32 feet.
 - (e) Concrete curb and sidewalk.
- (3) In residential subdivisions with a density of less than one dwelling unit per acre, the local streets shall consist of at least:
 - (a) Fifty-foot right-of-way.
 - (b) Two ten-foot traffic lanes.
 - (c) Two four-foot paved shoulders.
 - (d) Total paved width 28 feet.
 - (e) No curb or sidewalk, unless determined necessary by the Board of Supervisors.
- L. All paved shoulders, pull-off lanes, gutters, and widened portions of road are to be constructed to the same standard as required for the abutting road.
- M. Residential density for the purpose of this Section of this Part shall be interpreted as being the number of dwelling units in the total development divided by the area of the development, excluding dedicated street rights-of-way and dedicated park or open space areas.
- N. Culs-de-sac shall be provided with a fifty-two-foot radius right-of-way and a forty-foot radius paved area. The maximum length of a permanent cul-de-sac shall be 600 feet, measured from the center of the intersecting road to the center of the cul-de-sac.

§ 22-407. Streets; Specific Requirements. [Ord. 2001-08, 11/8/2001, § 4.07; as amended by Ord. 2015-02, 6/11/2015]

- 1. Where necessary for public safety and convenience, additional street widths or paving may be required, as determined by the Board of Supervisors, upon the advice of the Township Engineer.

2. Where existing public or private streets traversing or bordering the subdivision or land development do not provide the proper widths or alignment in accordance with this Part, additional width or improved alignment shall be required by the Board of Supervisors as part of an approval to construct improvements required to the street to bring the street into conformance with the standards listed in § 27-406 and this section, as applicable. As part of these improvements, the applicant/developer may be subject to partial or full lane overlays, if deemed necessary by the Township.
[Amended by Ord. 2016-02, 5/24/2016]
 - A. In lieu of construction of the on-site roadway improvements required by this section, an applicant may request that the Board of Supervisors accept a fee to be paid to the Allen Township Roadway Improvement Fund. The amount of the fee shall be calculated in accordance with the provisions of the Allen Township Fee Resolution, as adopted from year to year by the Township Board of Supervisors. The Board of Supervisors, in its sole discretion, may accept the fee in lieu, or, in the alternative, require the construction of the on-site roadway improvements referred to herein.
 - (1) Payment of the fee referred to herein shall relieve the property owner and future owners of the obligation to construct future on-site roadway improvements, or the payment of any additional fees, for that portion of the frontage attributable to the fee previously paid.
 - B. Any minor subdivision of agricultural property that creates a maximum of one new lot, consisting of 10 acres or more, shall be exempt from the requirement to improve the bordering public or private streets and the payment of the fee in lieu of construction.
 - (1) No further exemption shall be authorized under this provision until a period of 10 consecutive years has passed from the date of the approval of the one-lot minor subdivision referred to herein.
 - (2) Any application for further subdivision or land development of a property that has utilized this exemption shall be subject to the provisions of this § 22-407, Subsection 2, unless the time period required by Subsection 2B(1) has passed, and the other requirements of this Subsection 2B have been satisfied
 - C. The Pennsylvania Department of Transportation shall make the final determination regarding streets and roadways under its sole jurisdiction.
3. Stub Streets. To provide an integrated street system, all stub streets of abutting subdivisions shall be incorporated into the proposed street system. Stub streets greater than 300 feet in length shall be provided with a

temporary turnaround to the standards required for cul-de-sacs, unless otherwise approved by the Board of Supervisors. At the discretion of the Board of Supervisors, stub streets may be required to be extended toward adjacent properties. All stub streets must be constructed to comply with the standards outlined in § 407.12 (Provisions of Streets for Future Developments).

4. Dead-end Streets. Dead-end streets, other than stub and culs-de-sac, shall be prohibited.
5. Intersections.
 - A. Right-of-way. Whenever practicable, right-of-way lines shall intersect at right angles and shall be rounded by a tangential arc having a minimum radius of 25 feet.
 - B. Clear Sight Triangle. Clear sight triangles shall be provided and maintained at all intersections. These triangular areas shall be shown on the plans and they shall be established by drawing a line between two points on the street center line, each point being 75 feet from the center line intersection for any intersection involving a non-local street. No buildings or obstruction that would obscure the vision of a motorist shall be permitted in this area.
 - C. Grade Separated Interchanges. In the vicinity of a grade separated interchange, by deed restrictions, by lease restrictions, or plan amendment, whichever method is applicable, no building or structure shall be located less than 100 feet from an interchange right-of-way line. At an exit or entrance ramp, no structure, driveway, and/or street shall be constructed within 50 feet from the street right-of-way line for a distance of 300 feet from the outer intersection point of the ramp right-of-way line with the street right-of-way line.
 - D. Curb Lines. Curblines shall be rounded with a minimum radius of which shall conform to Township Standards of 20 feet if both streets are local and 30 feet if one or both streets are not local. The grade lines of the curbs at intersections shall intersect if the tangents are extended.
 - E. Minimum Angle of Intersection. All intersections of streets and highways shall be 90°.
 - F. Through Streets. Intersections with Arterial or Collector streets shall be kept to a minimum and shall be located at least 1,000 feet apart.
 - G. An intersection of more than two streets shall not be allowed.
 - H. Center lines of Intersection Streets. Two streets intersecting a third street from opposite sides shall either intersect with a common center line or their center line shall be offset a minimum distance of:

- (1) Eight hundred feet, if any street is an arterial street.
 - (2) Four hundred feet, if at least one street is a Collector street and the other streets are either collector or local streets.
 - (3) One hundred fifty feet, if all streets are local streets.
 - I. All proposed intersections onto Township roads or state highways shall meet the PennDOT criteria for required safe stopping and sight distances.
 - J. All proposed intersections with state highways shall be designed and constructed to the criteria approved by the state, whether the intersection is to be publicly or privately owned. Subdivision and land development plans which will require access to a state highway under the jurisdiction of the Pennsylvania Department of Transportation (PennDOT) shall contain a plan note specifying that a Highway occupancy permit is required from PennDOT before road or driveway access to the state highway is permitted. The plan note shall also specify that plan approval does not guarantee that a PennDOT permit will be issued.
6. Street Grading. All streets shall be constructed to the grades shown on the approved Street Profile and Cross Section Plan. The work shall be inspected and checked for accuracy by the Township Engineer on the basis of as-built survey data furnished by the applicant/developer in conformance with this Part.
7. Alignment and Geometry.
- A. Horizontal Sight Distance. On all curves, a sight distance at the center line of at least 300 feet on collector streets and 200 feet on local streets is required.
 - B. Horizontal Curves. To ensure adequate sight distances, when street center lines deflect more than 2°, connection shall be made by horizontal curves. The minimum center line radii for local streets shall be 150 feet; for collector streets it shall be 300 feet; and for arterial streets it shall be 500 feet. A minimum tangent of 75 feet shall be required between curves and between a curve and street intersection.
 - C. Vertical Curves. Vertical curves shall be used at changes in grade exceeding 1%. The length of the curve shall be approximately 50 feet on collector streets and arterial streets, and 25 feet for local streets for each 1% of change in grade. Over summits or in depressions, vertical curves shall not produce excessive flatness in grade or deficiencies in sight distances. **[Amended by Ord. 2017-03, 3/28/2017]**
8. Grade.

- A. Maximum-Minimum. Unless otherwise approved by the Board of Supervisors, the maximum and minimum grades on streets shall be:
- | Type of Street | Maximum Grade | Minimum Grade |
|----------------------------------|---------------|---------------|
| Arterial | 6% | 0.75% |
| Collector | 8% | 0.75% |
| Local | 10% | 0.75% |
| Cul-de-sac (turn-around portion) | 5% | 2% |
- B. Street Intersections. The grade within 60 feet of the nearest intersection right-of-way line shall not exceed 2%.
- C. Where Measured. The grade shall be measured along the center line.
9. Curve Grade Combinations. A combination of minimum radius horizontal curves and maximum grades will not be approved.
10. Road Construction Specifications. All roads and streets shall be constructed and built in accordance with current Pennsylvania Department of Transportation Specifications Publication 408 and with the following standards:
- A. Width and grading of streets shall be as shown on Appendix A and Appendix B.⁴
- B. Subgrade shall be compacted and crowned with the required street crown and shall be prepared to PennDOT Publication 408, § 210, requirements.
- C. Subbase shall be provided and installed in accordance with PennDOT Publication 408, § 350, to a compacted depth of 7 1/2 inches for collector streets and arterial streets and to a compacted depth of 6 1/2 inches for all local roads. No. 2 aggregate shall be utilized. **[Amended by Ord. 2017-03, 3/28/2017]**
- D. Base shall be provided and installed in accordance with PennDOT Publication 408 to the following specification section: (Note: All depths are measured after compaction.) **[Amended by Ord. 2017-03, 3/28/2017]**

§ 309. Superpave Asphalt Mixture Design Standard Construction, HMA, 25 MM, Base Course.

- (1) Six inches in depth for arterials and collectors.
- (2) Four inches in depth for local streets.

⁴Editor's Note: Appendixes A and B are included as attachments to this chapter.

- E. Tack coat material shall be required just prior to the construction of the surface course. Such tack coat shall be applied to the base in accordance with PennDOT Publication 408, § 460.
- F. Surface course shall be provided and constructed in accordance with PennDOT Publication 408 to the following specification § 409. (Note: All depths are measured after compaction.) **[Amended by Ord. 2017-03, 3/28/2017]**

Superpave 12.5 mm binder and Superpave 9.5 mm wearing laid as individual courses two inches binder, 1 1/2 inches wearing for arterials and collectors 1 1/2 inches wearing course only for local roads.

- 11. Concrete curbing and sidewalk shall be provided as shown on Appendix B,⁵ when required.
 - A. Concrete material and placement and curing shall be provided as required by the Pennsylvania Department of Transportation Specification Publication 408 (current edition) for Type A concrete 3,300 PSI twenty-eight-day strength, in § 704.
 - B. All exposed surfaces are to be finished.
 - C. Expansion joints of 1/2 inches premolded bituminous expansion joint material are to be provided at intervals of 30 feet or less and against all structures.
 - D. Contraction joints shall be provided at equal intervals of five feet or less for sidewalks and 10 feet or less for curb.
 - E. Sidewalks and curb depressions are to be provided at intersections for pedestrian accessibility. A maximum pedestrian ramp slope of 1:12 with a flush approach to the roadway shall be required. The pedestrian ramp shall be a least four feet wide. All cross slopes shall be a maximum of 2%.
 - F. Subgrade or base must be tamped and stable to placement of concrete.
 - G. Radius curb forms shall be used on all returns, on all culs-de-sac, and on all road curves with a center line radius of 500 feet or less.
 - H. Curb cut sheets shall be submitted to the Township Engineer for his review a minimum of three working days prior to forming the curb. The stake out for the curb shall have stakes at a maximum of 10 feet on all curve and 20 feet on all straight or tangent sections. Stakes shall be set at all points on curve and points on tangent of all curves and their station numbers shall be provided.

⁵Editor's Note: Appendix B is included as an attachment to this chapter.

- I. Sidewalk Thickness — Residential = four inches; other = five inches; at residential driveways = six inches with minimum #6, six by six mesh; at industrial driveways = eight inches with minimum #6, six by six mesh. The sidewalk shall be placed upon a four-inch thick compacted 2A stone base.
12. Provisions of Streets for Future Development. If the lots resulting from the original development are large enough for resubdivision or other land development or if a portion of the tract is not subdivided, suitable access and possible street openings for such an eventuality shall be provided. Such suitable access must be at a location that meets all sight distance criteria for an intersection. Such suitable access and possible street openings shall consist of a minimum width of 50 feet with a minimum width of 25 feet on each side of that 50 feet protected by an easement that would grant the owner of the proposed street area of the following rights:
 - A. The right to perpetually enter the land and clear obstructions from the land to improve sight distance and intersection visibility.
 - B. The right to grade or slope the land and/or install drainage facilities and improvements above or below the surface of the land to properly grade and drain the proposed street areas.
 - C. The right to grant easements over or under the land to the Township, the Authority, or any public utility company for the purposes of road or utility installation of the grantee.
13. Half Street. The dedication of half streets, at the perimeter of a new subdivision, is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the applicant/developer. When there exists a half street or a portion of a street in an adjoining property, the remaining half or portion shall be provided by the proposed development.
14. No alleys will be permitted.
15. Street Names and Signs. Street names must be submitted to the U.S. Postal Service and approved by the Board of Supervisors. Sign posts and name plates approved by the Board of Supervisors shall be placed at street intersections. Duplication of street or road names within the Township or within the Postal District shall be prohibited.
16. Obstructions. No fences, hedges, walls, planting or other obstructions shall be located within the right-of-way except as permitted in these regulations.
17. Reserve Strips. Reserve strips controlling access or egress are prohibited. New streets shall be provided through to the boundary lines of the development, especially if it adjoins acreage suitable for future development.

18. Streetlights. The location of poles or standards for streetlights or area lighting shall be located on the Preliminary Plan. Streetlighting shall be provided in accordance with these regulations.
19. Private Access Roads other than driveways shall be permitted only in large developments which are to be retained under single ownership.
20. The Specifications and Provisions for private streets, driveways, and parking in commercial, employment, mobile home parks, or multiple-family residential areas shall be subject to the review and approval by the Board of Supervisors and shall be designed to the following minimum standards, unless greater standards are specified in this or any other Ordinance:
 - A. Width: 24 feet for two-way traffic.
16 feet for one-way traffic.
 - B. Thickness. Six inches crushed aggregate (modified stone or slag).
1 1/2 inch ID2—binder-bituminous concrete.
One inch ID2—wearing-bituminous concrete.

§ 22-408. Easements. [Ord. 2001-08, 11/8/2001, § 4.08]

1. Easements are required for electric service, sewer, water, gas mains, or other utilities (whether proposed now or for possible future extension), and shall be 20 feet wide generally apportioned equally, between abutting properties.
2. Such easements shall follow either rear or side lot lines. Easements for crosswalks shall be at least 20 feet in width. Such easements shall follow either rear or side lot lines. The applicant/developer shall provide storm drainage easements, as required, to assure unimpeded flow of natural drainage within and across the area being subdivided. When underground electrical, TV or telephone lines are provided along street rights-of-way, the applicant/developer shall provide a minimum easement of 10 feet and maximum of 20 feet wide.

§ 22-409. Sidewalks. [Ord. 2001-08, 11/8/2001, § 4.09]

To provide adequate and proper non-motorized traffic movement, sidewalks or pathways are required within and along Major Subdivisions and Land Developments. Such sidewalks shall be provided at locations specified and to the design specified in these regulations.

§ 22-410. Blocks. [Ord. 2001-08, 11/8/2001, § 4.10]

1. Length. Blocks in excess of 1,600 feet in length or less than 500 feet in length will not be approved, except for special conditions.

2. Width. Unless otherwise approved by the Board of Supervisors, blocks shall be of such width as will provide two tiers of lots of the minimum size permitted under the applicable zoning classification.
3. Crosswalk. Crosswalks shall be required where necessary to provide access to schools, churches, business sections, parks, public and private recreation areas.

§ 22-411. Lots. [Ord. 2001-08, 11/8/2001, § 4.11; as amended by Ord. 2004-06, 6/22/2004]

1. The lot size, width, depth, shape, orientation, and the minimum building restriction lines shall be appropriate for the location of the subdivision and for the type of development use contemplated in accordance with the Township Zoning Ordinance [Chapter 27]. Front and rear setbacks from the property line, easement line, or right-of-way line and side clearances for all improvements, including driveways, shall be a minimum meeting the requirements of the Zoning Ordinance [Chapter 27]. Dimensions of irregularly shaped lots shall be indicated for each side of such lot. Any major change in lot or street lines approved on a Preliminary Plan will be considered a resubdivision.
2. The lot dimensions shall conform to the requirements of the Zoning Ordinance [Chapter 27] for specific designated uses with the following additional requirements:
 - A. Any lot served by onlot sanitary sewer facilities shall be a minimum of one acre in area. However, if such lots fall within an area of the Township planned for public sewer service and if the applicant/developer provides a capped sanitary sewer system within his development which can be connected to the proposed Township system, the lot sizes shall be a minimum of 20,000 square feet in area.
 - B. Any lot served by a public or a centralized sanitary sewer system and served by an onlot water supply shall be a minimum of 20,000 square feet in area. For any lot served by both public or centralized water and sewer, the Zoning Ordinance Requirements [Chapter 27] strictly control.
 - C. No residential lots shall be divided by a street, road, alley, or other lot.
 - D. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - E. Generally, lot depth shall vary between one to 2 1/2 times lot width, wherever feasible.

- F. All lots shall front on a public street.
 - G. The area of a lot outside of all floodplains and drainage easements shall be sufficiently large to build a building and, if required, primary and secondary onlot sewer disposal systems without filling or encroaching into the drainage easements of floodplains.
- 3. Corner lots shall respect the minimum front setback from the right-of-way lines of both streets.
 - 4. No residential lot is permitted to have driveway access to a collector or arterial street. A planting screen and associated planting screen easement at least 10 feet wide shall be provided on each lot which abuts a collector or arterial street with no right of access onto or through said screen. Screen composition shall consist of a combination of arborvitae, evergreen and deciduous trees to produce a diffused visual screen within five years of planting. The screen layout must be certified by a registered landscape architect.
 - 5. Side lot lines shall be substantially at right angles or radial to street lines. The lot lines of corner lots shall be rounded to a minimum radius of 25 feet.
 - 6. Off-Street Parking. The off-street parking requirements of the Township Zoning Ordinance [Chapter 27] shall apply.
 - 7. Driveways.
 - A. Access Permits. Driveways shall not be permitted to have direct access to State roads or highways unless authorized by PennDOT through issuance of a Highway Occupancy Permit. Subdivision and Land Development Plans, which will require access to a State highway under the jurisdiction of the Pennsylvania Department of Transportation (PennDOT), shall contain a Plan Note specifying that a Highway Occupancy Permit is required from PennDOT before driveway access to the State highway is permitted. The Plan Note shall also specify that Plan approval does not guarantee that a PennDOT permit will be issued. (Refer to Appendix C⁶.)
 - B. Intersection. Driveways shall intersect streets at right angles, wherever possible.
 - C. Grades. Driveway grades shall not exceed the following:
 - (1) Seven percent when access to an Arterial street or highway is permitted.
 - (2) Ten percent with access to a Local or Collector street.

⁶Editor's Note: Appendix C is included at the end of this Chapter.

- D. Location.
- (1) The center line of a driveway at the point of access to a street shall not be located closer to a street intersection than the following distances:
 - (a) For Single-Family Residential:
 - 1) One hundred fifty feet if either street is an Arterial street.
 - 2) One hundred feet if one street is a Collector and the other street is either a Collector or local street.
 - 3) Seventy-five feet if both streets are local streets.
 - (b) For Multifamily Residential, Mobile Home Parks, and all Nonresidential Subdivision:
 - 1) Three hundred feet if either street is an Arterial street.
 - 2) Two hundred feet if one street is a Collector and the other street is either a Collector or local street.
 - 3) One hundred fifty feet if both streets are local streets.
 - (2) The location of driveways near a grade separated interchange is subject to special engineering review.
- E. All proposed driveways shall be provided with adequate sight distance in accordance with PennDOT criteria whether the driveway is attaching to a State highway or Township road.
- F. Widths. Driveways for multifamily residential, mobile home parks, and all nonresidential subdivisions and developments shall not exceed 30 feet in width and shall be clearly defined by use of curbing.
- G. Entrance. All driveways with access to an Arterial or Collector street shall have sufficient space to permit a vehicle to turn around and enter the street head-on.
8. Street Addresses. Street addresses must be shown on the Final Plan before recording of the Plan.
9. Lot Numbers. For purposes of development, each subdivision shall have an overall system for lot numbers; the number one being assigned to a lot in the first section to be developed. (Such systems of lot numbers shall not be

confused with the regular house or building numbering system based on a Township-wide Plan.)

10. Lot Pins. All lot corner markers shall be permanently located and shall be at least 3/4 inches steel or iron pin or steel or iron pipe with a minimum length of 30 inches, located in the ground flush to existing grade.
11. Survey Monuments. Concrete survey monuments shall be provided in accordance with these regulations.

§ 22-412. Open Space and Community Facilities. [Ord. 2001-08, 11/8/2001, § 4.12]

1. School Sites. The Planning Commission and/or the Board of Supervisors, with the advice of the School District serving the Township, may require the applicant/developer of residential subdivisions to reserve land to be conveyed for a consideration to the School District for school sites.
2. Fire, Police, Library and Other Public Buildings. The Planning Commission and/or the Board of Supervisors may require any applicant/developer to reserve and to be conveyed for a consideration or dedicated to the Township as open land provision for future facilities to be located on public grounds.
3. Street Rights-of-way Reservations. The Board of Supervisors may require the applicant/developer to dedicate land to the Township for future street widening for the purposes of the protection and preservation of the public's health and safety, and to conform to Local and/or Regional Comprehensive Street Plans.
4. Recreational and Open Space Areas. The policy of the Board of Supervisors is to provide for dedication of land by the applicant/developer for future recreational and open space use, active or passive, exclusive of paved areas. The Board of Supervisors reserves the right to accept or reject, in whole or part, any offer to dedicate land. All open space/recreation areas must meet the design standards in Subsection (4)(E). The amount of land to be so dedicated to the Township shall be determined by the following standards:

A. For Residential Subdivision and Land Developments:

Dwelling Units in Subdivision	Land to be Dedicated for Recreation/Open Space or Development
3 to 10	0.5 acre
10 to 24	1 acre
25 to 49	2 acres
50 to 150	3 acres
151 to 300	5 acres
301 to 450	7 acres

Dwelling Units in Subdivision	Land to be Dedicated for Recreation/Open Space or Development
451 to 600	9 acres
601 to 900	12 acres
Each additional 300 units	2 acres

- (1) Where public recreation/open space areas already exist close to the proposed subdivision or development, and such areas are deemed adequate by the Board of Supervisors to fulfill the recreation/open space needs of the proposed subdivision, development as determined by the Board of Supervisors, or in the case of a subdivision with less than a one-acre dedication requirement, contributions of money may be accepted in lieu of recreation/open space within the proposed subdivision, the money, so collected, shall be used to provide park and recreation improvements which bear a reasonable relationship to the expected utilization of such facilities by the future inhabitants of the subdivision or land development.
 - (2) Where a monetary contribution is made in lieu of land dedication, the value or amount of such contributions shall be based upon the anticipated need for park and recreation facilities generated by the future inhabitants of the subdivision or development. Such contribution shall be a minimum of \$550 per residential dwelling unit. This amount shall be adjusted annually, on or before July 1, upon certification of the Township Engineer based on estimated costs computed from change in cost indexes obtained from the Engineering News Record, or its equivalent, and the new amount shall apply to preliminary plans submitted thereafter.
- B. Multifamily Dwelling Developments. In addition to the public requirements in Subsection (A) above, land shall be reserved, improved by the applicant/developer, and privately maintained by the landowner for recreational and open space use at 1,000 square feet per dwelling unit; 5,000 square feet minimum, exclusive of roofed or paved areas and outside all required minimum front, side, or rear yard setbacks. The improvements provided by the applicant/developer shall be those which could be anticipated to be needed by the inhabitants of the development. The applicant/developer shall provide a Recreation Facility Proposal based upon the anticipated need for facilities along with a Recreation Impact Study at the time of the Preliminary Plan submission. The study and proposal for facilities shall be subject to Board of Supervisors review and approval. In its review and approval, the Board of Supervisors shall consider the applicant/developer's proposal in light of the Recreation Impact Study

and generally accepted Park and Recreation Design Standards and Recommendations and the Standards set forth in the "Township Recreation Plan." The applicant/developer's Impact Study and Proposal for Facilities may include public park open space and recreation facilities if the applicant/developer is providing pro-rata contributions and/or dedications or improvements to those facilities in proportion to the added demand his development is placing on those facilities, but such public land areas, improvements or contributions shall not relieve the applicant/developer from providing the private recreation and open space minimum area required by this section. At least 50% of the private recreational and open space land provided by the applicant/developer shall be suitable for recreation use and shall be flatter than 8% and shall be located outside of detention basins and outside the twenty-five-year floodplain.

- C. Nonresidential Subdivisions and Land Developments. It is the intent of this Ordinance that nonresidential subdivisions provide an integrated open space/recreation area within the subdivision for use by the occupants/employees of the uses provided. This area provided must be at least one acre for every 50 acres of total tract area (before subdivision). This area need not be dedicated to the Township but must be protected as open space/recreation in perpetuity. All open space/recreation areas must meet the design standards in Subsection (4)(E). In lieu of providing land, a Recreation Fee of \$200 per acre shall be paid based on the total tract area existing prior to subdivision. Any land development which is a part of a previous subdivision providing these requirements need not provide additional land or fees.
- D. The public dedication of land and/or payment of monies in lieu thereof, shall at all times be conditioned on the following:
- (1) The land or monies or combination thereof are to be used only for the purpose of providing park or recreational facilities accessible to the subdivision or land development.
 - (2) The recreational land to be dedicated and/or facilities to be purchased with the monies contributed under this Section, are in accordance with the definite principals and standards contained in a Recreation Plan formally adopted by the Board of Supervisors and the provisions of this Chapter.
 - (3) The amount and location of land to be dedicated or the monies to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the land development or subdivision.
 - (4) Any monies contributed to the Township in lieu of the dedication of land shall be deposited in an interest bearing

account, clearly identifying the specific recreation facilities for which the monies were received. Interest earned on such accounts shall become monies of those accounts. Monies from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.

- (5) Upon the request of any person who paid any monies in lieu of the dedication of land, the Board of Supervisors shall refund such monies plus interest accumulated thereon from the date of the payment, if the Township had failed to utilize the monies paid for the purposes set forth in this Part within three years from the date such fee was paid.
- (6) Land areas dedicated to the Township shall be provided in a clean and environmentally stable condition. If such areas are intended to be lawn areas, they shall be smooth graded and tilled, fertilized, seeded and mulched to PennDOT Publication 408 Standards, § 800 with Formula "B" Bluegrass Mixture.
- (7) Detention basin areas shall not be considered open space or recreation areas.
- (8) Land to be publicly dedicated to the Township shall be by fee simple deed, free and clear of all liens and encumbrances. The executed deed shall be delivered to the Township for recording at the time of Final Plan approval.
- (9) If public dedication of land is rejected by the Township, the land may alternatively be conveyed to a legally constituted Homeowner's Association or retained and managed by such private ownership as the Board of Supervisors may approve, so long as its use remains open to the residents of the proposed development. In the event that recreation land remains in private ownership, provisions providing for the maintenance of the same shall be established in accordance with the recommendation of the Board of Supervisors.

E. Open Space/Recreational Facility Characteristics Design Standards. In designating recreational facilities within the Subdivision and Land Development Plan, the following criteria and standards shall be adhered to by the Applicant:

- (1) Recreational facilities shall be consistent with the Township Comprehensive Plan and Recreation Plan.
- (2) Recreational facilities shall be suitable for active recreational uses to the extent deemed necessary by the Board, without interfering with adjacent dwelling units, parking, driveway,

and roads. Land to be used for active recreation should not be in the floodplain, on slopes exceeding 6%, in wetlands, or comprised of surface water.

- (3) Recreational facilities shall be consistent with natural historic features protection provisions, as and to the extent contained elsewhere in this Chapter.
- (4) The linkage of erosion and sediment control or stormwater control facilities with recreation facilities may be permitted and is encouraged by the Township if the presence of such facilities does not conflict with proposed activities or detract from the aesthetic values associated with the recreational facility. Plans for combining these facilities should be submitted to the Township for review and approval.
- (5) Recreational facilities shall be interconnected with recreational facilities on abutting parcels wherever possible, including provision for pedestrian trails, for general public use to create linked pathway systems with the Township.
- (6) Recreational facilities shall be coordinated with applicable open space and recreation plans of any Federal, State, County, Regional, adjacent municipal or private organization to compliment various programs increasing the utility of the open space and recreation network.
- (7) Recreational facilities shall be provided with sufficient perimeter parking when necessary and with safe and convenient access by adjoining street frontage or other right-of-way easements capable of accommodating pedestrian, bicycle, maintenance, and vehicle traffic and containing appropriate access movements.
- (8) Recreational facilities shall be undivided by any public or private streets, except where necessary for proper traffic circulation, and then only upon the recommendation of the Township Engineer and Planning Commission.
- (9) Recreational facilities shall be free of all structures, except those related to outdoor recreational uses.
- (10) Recreational facilities shall be suitably landscaped either by retaining existing vegetation and wooded areas and/or a Landscaping Plan for enhancing open space areas through plantings which are consistent with the purposes of this Section and which minimize maintenance costs.

- (11) Recreational facilities shall be conveniently accessible to the general public to improve the utility of the facility and to promote its use among the residents. This applies to private facilities with limited access, as well as, in case it is ever offered for dedication to the Township.

F. Natural Area Design Standards. For those areas of a single-family or multifamily land development plan specifically designated as "common open space," the following criteria and standards shall be adhered to by the applicant: **[Added by Ord. 2014-01, 3/25/2014]**

- (1) Designation of "natural areas" is intended to preserve existing natural landscape features and create new natural areas wherever possible. Passive recreational uses may be provided as long as these uses do not impact existing natural features.
- (2) The objectives of preserving and enhancing natural areas are to:
 - (a) Protect and improve water quality;
 - (b) Create transition from built to natural environment;
 - (c) Connect landscape components to benefit humans and wildlife; and
 - (d) Reduce intense maintenance requirements of mowing, fertilizing, and pesticide application.
- (3) Natural features within any natural areas shall be defined and categorized as follows:
 - (a) Stormwater Basin Areas. Includes areas within the top-of-berm elevation of any stormwater basin.
 - (b) Riparian Areas. Includes land within 75 feet along all regulated boundaries of rivers and streams, as defined in accordance with current state and federal regulations and guidance.
 - (c) Wetland Areas. Includes all areas of the site that qualify as a "wetland," as defined in accordance with current state and federal regulations and guidance, including a fifty-foot-wide buffer, as measured from all delineated wetland boundary lines.
 - (d) Woodland Areas. Includes areas of existing mature trees and other woody vegetation, prior to any site development activities, including a fifteen-foot-wide

buffer, as measured from the existing dripline of existing vegetation.

- (e) Steep Slope Areas (25% or greater). Includes all existing natural and/or "undeveloped" areas of the site that exceed 25% or greater slope.
 - (f) Floodplain Areas. Includes all existing undeveloped areas of one-hundred-year floodplains delineated by the Federal Emergency Management Agency (FEMA).
 - (g) Other Common Areas. Includes all areas not defined by the above categories and outside of individual lot ownership and may include passive recreation facilities such as trails and picnic groves, as well as tot lots and playgrounds.
- (4) General Criteria.
- (a) All natural areas shall have conservation easements established by the applicant at no cost to the Township, which are to be held by the Township to preserve and protect them into perpetuity. The applicable restrictions associated with these easements shall be noted on the development plans. All conservation easements shall be recorded along with the property deed(s) prior to final plan approval by the Township.
 - (b) All disturbances within the natural areas shall be kept to a minimum. Stormwater and utility construction activities within the natural areas are allowed but must be minimized, with limits of disturbance established and closely followed.
 - (c) All natural area plantings for the land development project shall be installed within the first phase of the project, whenever feasible. If all natural area plantings cannot occur within the first phase, they must be included in the earliest phase possible.
 - (d) Any proposed walkway areas shall be constructed of appropriate pervious materials as determined by the Township Planning Commission or shall be proposed to be established and maintained in a mowed condition. Short-term and long-term maintenance requirements and responsibilities shall be defined in a formal Maintenance and Monitoring Program, as required under Subsection 4F(6) below.

- (e) Any invasive and/or noxious species, as listed in 22 Attachment 6,⁷ within the natural areas shall be eliminated, either by removal or treatment, in accordance with best management practices endorsed by the Pennsylvania Invasive Species Council and in accordance with state and federal regulations for any application of herbicides. The lists of invasive and noxious species may be updated from time to time without formal notice.
- (f) Only native plants, as published by the Department of Conservation and Natural Resources or other qualified source and listed to occur within Northampton County by the Morris Arboretum, shall be used for natural area plantings. Seed mixes used shall be as specified within this section or as approved by the Township Planning Commission and Township Engineer.
- (g) All natural area categories with proposed plantings and seeding shall be shown, quantified and specified on the preliminary land development project landscape plans. Alternative planting schemes different from those described below will be considered only after review and approval by the Township Planning Commission and Township Engineer. All open space landscape plans shall be prepared and sealed by a licensed landscape architect or qualified environmental specialist.
- (h) All planting and seeding installations and maintenance shall be performed in accordance with applicable industry standards. Methods that create minimal disturbance in both planting and seeding are preferred where possible. Coverage by seeded plant species (e.g., herbaceous layer vegetation such as grasses, sedges, rushes, and forbes) must have an aerial coverage of 100% by the end of the first full growing season after seeding. Coverage by planted vegetation (e.g., plant plugs, shrubs, and trees) must have a minimum survival rate of 80% at the end of the first full growing season following planting. (Note: To qualify as a full growing season, seeding and planting must be completed prior to June 1 of that same year. The end of the growing season is October 15.) Monitoring and maintenance shall continue, annually, by the applicant until the above conditions are met.

⁷Editor's Note: Said list is included as an attachment to this chapter.

- (i) Subject to the maintenance requirements in Subsection 4F(6) below, all plantings in the common open space areas are exempt from Chapter 10, Part 3 (Grass, Weeds and Other Vegetation), of the Allen Township Code of Ordinances.
- (5) Specific Design Criteria.
 - (a) Stormwater Basin Areas.
 - 1) Basin bottoms shall receive either:
 - a) A wetland seed mixture and/or plantings (herbaceous and/or emergent species) on the entire bottom of the basin if basin bottom is proposed for water quality improvement functions and values. Wetland seed mix shall contain a minimum of 10 native, perennial herbaceous or emergent plant species, half of which must be grass, sedge, or rush species, and shall be seeded at a rate of 15 pounds/acre, along with annual ryegrass seeded at a rate of 10 pounds/acre; or
 - b) A moisture-tolerant seed mix if the basin is proposed as "nonwetland." This seed mix shall be comprised of redtop, wild rye, alkali grass, sedge spp., bluegrass and bentgrass, seeded at a rate of 30 pounds/acre, along with annual ryegrass seeded at a rate of 10 pounds/acre.
 - 2) Basin berm above normal permanent water elevation (if proposed) shall receive a moisture-tolerant seed mix comprised of redtop, wild rye, alkali grass, sedge spp., bluegrass and bentgrass, seeded at a rate of 30 pounds/acre, along with annual ryegrass seeded at a rate of 10 pounds/acre.
 - 3) Basin side slopes (not part of berm), above normal permanent water elevation (if proposed), shall receive a moisture-tolerant seed mix comprised of redtop, wild rye, alkali grass, sedge spp., bluegrass and bentgrass, seeded at a rate of 30 pounds/acre, along with annual ryegrass seeded at a rate of 10 pounds/acre. Native shrub and tree plantings may be included.

- 4) All seeded areas within basins and other areas designed to receive stormwater flow or inundation shall be straw mulched and covered with properly installed erosion control matting (e.g., staked jute mat).
 - 5) The owner/contractor shall be responsible for watering and maintenance as necessary to establish adequate coverage by seeded and/or planted species. Additionally, see monitoring and maintenance requirements within this Ordinance section.
- (b) Riparian area buffers shall be a minimum of 75 feet wide, unless larger buffers are required by other agencies. These buffers shall be designed and planted in accordance with Department of Environmental Protection riparian buffer requirements.
 - (c) Wetland area buffers shall be a minimum of 50 feet wide and located immediately adjacent to the delineated wetland boundary. Established natural plant communities within this buffer shall remain undisturbed. Disturbed areas (e.g., farmed land, bare soils, etc.) shall be planted with a seed mixture that is appropriate for establishment of a "meadow condition." The seed mixture shall be appropriate for the soil moisture regime and shall contain a minimum of 20 native, perennial herbaceous plant species, half of which must be grass, sedge, or rush species, and shall be seeded at a rate of 15 pounds/acre, along with annual ryegrass seeded at a rate of 10 pounds/acre. Native shrub and tree plantings may be included.
 - (d) Woodland area buffer shall be a minimum of 15 feet wide and located immediately adjacent to existing woodland areas, as measured from the dripline of existing vegetation. This buffer shall consist of a combination of native "edge species" such as gray dogwood, silky dogwood, viburnums, and staghorn sumac, along with a "partially shaded" seed mixture consisting predominantly of bottlebrush grass, Canada wild rye, bluestem, switchgrass, tall white beard tongue, golden alexanders, partridge pea, black-eyed susan, and tioga, seeded at a rate of 15 pounds/acre, along with annual ryegrass seeded at a rate of 10 pounds/acre.
 - (e) Steep slope areas shall be stabilized with a "steep slope" seed mixture consisting of bluestem, Canada wild rye,

switchgrass, bentgrass, and purple top, seeded at a rate of 30 pounds/acre, along with annual ryegrass seeded at a rate of 10 pounds/acre. Native shrub and tree plantings may be included.

- (f) Floodplain areas, where disturbed, shall be stabilized with a moisture-tolerant seed mix comprised of redtop, wild rye, alkali grass, sedge spp., bluegrass and bentgrass, seeded at a rate of 30 pounds/acre, along with annual ryegrass seeded at a rate of 10 pounds/acre. Native shrub and tree plantings may be included.
- (g) Other common areas remaining shall be established in either:
 - 1) A "meadow mix" seed mixture predominantly comprised of wild rye, bluestem, switchgrass, indiangrass and gamma grass at a rate of 15 pounds/acre, or
 - 2) A regular grass seed mix in more active areas, such as trails and picnic groves, comprised of "Formula B" per PennDOT specifications. This formula includes perennial ryegrass, creeping red or chewings fescue and a blend of Kentucky bluegrasses, seeded at a rate of 50 pounds/acre.
 - 3) Native shrub and tree plantings may be included.
- (6) Maintenance and Monitoring Program.
 - (a) A maintenance and monitoring program shall be prepared and submitted for review and approval during the subdivision/land development approval process. This program shall address both short-term and long-term conditions, maintenance responsibilities of all proposed open space areas and applicable monitoring provisions as specified in this section.
 - (b) Specific maintenance requirements for each category shall include the following:
 - 1) Stormwater Basin Areas.
 - a) Mowing and vegetation management:
 - (i) Annual mowing, one time during early spring of basin bottom and side slopes (excluding berm: see Subsection 4F(6) below), if natural

area seeding and/or plantings are installed. Areas of the basin bottom designed to contain/maintain shallow standing water under normal conditions shall not be mowed.

- (ii) No mowing of basin bottom areas proposed as shallow open water.
 - (iii) Basin berms, including side slopes and top, shall be mowed a minimum of four times, annually, during the growing season to prevent establishment of woody materials and to discourage animal damages.
- 2) Riparian Buffer Areas.
 - a) No mowing in riparian buffer areas.
 - b) Annual inspection and replacement of dead or damaged plantings and plant materials.
- 3) Wetland Buffer Areas.
 - a) No mowing in wetland buffer areas.
- 4) Woodland Buffer Areas.
 - a) No mowing in woodland buffer areas.
- 5) Steep Slope Areas.
 - a) Annual mowing one time during early spring in steep slope areas intended to be maintained in a meadow condition.
 - b) Steep slope areas intended to become natural woodlands shall not be mowed.
- 6) Floodplain Areas.
 - a) No mowing in floodplain areas, unless in accordance with a site-specific natural area vegetation management plan approved by the Township (e.g., for long-term management as a meadow free of trees and shrubs).
- 7) Other Common Areas.

- a) Regular mowing of seeded lawn areas in active use areas (e.g., trails and picnic groves).
- b) Annual mowing one time during early spring of all areas seeded or planted as "natural areas."
- (c) Invasive Species Management. All seeded and planted portions of natural areas shall be inspected by the owner, twice per growing season, and treated as necessary to eradicate invasive and exotic plant species during the first three years following original seeding/planting and any supplementary seeding/planting. Treatment of invasive and exotic species shall be in accordance with best management practices endorsed by the Pennsylvania Invasive Species Council and in accordance with state and federal regulations for any application of herbicides.
- (d) All proposed plantings shall be monitored, by the owner, for a period of five years, with annual inspections and reports being submitted to the Township Planning Commission. Any necessary replanting or replacement of dead plant materials shall be noted and completed within three months of the inspection or as approved by the Township Planning Commission in order to improve survival of plantings.
- (e) The noted monitoring period shall be extended if adequate plant survival and full coverage are not achieved, as determined by the Township Planning Commission.
- (f) The approved maintenance and monitoring program shall be included in any homeowners' association, or other similar entity, regulations for future use by the association.

§ 22-413. Landscaping. [Ord. 2001-08, 11/8/2001, § 4.13]

1. Trees. All healthy trees, wherever possible, shall be preserved in subdivision and land development.
2. Topsoil Protection. Grading and cut/fill operations shall be kept to a minimum to ensure conformity with the natural topography, to minimize the erosion hazard and to adequately handle the surface runoff. No topsoil shall be removed from the subdivision site except that topsoil stripped from street cartway areas or other paved areas. A minimum of four inches of topsoil is to

- be uniformly distributed over areas stripped for construction beyond those areas covered by structures and paving. The applicant/developer must comply with the provisions of the State Erosion Control Regulations.
3. Street Trees and Landscaped Screens and Buffers. Planting in rights-of-way and in required tree and shrub buffer yards or screens shall be maintained continuously in good order by the property owner abutting the right-of-way or owning the yard or screen.
 4. No new plantings are permitted in Township street rights-of-way, stormwater easements, or sanitary sewer easements.

§ 22-414. Storm Drainage. [Ord. 2001-08, 11/8/2001, § 4.14]

Provisions for stormwater management are set forth in the Township's Stormwater Ordinance [Chapter 8].

§ 22-415. Sanitary Sewerage. [Ord. 2001-08, 11/8/2001, § 4.15]

1. The applicant/developer shall provide, at no expense to the Township, the most effective type of sanitary sewage disposal consistent with the Township's Official Plan for sewage facilities prepared in accordance with the Pennsylvania Sewage Facilities Act (Act 537), and Chapter 71 of the Pennsylvania Department of Environmental Protection Regulations for the Subdivision or Development.
2. Connection to a public sanitary sewage disposal system shall be required for the following instances:
 - A. For any subdivision or land development which requires the construction of a new street within 1,000 feet of an available public or centralized sanitary sewer system, unless the Board of Supervisors determines that the Township Official Sewage Facilities Plan (Act 537) cannot provide for public or centralized service for the development or subdivision within five years of the date of the Preliminary Plan approval.
 - B. For any subdivisions or land development which propose a density of less than one acre per equivalent dwelling unit.
 - C. For any multifamily or planned residential development.
3. Capped Sewer System.
 - A. Where a public sanitary sewer system is not yet accessible to the site but is planned for extension within a five-year period of the date of Preliminary Plan approval, the applicant/developer shall install sanitary sewer lines within the subdivision boundary to the point

where the future connection to a public sewer system will be made and dedicate such system to the Township or appropriate Authority.

- B. Lateral connections shall be constructed for all lots or buildings.
 - C. Connections shall be available in the structures so as to allow the switch from the use of the onlot system to the public system.
 - D. Such sewer systems shall be capped until ready to use.
 - E. Onlot disposal facilities constructed in accordance with State regulations shall be provided for interim use.
 - F. If a pump or lift station is required to connect the system to the main system, such station shall be completely constructed or monies shall be escrowed for the construction of the station in the future. This shall be determined by the Township.
 - G. The design, installation, and testing of all such capped sewers and appurtenances shall be subject to Board of Supervisors review, inspection, and approval.
 - H. The capped system shall provide a complete collection within the development.
- 4. In subdivision/land developments where neither connection to a public sewage system nor a private centralized sewage system is contemplated, onlot sewage disposal systems shall be provided in accordance with the Pennsylvania Sewage Facilities Act, Chapter 73 of the Department of Environmental Protection Regulations and the requirements of the Township Sewage Enforcement Officer.
 - 5. Sanitary sewerage systems shall be located and/or designed to minimize flood damage and minimize or eliminate infiltration of floodwaters into the system or discharges from the system into floodwaters.
 - 6. Onlot sewage disposal systems shall be located and/or designed to avoid impairment to them or contamination from them during flooding.
 - 7. Design and construction of, and connection to, a public or centralized sanitary sewer system shall be provided in accordance with the following standards:
 - A. Allen Township Sanitary Sewer Rates, Rules, and Regulations, Standards, and Specifications.
 - B. Pennsylvania Department of Environmental Protection Regulations.
- Furthermore, any such system shall be offered for dedication to the Township or applicable Authority upon its satisfactory completion.

8. No Preliminary Plan shall be approved with lots or buildings requiring onlot sanitary sewage disposal systems until each such proposed lot or proposed building site has been found by the Board of Supervisors to be suitable for onlot disposal. The on-site testing requirements include satisfactory soils testing for a primary and alternate reserve septic site.
9. The Board of Supervisors may require larger lots in subdivisions with onlot sewage disposal, than as required by the Zoning Ordinance [Chapter 27], if the space requirements for septic tanks and primary drainage fields and one backup drainfield warrant such an increase.
10. Cesspools and drilled sinks are prohibited.
11. Plan Notice. (Refer to Appendix C⁸.)
 - A. Subsurface Sewage Disposal. All Subdivision or Land Development Plans shall contain a Plan Note specifying that approval of the Plan does not guarantee permit issuances for sewage disposal.
 - B. Public Sewers. All Subdivision and Land Development Plans shall contain a Plan Note specifying that connection to public sewer lines is required.
12. All sewer lines constructed by an applicant/developer must extend to the applicant/developer's property line in areas required by the Board of Supervisors.
13. Preliminary and Final Plans must note any lots where basement service to the sanitary lines is not possible.

§ 22-416. Water Supply, Distribution and Fire Protection. [Ord. 2001-08, 11/8/2001, § 4.16]

1. The applicant/developer shall provide, at no expense to the Township, all lots, buildings, and leased units in a subdivision or land development with adequate supply of water by one of the following methods:
 - A. Connection to a public or centralized water system designed and constructed by the applicant/developer to standards of the Pennsylvania Department of Environmental Protection, applicable local public water department and/or private water company approved by the Pennsylvania Public Utility Commission and this Chapter.
 - B. Individual onlot water system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Protection.

⁸Editor's Note: Appendix C is included at the end of this Chapter.

2. Connection to a public or centralized water system shall be required in the following Subdivisions:
 - A. Multiple-family or planned residential developments.
 - B. If an available public or centralized water system is within 1,000 feet of a proposed major subdivision or land development.
3. The minimum working pressure during flow at the service entrance to each lot or leased unit, in the outlying parts of the distribution system, shall be 30 pounds per square inch. In the central or built-up sections of the distribution system, normal working pressures shall be 60 pounds per square inch and shall not be less than 35 pounds per square inch. A minimum of 20 pounds per square inch shall exist at any point in the system during periods of fire flow.
4. In those cases where a public or community water system is not available or practical, as well shall be provided for each lot. Wells shall be placed uphill from sewage disposal systems. Wells shall not be within 100 feet of any part of the absorption field of any on-site sewage disposal system and they shall not be placed within 50 feet of lakes, streams, ponds, quarries, etc.
5. Subdivision and Land Development Plans shall contain a Plan Note specifying the source of water supply. Plans not proposing the use of public or community water shall contain a Note specifying that the lot(s) has not been tested for the availability is provided. (Refer to Appendix C⁹.)
6. When proposed or required, water systems for community or public needs shall be provided installed and maintained in conformance with the following regulations:
 - A. Pennsylvania Department of Environmental Protection Standards.
 - B. Pennsylvania Public Utilities Commission Standards for systems under their jurisdiction.
 - C. Regulations or specifications of the water service company or Authority providing the water service.
7. Fire service must be provided for residential developments containing 100 dwelling units or more and for all developments in existing areas of community or public water supply. Such fire service must provide for at least 500 GPM at each fire hydrant for two hours with at least 20 psi residual pressure. Fire hydrants shall be located no more than 500 feet from any proposed structure. Fire hydrant threading must be compatible with the local Fire Department.

⁹Editor's Note: Appendix C is included at the end of this Chapter.

§ 22-417. Swimming Pools. [Ord. 2001-08, 11/8/2001, § 4.17]

Swimming pool construction for private or public use shall be regulated by applicable State or Local Regulations.

§ 22-418. Electrical and Gas Utilities. [Ord. 2001-08, 11/8/2001, § 4.18]

1. All electrical utilities, including electric power, telephone, and television cable lines shall be placed underground, where feasible. The installation of underground facilities for all utilities shall be performed in accordance with the current standards of the utility company(s) serving the subdivision.
2. Electrical and Gas Utilities Easement. Easements for the installation of underground facilities for electric power, telephone, television cable, and gas lines shall be provided, when necessary, so that each lot or leased unit can be practically served.
 - A. Location. The location of such easements shall meet the approval of all firms providing electrical and gas utilities and the approval of the Board of Supervisors. Electrical utility installations shall be so located as to permit multiple installations within the easements.
 - B. Width. Such easements shall have a total width of 20 feet, except along dedicated street right-of-way, where they may be 10 feet wide.

§ 22-419. Unusual Hazards. [Ord. 2001-08, 11/8/2001, § 4.19]

1. Land subject to unusual hazards to life, health, or property as may arise from floods, quarries, cliffs, swamps, or considered to be uninhabitable for other reasons, shall not be subdivided or developed for building purposes, unless:
 - A. The hazard is eliminated; or
 - B. The plans show adequate safeguards to protect against the recognized hazards.
2. Land subject to any unusual hazards shall be set aside for uses that will not be endangered by such hazards or their adverse influences.

§ 22-420. Soil and Erosion Control Plan. [Ord. 2001-08, 11/8/2001, § 4.20]

1. Whenever any subdivision or land development is proposed, any new construction or installation of a new structure or other activity which results in application to the Northampton County Soil Conservation District and submission of a Soil and Erosion Control Plan, a copy of said plan shall be submitted to the Board of Supervisors prior to any activity, construction, grading, or re-landscaping of the affected tract being undertaken.

2. Whenever any subdivision and/or land development is submitted to the Board of Supervisors for any new construction or installation of a new structure or for any change in use which causes the landscape to be disturbed as to either contours, soil, or slope characteristics or if any vegetation or other groundcover is to be removed, except as excluded under Subsection (3), a plan is required showing how resulting erosion and sediment shall be controlled. This plan shall include the following:
 - A. The amount of site alteration proposed;
 - B. Development schedule; and
 - C. Erosion and sediment control practices (both temporary and permanent) and their operation and maintenance arrangements.
3. The following activities require no Soil and Erosion Control Plan submission:
 - A. Improvements, such as erection of retaining walls, driveway paving, minor regrading, or activities on a property which do not significantly affect the natural overland or subsurface flow of stormwater or the drainage of any property.
 - B. Farming, gardening, lawn installation or lawn restoration, except that sod farming does require a Soil and Erosion Control Plan.

§ 22-421. Wetlands or Waterway Encroachment. [Ord. 2001-08, 11/8/2001, § 4.21; as amended by Ord. 2017-03, 3/28/2017]

State and federal permits are required for work encroaching on or altering wetlands or waterways. As wetlands are not always easily identifiable, a wetlands determination report prepared by a qualified soils scientist shall be submitted for any subdivision or development which includes areas of hydric or hydric inclusion soils as defined by the Army Corps of Engineers. The Township Board of Supervisors may request a wetlands determination report, including a mapping of areas delineated as part of the determination report where geothermal impacts may contribute negatively to subsurface hydrologic characteristics, of a tract considered for subdivision or land development.

§ 22-422. Streetlighting. [Ord. 2001-08, 11/8/2001, § 4.22; as amended by Ord. 2004-06, 6/22/2004]

Complete streetlighting facilities shall be provided by the applicant/developer, at his expense, at each park, fire hydrant and street intersection. Streetlights shall be separated by at least 100 feet from each other. Plans for the placement shall be prepared in cooperation with appropriate public utility and by the Board of Supervisors. The subdivider shall have the right to select public utility approved metal poles; however, the type selected shall be the only type installed in the entire development, and such type shall be of the type approved by the Board of Supervisors.

§ 22-423. Survey Monuments. [Ord. 2001-08, 11/8/2001, § 4.23]

Concrete survey monuments shall be provided along one side of each proposed or existing street on the right-of-way line at each point of curve or change in direction, and at every tract boundary corner unless existing monumentation is found for that corner. The location of all monuments shall be shown on the Final Plan. The concrete monuments shall be 36 inches long and eight inches square or in diameter at the base and four inches square or in diameter at the top with a brass disk on the top, unless otherwise approved by the Board of Supervisors. The top of the monument shall be set flush with the final grade of the property.

§ 22-424. Subdrains. [Ord. 2001-08, 11/8/2001, § 4.24]

Subdrains may be required adjacent to concrete curb or edge of road during construction of roads, if it is determined by the Board of Supervisors that such drains are necessary to preserve road integrity in high water table conditions. Such subdrains shall be installed in accordance with Appendix B.¹⁰ The applicant/developer must provide a suitable outlet for each subdrain outside the Township right-of-way or into the storm piping system.

§ 22-425. Phasing. [Ord. 2001-08, 11/8/2001, § 4.25]

The Phasing Plan, if any, must be shown on the Preliminary Plan. The Board of Supervisors reserves the right to approve the proposed Phasing Plan. Any utilities, stormwater facilities, roads, etc., required to service any phase must be built and secured with the Final Plan of that phase.

§ 22-426. Geologic Analysis. [Ord. 2001-08, 11/8/2001, § 4.26]

The applicant/developer of any residential development or of a nonresidential subdivision or land development, with a proposed onlot sewage flow and/or onlot water flow of greater than or equal to 10,000/GPD (25 EDUs), must engage the services of a registered professional geologist to perform the following study:

1. On-lot Water. If on-lot water supply is proposed, an elevation of the availability of water on-site is required. The analysis must also include the affects of the proposed development on nearby wells. If any adverse affects are expected, the applicant/developer must propose remediation.
2. On-lot Sewer. If on-lot sewer systems are proposed, an evaluation of the affects of onlot sewage systems on groundwater systems is required. If any adverse affects are expected, the applicant/developer must propose remediation.

§ 22-427. Ground Restoration. [Ord. 2001-08, 11/8/2001, § 4.27]

1. Surface restoration with topsoil and grass shall be required in all areas of land being dedicated to the Township in fee simple or by way of easements, if such areas are not planned for some other type of improved surface.

¹⁰Editor's Note: Appendix B is included as an attachment to this chapter.

2. In these grassed areas and in all other areas planned for grass or similar vegetated soil cover, the following specifications shall be utilized for the surface restoration, unless the approved project plans show some alternate method of surface restoration:
 - A. PennDOT Publication 408 specifications shall be used for topsoil installation, seed bed or sod bed preparation, fertilization, seeding or sodding and mulching.
 - B. Subsoil grading shall be done to a smooth and uniform condition, without sharp breaks and with 5:1 slopes or flatter, unless otherwise approved on the Development Plans.
 - C. Topsoil shall be at least four inches thick.
 - D. Type "D" or "W," as applicable, seed shall be used in drainage ways.
 - E. Type "B" seed shall be used in other areas.
 - F. Sod may be used as desired or needed to stabilize erodible areas.
 - G. No such area shall be accepted or approved by the Township unless the grass or approved ground cover has satisfactorily grown and stabilized the soils.

PART 5
PLAN REQUIREMENTS**§ 22-501. Intent. [Ord. 2001-08, 11/8/2001, § 5.01; as amended by Ord. 2015-02, 6/11/2015]**

Plans, maps, and data shall be prepared and furnished by the applicant/developer as required herein to assure accurate surveying, to provide adequate information to designing and preparing plans, for reviewing, approving and recording plans. Plans and maps shall be neat, legible, uncluttered and easily readable. All applications must be accompanied by an electronic copy for all plan sheets, reports, studies and/or any correspondence associated with the plan submission of the subdivision or land development plan in a PDF or JPEG or other format accepted by the Township and be delivered to the Township on a CD, USB device or other media format accepted by the Township. The applicant/developer shall provide the Township with sufficient data to allow the Board of Supervisors and various review agencies to determine that the applicant/developer is complying with the applicable regulations and to allow construction of all improvements required by the various applicable regulations.

§ 22-502. Preliminary Plan. [Ord. 2001-08, 11/8/2001, § 5.02; as amended by Ord. 2002-09, 12/30/2002, § 2.]

1. When Required. A Preliminary Plan shall be submitted for all subdivisions and land developments except for minor subdivisions.
2. Drafting Standards.
 - A. For the plan layout, horizontal scale shall be 50 feet to the inch, and shall be accurate to within one part in 200. Vertical scale of the street profile shall be five feet to the inch. Sheet size shall be 24 inches by 36 inches. A deviation of these requirements is allowed if deemed appropriate, prior to submission, by the Township Engineer.
 - (1) The tract boundaries of all contiguous property owned by the applicant or owner.
 - B. Distances shall be in feet and decimals, and bearings in degrees, minutes, and seconds.
 - C. Each sheet shall be numbered to show its relation to the total number of sheets in the plan, as "Sheet No. 1 of 5 Sheets." Where there are two or more sheets, a Key Map shall be provided.
 - D. Where the plan is a revised plan, revision date and brief description of revision should be provided in the title block.
3. Existing Features of the Land. The Plan shall set forth:

- A. The location, names and widths of streets and roads, including existing streets and those shown on the Township Street and Road Map; the location and names of railroads; the location of adjacent property lines and the name of property owners, the names of all bordering subdivisions; and the location of watercourses, sanitary sewers, water mains and fire hydrants, storm drains and pipes, and similar features on/or within 200 feet of any part of the land to be subdivided.
 - B. Existing and proposed contour lines shall be provided at intervals not to exceed two feet. All elevations shall be based on USGS area level datum. The "Benchmark" used to establish the contours should be referenced on the Plan and must be the Township based USGS datum.
 - C. The location and character of existing buildings, the location of wooded areas and tree rows, and the location of quarries, cliffs, wetlands, marshlands, areas subject to inundation, floodplains, and other topographical features which may affect the location of proposed streets or roads or other proposed improvements. Aircraft glide paths in close proximity to a subdivision shall be noted and defined.
 - D. Existing easements.
4. Proposed Street and Lot Layout. The Plan shall also contain the following information:
- A. A title consisting of the name and address of the record landowner, the applicant/developer, and the registered engineer or surveyor; deed reference or source of title, the location and area of the subdivision or land development area; the date, dates of any revisions, scale, and north point.
 - B. The courses, distances, and curve data of the boundary line survey of the land to be subdivided or developed. The survey shall not have an error of closure greater than one part in 5,000.
 - C. The layout of streets, design dimensions, courses, curve data, including names and widths of streets, roads, and crosswalks. A profile and elevation along the present ground surface over the center line and right-of-way lines shall be shown for each proposed street. When the subdivision abuts or includes a State road, the State road section and location should be shown for each proposed intersection and/or encroachment. Sight distances and speed limits should be shown for any proposed intersection or driveway connection with an existing State or Township road. The Board reserves the right to approve street names proposed for use within the Township.
 - D. The location of sidewalks, pathways, and curbing, including any unusual construction features. Grades along the tops of the curbs

shall be shown giving percentage of grade on tangents and details of vertical curves and deviations of the curb at tangent points of horizontal curves.

- E. The layout and approximate dimensions of lots.

- F. A reference not to all land and streets proposed for dedication to the Township, including land to be held in reserve for specified future community use.
 - G. Tentative grades to an existing street or to a point 50 feet beyond the boundaries of the subdivision.
 - H. Location and size of sanitary sewers, storm drains and other underground utilities including profiles over each sewer and/or storm drain of the present and finished ground surface showing manhole locations with typical location, size, and depth of sewered storm drains and other underground utilities.
 - I. Building restriction lines with distances from the right-of-way line.
 - J. Indication of any lots on which a use other than residential is intended.
 - K. Typical street and sidewalk cross sections.
 - L. Typical paving cross section for private drives or parking areas.
 - M. Easements, including utility, screening, pathway, crosswalk, drainage, or others.
 - N. "No Parking" fire zones, as applicable.
 - O. A Key Map or Location Map at a scale of one inch equals 2,000 feet indicating the location of the subdivision or development, relative to roads and Zoning District boundaries in the area.
 - P. Street and/or on-site light locations and proposed lighting fixtures.
5. Other Required Supporting Documents.
- A. Certification from sewer and water supply utilities that any usage of their respective utility proposed by the applicant/developer is within their capacity and that they would provide such service upon finalization and approval of plans and execution of necessary agreements in accordance with their current rules and regulations.
 - B. Completed Land Development Planning Module with full soils, slope, and percolation test data. This Module must include a plan showing all soil test locations and results (both passing and failing), proposed locations of primary drainfields, wells, and buildings showing a location for a potential second drainfield. Satisfactory soil testing will be required for each primary and backup drainfield area.
 - C. Storm drainage computations signed and sealed by a registered professional engineer, licensed in the Commonwealth of Pennsylvania.

- D. Design calculations and construction details for all required improvements needed on the site, adjacent to the site, or off-site to support the proposed subdivision or land development. These calculations and details, for example, are required for bridges, culverts, water or sewer or traffic improvements, among other improvements. These calculations and details shall be designed by and signed and sealed by a registered professional engineer, licensed in the Commonwealth of Pennsylvania.
- E. Detention Facilities Construction Plan, including details on structures, size, groundcover, fencing, and landscaping.
- F. Soil Erosion Control Plan and Narrative, including a map or maps describing the topography of the area, the proposed alteration to the area, and the erosion and sedimentation control measures and facilities; a Narrative Report describing the project and giving the purpose and the engineering assumptions and calculations for control measures and facilities. The Maps and Narrative shall include, but not be limited to, a general description of the project noting accelerated erosion control, sedimentation control, anticipated beginning and ending dates for the project, and the training and experience of the person preparing the plan and provisions for safe sediment disposal. The Map should describe and locate topographic features including: boundary lines of the project area, acreage, contours at intervals of at least two feet, and streams, lakes, ponds, or other bodies of water within/or in the vicinity of the project. The map shall also show soil types by name, and area extent, proposed changes to land surface and vegetative cover, finished contours, and temporary and permanent control measures and facilities, their location and dimensions. The Narrative shall include the description of the maintenance program for the control facilities and the design considerations for both temporary and permanent control measures and facilities.
- G. Landscape Plan including size and type of material to be planted and existing plant material or groundcover being preserved, if any.
- H. Proposed Construction Timetable and Phasing Schedule if project is proposed to be broken into stages.
- I. Sketch Plan Layout for any contiguous land holdings not shown in the Preliminary Plan.
- J. Letter of Approval of the Soil Erosion Control Plan by the Northampton County Conservation District, if applicable.
- K. Wetlands Determination Report and/or a copy of the Joint Permit Application for Waterway and/or Wetlands Encroachment, if applicable.

- L. Recreation Impact Study and Open Space and Recreation Plan for all multifamily dwelling developments.
 - M. NPDES Construction Permit before construction may commence, if applicable.
6. Certificates and Notices. A Preliminary Plan shall contain: (Refer to Appendix C¹¹.)
- A. Formal notations required by this Part regarding: (Refer to Appendix C.)
 - (1) Maintenance of drainage easements by owners.
 - (2) Notice of PennDOT permit requirements.
 - (3) Notice of onlot sewer permit requirements.
 - (4) Notice of lack of guarantee for onlot well water adequacy.
 - (5) Notice of floodplains.
 - B. The signature of the applicant/developer certifying his adoption of the plan and his authority to represent full ownership rights to the land being developed.
 - C. Owner's signed acknowledgment of a list of dedications.
 - D. The signature and seal of the registered professional land surveyor, licensed in the Commonwealth of Pennsylvania certifying that the survey boundary of the Preliminary Plan represents a survey made by him; that the monuments shown thereon exist as located and that all dimensional details are correct.
 - E. The signature and seal of the registered professional engineer, licensed in the Commonwealth of Pennsylvania (or if permitted by State Law, the registered surveyor) that prepared the designs for road, drainage, sewage, water facilities, soil erosion control features, identification of floodplain limits and all other proposed improvements.
 - F. Acknowledgment of review by the Lehigh Valley Planning Commission.
 - G. The signature of the Township Engineer acknowledging his review.
 - H. The signature of the Township Secretary and Chairman of the Board of Supervisors certifying that the Board of Supervisors approved the plan on the date shown.

¹¹Editor's Note: Appendix C is included at the end of this Chapter.

§ 22-503. Final Plan. [Ord. 2001-08, 11/8/2001, § 5.03]

1. When Required. A Final Plan shall be required for all subdivisions or land developments regulated by this Chapter.
2. Drafting Standards. The same standards shall be required for a Final Plan as for a Preliminary Plan, except that the tracing from which prints are made shall be entirely in ink on linen or equivalent Mylar process.
3. Information to be Shown. The Final Plan, which may constitute all or a portion of an approved Preliminary Plan, shall show:
 - A. A title, as required for a Preliminary Plan.
 - B. Courses, distances, and curve data sufficient for the legal description of all the lines shown on the plan. The error of closure shall not be greater than one part in 5,000.
 - C. Names of abutting owners, names, locations, widths, and other dimensions of streets, including center line courses, distances, and curve data, descriptive data of right-of-way lines not parallel with or concentric with a center line and location tie-ins by courses and distances to the nearest intersections of all existing, planned, and approved streets and easements, and recreational areas within the land to be subdivided.
 - D. Location, material and size of monuments and pins with references to them.
 - E. Building restriction lines with distances from the right-of-way and/or property lines, as appropriate.
 - F. Restrictions in the deed affecting the subdivision of the property.
 - G. The layout and dimensions of lots and lot areas to the nearest square foot.
 - H. A formal notation as to the streets, easements, parks, and other public improvements offered for dedication to the Township and such land area reserved for future nonresidential use.
 - I. Formal notations required by this Ordinance regarding: (Refer to Appendix C¹².)
 - (1) Maintenance of drainage easements by owners.
 - (2) Notice of PennDOT permit requirements.
 - (3) Notice of onlot sewer permit requirements.

¹²Editor's Note: Appendix C is included at the end of this Chapter.

- (4) Notice of lack of guarantee for onlot wells, water adequacy.
- (5) Notice of floodplains.
- J. The signature of the applicant/developer certifying his adoption of the Plan and the authority to represent full ownership rights to the land being developed.
- K. Owner's signed acknowledgment of a list of dedications.
- L. The signature and seal of the registered professional land surveyor certifying that the boundary of the Preliminary Plan represents a survey made by him; that the monuments shown thereon exist as located, and that all dimensional details are correct.
- M. The signature and seal of the registered professional engineer, licensed in the Commonwealth of Pennsylvania (or if permitted by State Law, the registered surveyor) that prepared the designs for road, drainage, sewage, water facilities, soil erosion control features, identification of floodplain limits and all other proposed improvements.
- N. The signature of the Secretary of the Planning Commission certifying review by the Planning Commission.
- O. Acknowledgment of review by the Lehigh Valley Planning Commission.
- P. The signature of the Township Secretary and Chairman of the Board of Supervisors certifying that the Board of Supervisors approved the Plan on the date shown.
- Q. Date set for completion of all proposed and required improvements.
- 4. Other Required Supporting Documents.
 - A. Copy of Pennsylvania Department of Environmental Protection (PA D.E.P.) Permit for sewer extension and facilities, or certification of approval for onlot sewage disposal approval for each lot, or for each use, from the Township Sewage Enforcement Officer and approval of Planning Module by Department of Environmental Protection, as applicable. The request for Planning Module approval must be submitted to the Township Sewage Enforcement Officer and Board of Supervisors in advance of Final Plan submission to allow time for reviews and Board of Supervisors and PA D.E.P. approvals prior to Final Plan application, Planning Module requirements are laid out in PA D.E.P. Regulations in this Chapter.
 - B. Copy of Pennsylvania Department of Transportation Highway Encroachments Permit, if applicable.

- C. Copy of Pennsylvania Department of Environmental Protection Soils and Waterways Permit and Army Corps of Engineers Permit for alterations to wetlands and/or waterways, if applicable.
 - D. Copy of agreement with sewer and water utility indicating specific approval for each proposed extension and/or use, or copy of Pennsylvania Department of Environmental Protection Permit for each private centralized sewer and/or water system, where applicable.
 - E. Copy of agreement(s) and security accepted and approved by the Board of Supervisors to secure the completion of any required improvements that have not yet been completed. The amount of such security shall be based on estimates of work remaining to be completed and approved by the Board of Supervisors.
 - F. Letter of Approval of the Soil Erosion Control Plan by the Northampton County Conservation District, if applicable and if not previously submitted as part of a Preliminary Plan.
 - G. NPDES Construction Permit, if applicable.
 - H. Recreation Fees or the Deed of Dedication for Recreational and Open Space Areas as required by § 22-412(4), if applicable.
 - I. All easement documents and drawings per § 22-311.
 - J. Improvement Estimate, if applicable, signed and sealed by a registered professional engineer with the following certification (or similar): "This estimate is fair and reasonable and sufficient to guarantee to Allen Township, the completion of all required improvements in case of default by the applicant/developer."
 - K. Detention pond maintenance fees, if applicable.
5. Certificates. An approved Final Plan shall contain: (Refer to Appendix C¹³.)
- A. The signature and seal of the registered professional land surveyor certifying that the Plan represents a survey made by him, that the monuments shown thereon exist as located, and that all dimensional details are correct, including profiles and cross sections.
 - B. The signature and seal of the registered professional engineer, licensed in the Commonwealth of Pennsylvania (or if allowed by State Law the registered surveyor) that is responsible for the preparation of the designs of improvements for the subdivision or land development.

¹³Editor's Note: Appendix C is included at the end of this Chapter.

- C. The signature of the applicant/developer certifying his adoption of the Plan and his authority to represent full ownership rights to the land being developed.
- D. The signature of the Township Engineer indicating his review of the Plans.
- E. The signature of the Secretary of the Planning Commission.
- F. Owner's signed acknowledgment of:
 - (1) List of Dedications.
 - (2) That such areas so dedicated shall be maintained at the owner's expense for a period of 18 months from the date of acceptance by the Township.
 - (3) Date of completion of improvements (or proposed date of completion).
- G. The signature acknowledgment of review by the Lehigh Valley Planning Commission.
- H. The signature of the Township Secretary and Chairman certifying that the Board of Supervisors approved the Plan on the date shown.
- I. Evidence of official recording of the Plan.
- J. Uniform Parcel Identifier Numbers.
- K. Street addresses.

PART 6
FLOODPLAIN MANAGEMENT

§ 22-601. Intent. [Ord. 2001-08, 11/8/2001, § 6.01]

The purpose of the regulations set forth in this Part 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 or land development in floodplain areas be provided with a safe building site with adequate access; that public facilities be designed and installed to preclude flood damage; to protect individuals from purchasing lands which are unsuitable for development of floodplain lands. The subsequent Sections shall be considered requirements supplemental to those procedures and standards specified elsewhere in this Chapter, the Allen Township Zoning Ordinance [Chapter 27], Floodplain Ordinance, Stormwater Ordinance, and any other applicable ordinance and codes.

§ 22-602. Application Procedures and Plan Requirements. [Ord. 2001-08, 11/8/2001, § 6.02]

The following procedures shall be required in addition to those specified otherwise in this Chapter:

A. Pre-Application Procedures.

- (1) It is suggested that prospective applicant/developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed.
- (2) Prospective applicant/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 land development.

B. Preliminary Plan Requirements.

- (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 of proposed roads, public utilities and building lots. All such maps shall also show existing and

proposed contours at intervals of two feet and identify accurately the boundaries of the floodplain area.

- (3) All subdivision appeals and other proposed new developments shall provide base flood delineations which shall include actual base flood elevation data. It shall be the responsibility of the applicant/developer to provide the required base flood elevation data, in a form comparable to HEC-2, which will be certified as accurate by a registered professional engineer.

C. Final Plan Requirements. The following information shall be required as part of the Final Plan and shall be prepared and certified by a registered engineer or registered surveyor.

- (1) All information required for submission of the Preliminary Plan plus any changes requested by the Board of Supervisors.
- (2) A map showing the exact location and elevation of all proposed grading, buildings, structures, roads and public utilities to be constructed in floodplain areas. All such maps shall show existing and proposed contours at intervals of two feet and identify accurately the boundaries of the floodplain area.

§ 22-603. Design Standards and Improvements. [Ord. 2001-08, 11/8/2001, § 6.03]

The design standards and improvements herein shall be considered requirements in addition to those otherwise listed in this Ordinance.

A. General.

- (1) Where not prohibited by this or any other laws or ordinances, land located in floodplain areas may be planned for subdivision or land development with the provision that the applicant/developer construct or provide that all buildings and structures are located and constructed 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 types 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 the Township Zoning Ordinance [Chapter 27], Floodplain Ordinance, Stormwater Ordinance, and any other applicable Regulations.
- (3) If the Board of Supervisors determines that only a part of the proposed plan can be safely developed, the applicant/developer shall limit development to that part and shall require that development proceed consistent with this determination.

- (4) When applicant/developer does not intend to develop the plan himself and the Board of Supervisors determines that additional controls are required to insure safe development, the Board of Supervisors may require the applicant/developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plan.
 - (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% of their area within the floodplain, except that large lots may be exempted provided a minimum one acre area of said lot is outside the floodplain.
 - (b) Lot access to a public road shall not be restricted or prevented by floodplain areas.
 - (6) Whenever an applicant/developer intends to alter or relocate a watercourse within the designated floodplain, the applicant/developer shall notify, in writing by certified mail, all adjacent communities and the Pennsylvania Department of Environmental Protection of all such intended activities prior to any alteration or relocation of the watercourse. Copies of such notification shall be submitted to the Federal Insurance Administrator. The applicant/developer shall also assure the local municipal governing body, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.
 - (7) No new construction or development shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no new construction or development shall be permitted within 50 feet of the stream channel (from top of bank to top of bank). Furthermore, construction or development outside the stream banks but within the Floodplain Zone shall be permitted only when in compliance with this Part and Pennsylvania Department of Environmental Protection Permit Requirements.
- B. Excavating and Grading. Any excavation, grading, and use of fill shall be in compliance with the Township Zoning Ordinance [Chapter 27]. Where any excavation or grading is proposed or where any existing trees, shrubs, or other vegetative cover will be removed in floodplain areas, the applicant/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 a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the applicant/developer shall obtain Preliminary Plan approval of a Subdivision or Land Development Plan, except in the case of minor land development.

- C. Streets. The finished elevation of proposed streets shall be no more than one-foot below the Regulatory Flood Elevation. The Board of Supervisors may require, when 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.
- D. Sewer Facilities. All sanitary sewer systems located in floodplain areas, whether public or private, shall be floodproofed to a point two feet above the Regulatory Flood Elevation.
 - (1) Onlot sewage disposal systems are prohibited within the floodplain.
 - (2) The Board of Supervisors 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 Department and/or the Township shall require the applicant/developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the applicant/developer in connecting to the system.
- E. Water Facilities. All water systems located in floodplain areas, whether public or private, shall be floodproofed to a point two feet above the Regulatory Flood Elevation.
- F. 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 two feet above the Regulatory Flood Elevation.

§ 22-604. Performance Guarantee. [Ord. 2001-08, 11/8/2001, § 6.04]

No Final Plan shall be approved by the Board of Supervisors until the floodplain and/or flood protection improvements required by this Part are completed in a satisfactory manner and approved by the Board of Supervisors. In lieu of such construction, approval may be granted prior to completion providing:

- A. The applicant/developer enters into an agreement with the Board of Supervisors guaranteeing that improvements will be installed in accordance with the plans, specifications, and schedules approved by the Board of Supervisors prior to Plan 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; and
- B. The applicant/developer provides a financial security to guarantee performance of this agreement and completion of the improvements as planned. The financial security may include a certified check, escrow account, Irrevocable Letter of Credit or other bond acceptable to the Board of Supervisors. The procedural requirements of this Part shall apply to any such bonding proposal.

§ 22-605. Township Liability. [Ord. 2001-08, 11/8/2001, § 6.05]

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, Board of Supervisors, or by any official, consultant, or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, Board of Supervisors, its officials, employees, or consultants. A notice stating this shall be placed on all plans containing floodplains. (Refer to Appendix C¹⁴.)

§ 22-606. State and Federal Approvals. [Ord. 2001-08, 11/8/2001, § 6.06]

The Board will not grant approval of any subdivision, land development, or other activity which is proposed within the Federally designated floodplain without prior approval of the Commonwealth of Pennsylvania and/or the appropriate Agency of the U.S. Government, as may be appropriate.

¹⁴Editor's Note: Appendix C is included at the end of this Chapter.

PART 7**AMENDMENTS, APPEALS, VALIDITY AND SPECIAL REGULATORY
MEASURES****§ 22-701. Amendments. [Ord. 2001-08, 11/8/2001, § 7.01]**

The Chapter may be modified or repealed, all or in part, by amendment(s) in accordance with procedures described in the Pennsylvania Municipalities Planning Code.

§ 22-702. Modifications. [Ord. 2001-08, 11/8/2001, § 7.02]

1. The provisions of this Chapter are intended as minimum standards for the protection of the public health, safety, and welfare of the residents and inhabitants of the Township. The Board of Supervisors may grant a modification of the requirements of one or more provisions of this Chapter if the Board of Supervisors concludes that the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the public interest and that the purpose and intent of this Chapter is observed.
2. All requests for a modification shall be in writing to the Board of Supervisors 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 the Chapter involved, and the minimum modification necessary.
3. All such modification requests shall be approved or disapproved by the Board of Supervisors. A written record of the action shall be kept for all modification requests.

§ 22-703. Appeals. [Ord. 2001-08, 11/8/2001, § 7.03]

A subdivider or applicant/developer aggrieved by any action of the Board of Supervisors regarding refusal to approve a subdivision or land development plan may, within 30 days of such refusal, appeal to the Common Pleas Court of Northampton County. Any other appeals by aggrieved parties or other landowners shall be subject to the Appeal Procedures outlined in Act 247.

§ 22-704. Administration and Enforcement Preventive Remedies. [Ord. 2001-08, 11/8/2001, § 7.04]

1. In addition to other remedies provided herein, the Board of Supervisors may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the Instrument of Transfer or other documents used in the process of selling or transferring

- shall not exempt the seller or transferee from such penalties or from the remedies herein provided.
2. The Board of Supervisors may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following Applicants:
 - A. The owner of record at the time of such violation; and
 - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such Vendee or Lessee had actual or constructive knowledge of the violation; and
 - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation; and
 - D. 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.
 3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Board of Supervisors 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.

§ 22-705. Enforcement Remedies. [Ord. 2001-08, 11/8/2001, § 7.05; as amended by Ord. 2007-04, 11/8/2007]

1. Any person, corporation, unincorporated association, partnership, trust, company, or other legal entity who or which has violated any provision of this Chapter or who shall cause any violation of any provision 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.
2. Magisterial District Judges shall have initial jurisdiction in proceedings brought by the Township in accordance with this Section. No judgment shall commence or be imposed, levied, or be payable until the date 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 on behalf of the Township 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 the Chapter to have believed that there was no 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.

§ 22-706. Severability. [Ord. 2001-08, 11/8/2001, § 7.06]

1. In the event any provision, Section, sentence, clause, or part of this Chapter shall be held to be invalid, such validity shall affect or impair any remaining provision, section, sentence, clause, or part of this Chapter, it being the intent of this Board that such remainder shall be and remain in full force and effect.
2. The provisions of this Chapter adopted hereby are severable, and if any clause, sentence, subsection, Section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, Section, article, chapter or part thereof rendered. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

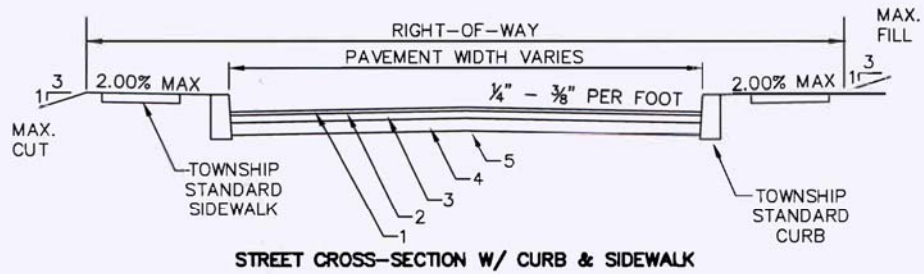
SUBDIVISION AND LAND DEVELOPMENT

22 Attachment 1

Township of Allen

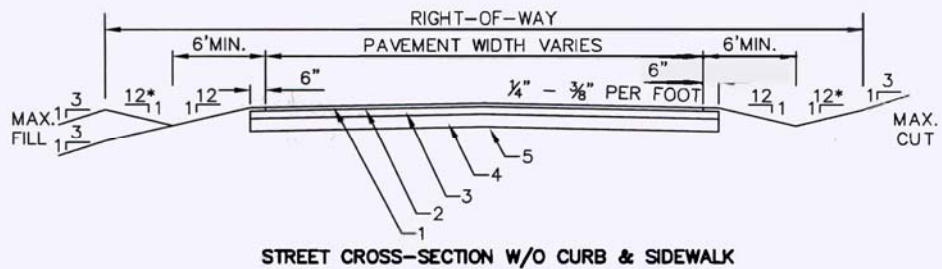
Appendix A

WIDTH AND GRADING OF STREETS CROSS-SECTION



TYPICAL PAVEMENT ELEMENTS
1 - SURFACE COURSE(S)
2 - PRIME/TACK COAT
3 - BASE COAT
4 - SUB-BASE
5 - SUB-GRADE

NOTE: STREETS WITHOUT CURB OR
SIDEWALK SHALL BE GRADED
WITH SWALES AS SHOWN BELOW.



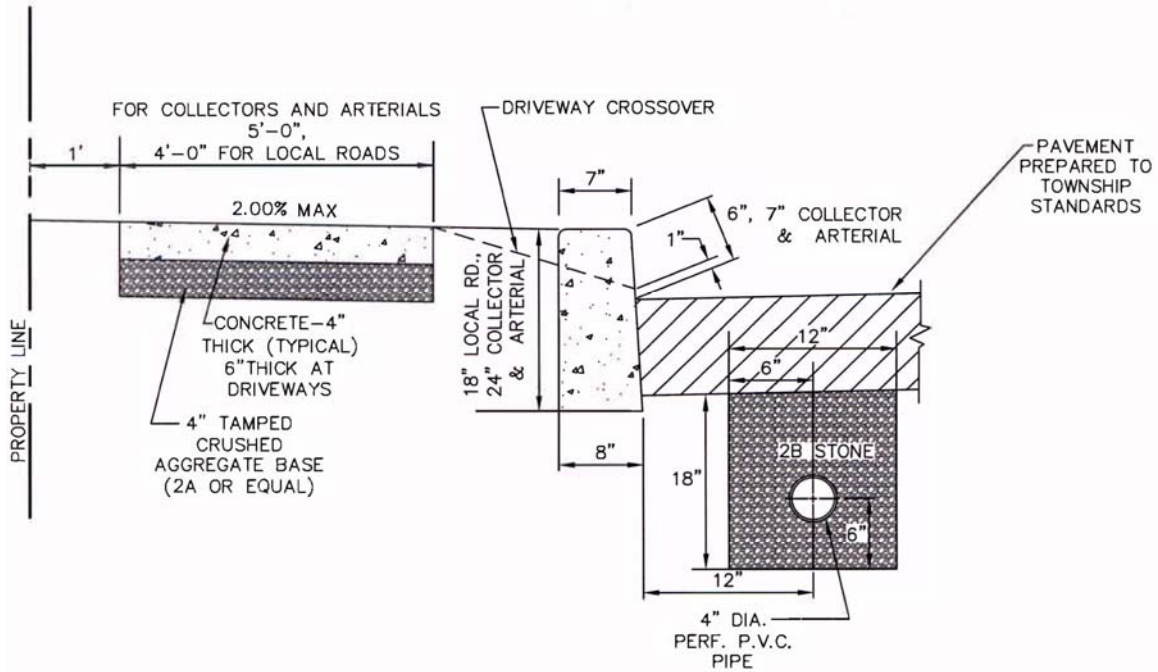
*SWALE REQUIRED
WHEN DEEMED
NECESSARY BY
TOWNSHIP

SUBDIVISION AND LAND DEVELOPMENT

22 Attachment 2

Township of Allen

Appendix B1



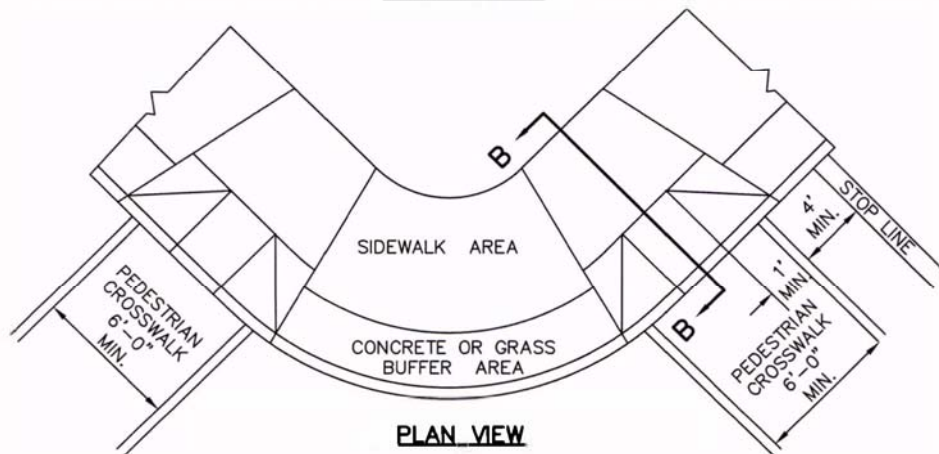
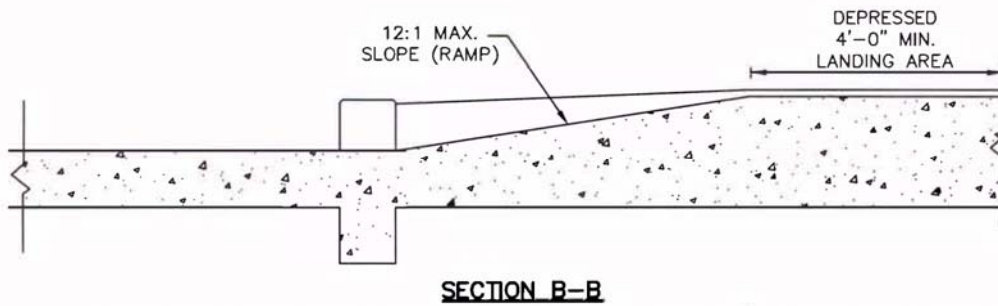
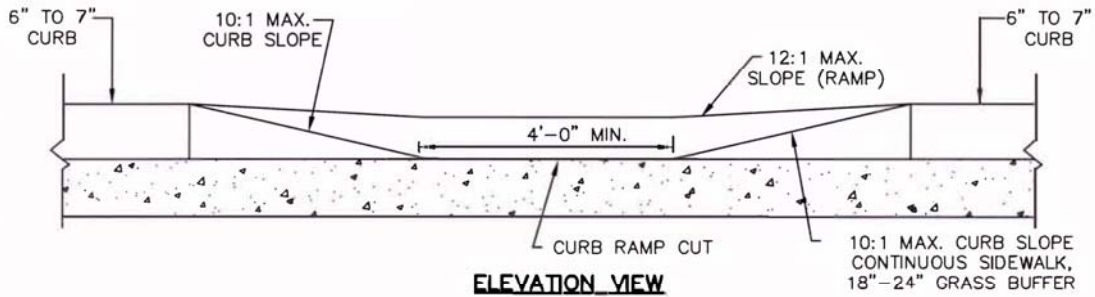
CONCRETE CURB, SIDEWALK, AND SUBDRAIN DETAILS

SUBDIVISION AND LAND DEVELOPMENT

22 Attachment 3

Township of Allen

Appendix B2



SIDEWALK ADA RAMP DETAILS

Township of Allen

Appendix C

SAMPLES OF APPROVED CERTIFICATES AND NOTICES

1. I, hereby certify that _____ is the registered owner of the land herein subdivided and/or developed; and that I do hereby adopt this plan.

(Title)

2. Approved by the Allen Township Planning Commission this _____ day of _____, 2007.

Secretary, Allen Township Planning Commission

3. Approved by the Board of Supervisors of Allen Township, Northampton County, this _____ day of _____, 2007.

Chairman

Secretary

Reviewed By:

Township Engineer

4. I, hereby certify that this plan represents a survey and design made by or for me, that the monuments shown hereon exist or will exist as located and that all dimensional details are correct.

Date

Registered Surveyor

(SEAL)

5. I, hereby certify that I have designed all site and public improvements and have identified all floodplain limits as required for this subdivision or land development.

Date

Registered Engineer Surveyor

SUBDIVISION AND LAND DEVELOPMENT

6. List of Dedications

Upon completion of this project, there will be offered for dedication the following in accordance with all the requirements of the Allen Township, Northampton County, Subdivision and Land Development Regulations.

7. All required improvements will be completed by _____ unless an extension of this time period is approved by the Developer and the Township and all required improvements will be maintained by the undersigned for a period of 18 months from the date of Township acceptance.

Owner

8. Notices for Drainage Easements.

- a. All drainage easements shown on this plan shall be maintained in a grassed or otherwise improved condition, in accordance with the grades and designs shown on the approved Development Plans for this project. All these easements shall be kept free of all obstructions, including but not limited to, such obstructions as fill, temporary or permanent structures, and plants, (other than grass). The maintenance of all such easements shall be the responsibility of the lot owner on which the easement exists.
- b. Drainage easement shall allow passage of stormwater in underground storm sewer piping and associated structures, and/or allow passage of stormwater over the surface of the ground and shall allow access across the area for purposes of maintenance of the storm conveyance systems.
- c. Existing roadside gutters and swales shall not be obstructed by driveways or other fill or structures.

9. Notice of PennDOT State Highway Access Permit Requirements.

Driveway access to a State Highway shall be authorized only by Highway Occupancy Permit issued by the Pennsylvania Department of Transportation, as required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law.

Building permits shall not be issued until or after said Highway Occupancy Permit has been issued.

Approval of this plan does not represent any guarantee or assurance by Allen Township that a Highway Occupancy Permit will be issued by the Pennsylvania Department of Transportation.

Township of Allen

**SUBDIVISION AND LAND DEVELOPMENT –
APPENDIX D PLAN REVIEW PROCEDURE**

ALLEN TOWNSHIP, NORTHAMPTON COUNTY

- I. At least 21 calendar days prior to the meeting of the Township Planning Commission at which initial consideration is desired, the applicant shall submit 12 copies of the Plan (Preliminary, Final, or Minor), together with appropriate escrow and nonrefundable filing or review fees, as applicable, to the Township Secretary. Required copies of accompanying documents shall be as follows:
 - A. Twelve copies of the complete plan set, signed and notarized by the applicant.
 - B. Six copies of Planning Module (Modules must have their own plan sheets).
 - C. Three copies of Stormwater Management Plan, including all calculations.
 - D. Three copies of Traffic Impact Study, if required.
 - E. Two copies of Pennsylvania Department of Transportation Highway Occupancy Permit Application and Drawings, if required. Submission of the permit application is the responsibility of the applicant.
 - F. Two copies of any other required permits, applications, etc.
 - G. Proof of submission to Lehigh Valley Planning Commission and Northampton County Conservation District, if required.

All revised plans or other documentation shall be resubmitted 14 calendar days prior to the meeting of the Township Planning Commission or Board of Supervisors, to the Township Secretary, in like number except revisions made as a result of a conditional approval by the Board of Supervisors, in which case only six copies of the plan sheet(s) and/or documentation are required.

PLANS WILL NOT BE ACCEPTED FOR REVIEW BY THE TOWNSHIP SECRETARY UNLESS AND UNTIL ALL REQUIRED COPIES ARE PRESENTED AND ALL APPROPRIATE FEES ARE PAID, IN ACCORDANCE WITH MOST CURRENT ESCROW AND NONREFUNDABLE FEE SCHEDULE ESTABLISHED BY THE BOARD OF SUPERVISORS.

- II. Copies of plans shall be distributed by the Township Secretary as follows:

SUBDIVISION AND LAND DEVELOPMENT

- Two copies of the plan sheet(s) plus two copies of all Documentation A through G above to the Township Engineer for review and comment.
- One copy of the plan sheet(s) plus one copy of Documentation A through F above, (additionally Section C, if any portion of the area is in a study area) as applicable, shall be submitted by the applicant directly to the Lehigh Valley Planning Commission, together with the appropriate review fee, for review and comment. Verification of this filing shall immediately be provided to the Township Secretary.
- One copy of the plan sheet(s) plus one copy of Documentation A through F above, as applicable, shall be submitted by the applicant directly to the Northampton County Conservation District along with the appropriate review/filing fee, for review and comment, if required. Verification of this filing shall immediately be provided to the Township Secretary.
- One copy of Planning Module and all related documents to the Township Sewage Enforcement Officer, or to the appropriate Sewer Authority if public sanitary sewers are proposed, and to the appropriate Water Authority/Company if public water.
- One copy of plan sheet(s) plus one copy of documentation required in Section A above to each member of the Planning Commission.
- One copy of plan sheet(s) plus one copy of documentation required in Section A above to each member of the Board of Supervisors.
- If applicable, one copy shall be submitted by the applicant to the appropriate Water Authority/Company and one copy to its Engineer along with the appropriate review/filing fee. Verification of this filing shall immediately be provided to the Township Secretary.

At least one copy of all plans and supporting documentation shall be kept in a file by the Township Secretary for Township records and made available to the Planning Commission and/or Board of Supervisors during the plan review process. Copies of all correspondence relating to the proposal shall also be kept in the file.

- III. The Planning Commission shall recommend official action on all plans and communicate such action to the Board of Supervisors in a timely fashion, so as not to jeopardize the proper review of the plan by the Board within the ninety-day review limit, unless said limit is extended by agreement with the applicant. Any extension of review time agreed upon shall be placed in writing, signed by the applicant, and officially accepted at a public meeting of the Board of Supervisors. The Planning Commission shall consider in its review the comments of the Lehigh Valley Planning Commission and other reviewers as may be requested to comment, such as Township Engineer and the Northampton County Conservation District. The Planning Commission may recommend to the Board of Supervisors

that a plan be approved with conditions, and in doing so, shall specifically list such conditions for consideration by the Board.

- IV. The Board of Supervisors shall take official action on all plans after it has received the report and recommendation of the Township Planning Commission and within the ninety-day review limit, as described by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, reenacted as Act 170 of 1988, as amended). The action of the Township with regard to the plan shall be in writing and communicated to the applicant personally or mailed to the applicant at his last known address not later than 15 days following the decision.
- V. The Board of Supervisors may approve a Subdivision or Land Development Plan subject to conditions. When a plan is approved with conditions, the Board shall describe its action and all conditions in writing and communicate them to the applicant via Certified Mail no later than 15 days following the date of the decision. The applicant shall have 10 calendar days from (and not counting) the day of receipt of such decision within which to accept or reject the stated approval with conditions. Failure of the applicant to respond to the Township, in writing, within the ten-day period shall result in automatic rescission of the conditioned approval. Plans approved by the Board with conditions shall not be signed by the Township or released to the applicant for recording until all conditions have been satisfied.
- VI. The Township Secretary shall secure the appropriate signatures of the Township Planning Commission and the Board of Supervisors on at least six copies and two originals of the approved plan sheet(s) to be recorded. Within 90 days following the Developer satisfying all approval conditions or approval by the Board of Supervisors (where no conditions have been established), the Final or Minor Plan shall be recorded by the Township, at the Northampton County Recorder of Deeds Office. At least one copy of all recorded plans will be kept on file at the Township Office. Preliminary Plans shall not be recorded. The Recorder of Deeds shall not accept any plan for recording unless the plan has been officially noted as being reviewed by the Lehigh Valley Planning Commission and approved and signed by the Board of Supervisors.
- VII. The Township Board of Supervisors shall not approve a Final or Minor Plan or consider all approval conditions satisfied.
 - A. Until a review of the plan is completed by the Lehigh Valley Planning Commission or until the expiration of 30 days from the date the plan was forwarded to the County.
 - B. Until all required improvements are either installed in accordance with the Subdivision and Land Development Ordinance or financial security sufficient to cover the costs of the improvements is posted with and accepted by the Township. Security shall be described and regulated in the Subdivision and Land Development Ordinance and by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, reenacted as Act 170 of 1988, as amended).

SUBDIVISION AND LAND DEVELOPMENT

- C. Until a favorable report from the Department of Environmental Protection is received regarding the applicable Sewage Facilities Module. However, failure of the Department of Environmental Protection to report to the Township within their required review period shall constitute approval of the Planning Module, as submitted.
- D. Until all Township legal, engineering, and other fees necessary to approve plans have been paid in full.

SUBDIVISION AND LAND DEVELOPMENT

22 Attachment 6

Township of Allen Invasive Plant Species and Noxious Weeds

Invasive Plant List

(as listed in Pennsylvania Field Guide Common Invasive Plants in Riparian Areas, Alliance for the Chesapeake Bay, 2004)

Common reed (*Phragmites australis*)

Japanese knotweed (*Polygonum cuspidatum*)

Purple loosestrife (*Lythrum salicaria*)

Canada thistle (*Cirsium arvense*)

Bull thistle (*Cirsium vulgare*)

Japanese honeysuckle (*Lonicera japonica*)

Mile-a-minute (*Polygonum perfoliatum*)

Oriental bittersweet (*Celastrus orbiculatus*)

Kudzu (*Pueraria lobata*)

Common privet (*Ligustrum vulare*)

Exotic bush honeysuckles (*Lonicera*: *L. maackii*, *L. morrowii*, *L. tatarica*, *L. standishii*)

Glossy buckthorn (*Rhamnus frangula*)

Japanese barberry (*Berberis thunbergii*)

Multiflora rose (*Rosa multiflora*)

Winged euonymus or burning bush (*Euonymus alata*)

Autumn olive and Russian olive (*Elaeagnus umbellata* and *Elaeagnus angustifolia* L.)

Norway maple (*Acer platanoides*)

Princess tree (*Paulownia tomentosa*)

Tree-of-heaven (*Ailanthus altissima*)

ALLEN CODE

Pennsylvania State-Listed Noxious Weeds

(Pennsylvania Department of Agriculture. 2000. Pennsylvania noxious weed control list (20 October 2003). Pennsylvania Department of Agriculture.)

Symbol	Scientific Name	Noxious Common Name	State Noxious Status†	Native Status*
CASA3	Cannabis sativa L.	Marijuana	NW	L48 (I), HI (I), PR (I), CAN (I)
CANU4	Carduus nutans L.	Musk thistle, nodding thistle	NW	L48 (I), CAN (I)
CIAR4	Cirsium arvense (L.) Scop.	Canadian thistle	NW	L48 (I), AK (I), CAN (I), GL (I), SPM (I)
CIVU	Cirsium vulgare (Savi) Ten.	Bull thistle, spear thistle	NW	L48 (I), AK (I), HI (I), CAN (I), SPM (I)
DAST	Datura stramonium L.	Jimsonweed	NW	L48 (I), HI (I), PR (I), VI (I), CAN (I)
GAOF	Galega officinalis L.	Goatsrue	NW	L48 (I), CAN (I)
HEMA17	Heracleum mantegazzianum Sommier & Levier	Giant hogweed	NW	L48 (I), CAN (I)
LYSA2	Lythrum salicaria L. ¹	Purple loosestrife	NW	L48 (I), CAN (I), SPM (I)
POPE10	Polygonum perfoliatum L.	Mile-a-minute	NW	L48 (I)
PUMOL	Pueraria montana (Lour.) Merr. var. lobata (Willd.) Maesen & S. Almeida	Kudzu-vine	NW	L48 (I), HI (I)
PULO	Pueraria lobata (Willd.) Ohwi	Kudzu-vine	NW	L48 (I), HI (I)
ROMU	Rosa multiflora Thunb.	Multiflora rose	NW	L48 (I), CAN (I)
SOBI2	Sorghum bicolor (L.) Moench	Shattercane	NW	L48 (I), HI (I), PR (I), VI (I), CAN (I)
SOHA	Sorghum halepense (L.) Pers.	Johnsongrass	NW	L48 (I), HI (I), PR (I), CAN (I)

†Code Noxious Status

NW Noxious weed

*Code Native Status

I Introduced

*Code Native Status Jurisdiction

SUBDIVISION AND LAND DEVELOPMENT

L48	Lower 48 states
AK	Alaska
HI	Hawaii
PR	Puerto Rico
VI	Virgin Islands
CAN	Canada
GL	Greenland
SPM	St. Pierre and Miquelon
¹	Including all cultivars.

CHAPTER 23

RESERVED

CHAPTER 24
TAXATION, SPECIAL

PART 1
EARNED INCOME AND NET PROFITS TAX

- § 24-101. Definitions.
- § 24-102. Imposition of tax.
- § 24-103. Exemptions from tax.
- § 24-104. Taxpayer returns, declarations, and payments.
- § 24-105. Employer withholding, remittance, and tax returns.
- § 24-106. Tax officer.
- § 24-107. Interest, penalties, costs and fines.
- § 24-108. Severability.
- § 24-109. Purpose; Effect on Prior Provisions; Applicability.
- § 24-110. Construal of Provisions.
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REALTY TRANSFER TAX

- § 24-201. Short Title.
- § 24-202. Authority.
- § 24-203. Definitions.
- § 24-204. Imposition of Tax; Interest.
- § 24-205. Exempt Parties.
- § 24-206. Excluded Transactions.
- § 24-207. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof.
- § 24-208. Acquired Company.
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- § 24-402. Definitions.
- § 24-403. Amount of Tax.
- § 24-404. Certificate of Registration.
- § 24-405. Report Required.
- § 24-406. Duties of Collector.
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- § 24-409. Disposition of Funds.
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- § 24-411. Violations and Penalties.

PART 5
LOCAL TAXPAYERS BILL OF RIGHTS

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- § 24-502. Definitions.
- § 24-503. Disclosure Statement.

- § 24-504. Requirements for Requests.
- § 24-505. Refunds of Overpayments.
- § 24-506. Interest on Overpayment.
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- § 24-508. Abatement of Certain Interest and Penalty.
- § 24-509. Application of Payments.
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- § 24-511. Petitions.
- § 24-512. Practice and Procedure.
- § 24-513. Decisions.
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- § 24-515. Equitable and Legal Principles to Apply.
- § 24-516. Installment Agreements.
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RETURNED CHECKS AND TAX COLLECTOR FEES

- § 24-601. Returned Checks; Fees.
- § 24-602. Service Charge for Preparation of Notice.
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- § 24-605. Service Charge for Written Certification.

PART 1
EARNED INCOME AND NET PROFITS TAX

§ 24-101. Definitions. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

For purposes of this Part 1, all terms defined in the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., as amended, shall have the meanings set forth therein. In addition, the following terms shall have the meanings set forth herein, unless the context shall clearly indicate otherwise:

EFFECTIVE DATE — January 1, 2012.

LOCAL TAX ENABLING ACT — The Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., and as amended in the future, including any regulations adopted by the Department of Community and Economic Development thereunder.

TAX — The tax on earned income and net profits imposed by this Part 1.

TAX OFFICER — The person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the tax in the TCD.

TAXPAYER — A person or business required under this Part 1 or the Local Tax Enabling Act to file a tax return or to pay the tax imposed herein.

TAX RETURN — A form, or forms, prescribed by the Department of Community and Economic Development, or by the tax officer with the approval of the TCC, for reporting the amount of tax or other amount owed or required to be withheld, remitted, or reported under this Part 1 or the Local Tax Enabling Act.

TAX YEAR — The period from January 1 to December 31 in a single calendar year.

TCC — The Tax Collection Committee established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.

TCD — The Northampton Tax Collection District, or any future tax collection district, to which Allen Township or any part of the Township is assigned under the Local Tax Enabling Act.

§ 24-102. Imposition of tax. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

1. General Purpose Resident Tax. Allen Township hereby imposes a tax for general revenue purposes at the rate of 1% on earned income and net profits of the residents of Allen Township.
2. General Purpose Municipal Nonresident Tax. Allen Township also imposes a tax for general revenue purposes at the rate of 1% on earned income and net profits derived by a nonresident from any work, business, profession, or activity of any kind engaged in within the boundaries of Allen Township.
3. Ongoing Tax. The tax shall continue at the above rates during the current tax year and each tax year thereafter, without annual reenactment, until this Part 1 is repealed or the rate is changed.
4. Local Tax Enabling Act Applicable. The tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this Part 1. Any future amendments to the Local Tax Enabling Act that are required to be applied to the tax will automatically become part of this Part 1 upon the effective date of such amendment, without the need for formal amendment of this Part 1, to the maximum extent allowed by 1 Pa.C.S.A. § 1937.
5. Applicable Laws, Regulations, Policies, and Procedures.
 - A. The tax shall be collected and administered in accordance with:
 - (1) All applicable laws and regulations; and
 - (2) Rules, regulations, policies and procedures adopted by the TCC or by the tax officer in conformity with the Local Tax Enabling Act.
 - B. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. § 1937.

§ 24-103. Exemptions from tax. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

Although credits and deductions against the tax are permitted under certain circumstances as provided in applicable law and regulations, no individuals are exempt from the tax based on age, income, or other factors.

§ 24-104. Taxpayer returns, declarations, and payments. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

Every taxpayer receiving earned income or earning net profits in any tax year shall make and file tax returns and declarations and pay the tax in accordance with the Local Tax Enabling Act and the rules, regulations, policies and procedures of the

TCC and tax officer. A taxpayer is required to file, timely, an annual tax return, even if no tax payment is due and owing. In addition, even though a resident of Allen Township did not have earned income or net profits in the prior tax year, the resident must file an annual tax return, when requested to do so by the tax officer, stating the reason why there was no income or net profits to report.

§ 24-105. Employer withholding, remittance, and tax returns. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

Every employer shall register, require employee residency certificates, withhold and remit the tax, and file tax returns and withholding statements in accordance with the Local Tax Enabling Act and the rules, regulations, policies and procedures of the TCC and tax officer.

§ 24-106. Tax officer. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

1. Collection of Tax. The tax will be collected from taxpayers and employers by the tax officer. The tax officer is authorized to file an action in the name of Allen Township for the recovery of the tax due to Allen Township and unpaid. Nothing in this section shall affect the authority of Allen Township to file an action in its own name for collection of the tax under the Local Tax Enabling Act.
2. Criminal Complaints for Violations. The tax officer is authorized to file criminal complaints on behalf of Allen Township for violation of this Part 1 or the Local Tax Enabling Act. Nothing in this section shall affect the authority of Allen Township to file a criminal complaint on its own behalf for violation of this Part 1 or the Local Tax Enabling Act.

§ 24-107. Interest, penalties, costs and fines. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

In the event of a violation of this Part 1 or the Local Tax Enabling Act, or nonpayment of the tax, taxpayers and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs of collection imposed by the tax officer in accordance with authorization by the TCC. The tax officer may retain reasonable costs of collection in accordance with the Local Tax Enabling Act and as approved by the TCC.

§ 24-108. Severability. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

The provisions of this Part 1 are severable; and if any of its provisions are ruled by a court invalid or unconstitutional, such decision shall not affect or impair any of the remaining provisions of this Part 1. It is declared to be the intention of the governing body of Allen Township that this Part 1 would have been adopted if such invalid or unconstitutional provision had not been included.

§ 24-109. Purpose; Effect on Prior Provisions; Applicability. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

1. The primary purpose of this Part 1 is to conform Allen Township's currently existing earned income and net profits tax to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32.
2. Any prior ordinance or part of any prior ordinance conflicting with the provisions of this Part 1 is rescinded insofar as the conflict exists. To the extent that the provisions of this Part 1 are the same as any ordinance in force immediately prior to adoption of this Part 1, the provisions of this Part 1 are intended as a continuation of such prior ordinance and not as a new ordinance. If this Part 1 is declared invalid, any prior ordinance levying a similar tax shall remain in full force and effect and shall not be affected in any manner by adoption of this Part 1. The provisions of this Part 1 shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish offenses under the authority of any ordinance in force prior to adoption of this Part 1. Subject to the foregoing provisions of this section, this Part 1 shall supersede and repeal, on the effective date, any ordinance levying a tax on earned income or net profits in force immediately prior to the effective date.
3. The tax imposed by this Part 1 shall not apply to any person as to whom it is beyond the legal authority of Allen Township to impose the tax herein provided under the Constitution of the United States and the Constitution and laws of the Commonwealth of Pennsylvania.

§ 24-110. Construal of Provisions. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

This Part 1 is intended to be consistent with the Local Tax Enabling Act. This Part 1 is intended to include all necessary authorizations to permit the tax officer to take all actions for the collection, administration, disbursement, and enforcement of the tax and all other actions on behalf of the political subdivisions of the TCC as authorized by the Local Tax Enabling Act, subject to the policies and procedures of the TCC. To give full force and effect to this Part 1, the authority of the tax officer shall be interpreted in the broadest permissible sense for the benefit of the tax officer's ability to perform its duties.

§ 24-111. Effective date. [Ord. 91-4, 12/31/1991; as amended by Ord. 2011-11, 7/14/2011]

The provisions of this Part 1 shall become effective on January 1, 2012, and shall apply to earned income received or earned and net profits earned or made by a taxpayer during calendar year 2012 and each year thereafter without annual reenactment unless the rate of tax is subsequently changed. Changes in the rate of tax shall become effective on the date specified in the ordinance imposing such change.

PART 2
REALTY TRANSFER TAX

§ 24-201. Short Title. [Ord. 2007-04, 11/8/2007]

This Part shall be known as the "Realty Transfer Tax Ordinance of Allen Township."

§ 24-202. Authority. [Ord. 2007-04, 11/8/2007]

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Township, 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.

§ 24-203. Definitions. [Ord. 2007-04, 11/8/2007]

As used in this Part 2, the following terms shall have the meanings indicated:
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 of real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding 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 § 24-202.

FAMILY FARM CORPORATION — A corporation of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

- 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 and 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 half blood or legal adoption shall be treated as if they were related by whole blood.

MUNICIPALITY — The Township of Allen, Northampton Country, Pennsylvania.

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 this Township, 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 of 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% or more of the ownership interest in which is held by 35 or fewer persons and which:

- A. Derives 60% 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% 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 approximating those of an estate in fee simple, life estate or perpetual leasehold, including, without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of 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 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 for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, 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 Subsection 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 principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

§ 24-204. Imposition of Tax; Interest. [Ord. 2007-04, 11/8/2007]

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% 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 2 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 under the authority of that Act shall, during the time such duplication of the tax exists, except as hereinafter otherwise provided, be 1/2 of the rate; and such 1/2 rate shall become effective without any action on the part of the Board of Supervisors; provided, however, that the Township 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 1/2 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. If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due shall be added and collected.

§ 24-205. Exempt Parties. [Ord. 2007-04, 11/8/2007]

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 2. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

§ 24-206. Excluded Transactions. [Ord. 2007-04, 11/8/2007]

1. The tax imposed by § 24-204 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 or 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 that said reconveyance is made within one year from the date of condemnation.
- B. A document which the Township is prohibited from taxing under the Constitution or statutes of the United States.
- C. A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax-delinquent property at Sheriff sale or Tax Claim Bureau sale.
- D. A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded but which does not extend or limit existing record legal title or interest.
- E. A transfer or division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- F. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided that the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.
- G. A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.
- H. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the 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 (i) for no or nominal actual consideration between principal and agent or straw party; or (ii) 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 2. Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this subsection.
- L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the 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 two years.
- N. A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority.
- O. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:
 - (1) The grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture; and
 - (2) The agency or authority has the full ownership interest in the real estate transferred.
- P. A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale

in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

- Q. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.
 - R. A transfer to a conservancy which possesses a tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986 [68 P.S. § 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% 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 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 section, 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.

§ 24-207. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof. [Ord. 2007-04, 11/8/2007]

Except as otherwise provided in § 24-206, 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 section, corporations and associations are entities separate from their members, partners, stockholders and shareholders.

§ 24-208. Acquired Company. [Ord. 2007-04, 11/8/2007]

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% or more of the total ownership interest in the company within a period of three years.
2. Family Farm Corporation.
 - A. 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 2.
 - B. A family farm partnership is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm partnership or when, because of transfer of partnership interests 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 partnership under this Part 2.
 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.

§ 24-209. Credits Against Tax. [Ord. 2007-04, 11/8/2007]

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 due 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 a 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 the 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 section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

§ 24-210. Extension of Lease. [Ord. 2007-04, 11/8/2007]

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.

§ 24-211. Proceeds of Judicial Sale. [Ord. 2007-04, 11/8/2007]

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 said 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.

§ 24-212. Duties of Recorder of Deeds. [Ord. 2007-04, 11/8/2007]

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 Township based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from the Township.
2. In order to ascertain the amount of the 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 10th of each month, the recorder shall pay over to the Township all local realty transfer taxes collected, less 2% 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% 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 rerecord the deed or record the additional realty transfer tax form only when both the state and local amounts and a rerecording or recording fee have been tendered.

§ 24-213. Statement of Value. [Ord. 2007-04, 11/8/2007]

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 transfer tax statement of value may be submitted for this purpose. The provisions of this section 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.

§ 24-214. Civil Penalties. [Ord. 2007-04, 11/8/2007]

1. If any part of any underpayment of taxes imposed by this Part is due to fraud, there shall be added to the tax an amount equal to 50% 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% of the amount of such tax if the failure is for not more than one month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 50% in the aggregate.

§ 24-215. Lien. [Ord. 2007-04, 11/8/2007]

The tax imposed by this Part 2 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, 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 discharged 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 Northampton 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.

§ 24-216. Enforcement. [Ord. 2007-04, 11/8/2007]

All taxes imposed by this Part, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

§ 24-217. Regulations. [Ord. 2007-04, 11/8/2007]

The Recorder of Deeds of Northampton County 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. § 8107-C et seq., are incorporated into and made a part of this Part.

PART 3
LOCAL SERVICES TAX

§ 24-301. Title. [Ord. 2007-05, 12/17/2007]

This Part shall be known as the "Allen Township Local Services Tax."

§ 24-302. Definitions. [Ord. 2007-05, 12/17/2007]

The following words and phrases, when used in this Part 3, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

COLLECTOR — The local real estate tax collector for Allen Township.

DCED — The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME — Compensation as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, § 13, as amended, 53 P.S. § 6913, as amended.

EMPLOYER — An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HE, HIS or HIM — Indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL — Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the political subdivision.

NET PROFITS — The net income from the operation of a business, profession, or other activity, as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1251, § 13, as amended, 53 P.S. § 6913, as amended.

OCCUPATION — Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the political subdivision for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

POLITICAL SUBDIVISION — The area within the corporate limits of Allen Township.

TAX — The local services tax at the rate fixed in § 24-303 of this Part.

TAX YEAR — The period from January 1 until December 31 in any year; a calendar year.

§ 24-303. Levy of Tax. [Ord. 2007-05, 12/17/2007]

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008, upon the privilege of engaging in an occupation with a primary place of employment within Allen Township during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52, assessed on a pro rata basis, in accordance with the provisions of this Part. This tax may be used solely for the following purposes as the same may be allocated by Allen Township from time to time: (1) emergency services, which shall include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S.A. Chapter 85, Subchapter F (relating to homestead property exclusion). The political subdivision shall use no less than 25% of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the political subdivision. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

§ 24-304. Exemption and Refunds. [Ord. 2007-05, 12/17/2007]

1. Exemption. Any person whose total earned income and net profits from all sources within the political subdivision is less than \$12,000 for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:
 - A. Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total 100% disability.
 - B. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

2. Procedure to Claim Exemption.

- A. A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than \$12,000 in the calendar year for which the exemption certificate is filed. In the event the political subdivision utilizes a tax collection officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision or except as required by Subsection 2B, the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the political subdivision.
- B. With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within the political subdivision equal to or in excess of \$12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in an amount equal to or in excess of \$12,000 in that calendar year, an employer shall withhold the local services tax from the person under Subsection 2C.
- C. If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under Subsection 2B, the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under Subsection 2B, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per-payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this subsection is subsequently severed in that calendar year, the person shall be liable

for any outstanding balance of tax due, and the political subdivision may pursue collection under this Part.

- D. Except as provided in Subsection 2B, it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.
3. Refunds. Allen Township, in consultation with the collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within 75 days of a refund request or 75 days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed \$1. Allen Township or the collector shall determine eligibility for exemption and provide refunds to exempt persons.

§ 24-305. Duty of Employers to Collect. [Ord. 2007-05, 12/17/2007]

1. Each employer within the political subdivision, as well as those employers situated outside the political subdivision but who engage in business within the political subdivision, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the political subdivision and making a return and payment thereof to the collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the political subdivision.
2. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll-period basis for each payroll period in which the person is engaging in an occupation, except as provided in Subsection 4 of this section. For purposes of this subsection, "combined rate" shall mean the aggregate annual rate of the tax levied by the school district and the municipality.
3. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

4. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.
5. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person maybe employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.
6. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of Subsection 2 of this section and remits the amount so withheld in accordance with this Part.
7. Employers shall be required to remit the local services taxes 30 days after the end of each quarter of a calendar year.

§ 24-306. Returns. [Ord. 2007-05, 12/17/2007]

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this Part, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

§ 24-307. Dates for Determining Tax Liability and Payment. [Ord. 2007-05, 12/17/2007]

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the collector on or before the 30th day following the end of each calendar quarter of each such tax year.

§ 24-308. Self-Employed Individuals. [Ord. 2007-05, 12/17/2007]

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the political subdivision shall be required to comply with this Part and pay the pro rata

portion of the tax due to the collector on or before the 30th day following the end of each quarter.

§ 24-309. Individuals Engaged in More Than One Occupation or Employed in More Than One Political Subdivision. [Ord. 2007-05, 12/17/2007]

1. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:
 - A. First, the political subdivision in which a person maintains his or her principal office or is principally employed;
 - B. Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;
 - C. Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.
2. In case of a dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

§ 24-310. Nonresidents Subject to Tax. [Ord. 2007-05, 12/17/2007]

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though they were residents of the political subdivision. Further, any individual engaged in an occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this Part, be considered a self-employed person; and in the event his or her tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

§ 24-311. Administration of Tax. [Ord. 2007-05, 12/17/2007]

1. The collector shall be appointed by resolution of the political subdivision. It shall be the duty of the collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer of self-employed person, together with the date the tax was received.

2. The collector is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the collector shall have the right to appeal consistent with the Local Taxpayers Bill of Rights under Act 50 of 1998.
3. The collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the collector the means, facilities and opportunity for such examination.

§ 24-312. Suits for Collection. [Ord. 2007-05, 12/17/2007]

1. In the event that any tax under this Part remains due or unpaid 30 days after the due dates above set forth, the collector may sue for the recovery of any such tax due or unpaid under this Part, together with interest and penalty.
2. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated beginning with the due date of the tax, and a penalty of 5% shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

§ 24-313. Violations and Penalties. [Ord. 2007-05, 12/17/2007]

Whoever makes any false or untrue statement on any return required by this Part, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this Part shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this Part.

§ 24-314. Interpretation. [Ord. 2007-05, 12/17/2007]

1. Nothing contained in this Part shall be construed to empower the political subdivision to levy and collect the tax hereby imposed on any occupation not

within the taxing power of the political subdivision under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

2. If the tax hereby imposed under the provisions of this Part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individual as herein provided.

PART 4
AMUSEMENT TAX

§ 24-401. Title. [Ord. 2002-03, 4/11/2002, § I]

This Part shall be known and may be cited as the "Township Amusement Tax Ordinance."

§ 24-402. Definitions. [Ord. 2002-03, 4/11/2002, § II]

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

ADMISSION — Monetary charges of any character whatever, including donations, contributions and dues, or membership fees (periodical or otherwise) charged or paid, or in any manner received by a producer, as herein defined, from the general public, or a limited or selected number thereof, directly or indirectly, for the privilege of attending, viewing, hearing or engaging in any amusement, as herein defined. Admission shall not include any tax added to the charge. "Admission" shall, for the purposes of this Part, also be deemed to mean monies received by a producer for permitting radio or television broadcasts or rebroadcasts of an amusement or event, either by live or deferred coverage, including closed-circuit and cable broadcasts.

AMUSEMENT — All manner and form of entertainment, including, among others, the following: theatrical performance, operatic performance, concert, television, swimming or bathing pool, bowling alley, golf course, vaudeville show, show, sideshow, circus, all forms of entertainment at fairgrounds, amusement park, arcade, video arcade, and all forms of entertainment therein, dancing, sporting event, racing, racing event, athletic contests, including but not being limited to wrestling exhibition, wrestling match, boxing match, football, basketball, and baseball games, and all other forms of diversion, sport, recreation, pastime, shows, exhibitions, contests, displays and games, including electronic games and pinball machines, for which admission or other fee is charged or paid; provided, that "amusement" shall not include any form of entertainment accompanying or incidental to the serving of food or drink or the sale of merchandise, where the charge for admission is wholly included in the price paid for refreshment or merchandise; and provided, further, that "amusement" shall not include any form of entertainment, the proceeds of which, after payment of reasonable expenses, inure exclusively to the benefit of any religious, educational, civic, municipal or charitable institution, society or organization.

ASSOCIATION — Any partnership, limited partnership or other forms of unincorporated enterprise owned by two or more persons.

COLLECTOR — The Treasurer of the Board of Supervisors of Allen Township or such individual as designated by the Treasurer.

PERSON — Any natural person, copartnership, association, firm or corporation. Whenever used in any clause prescribing or imposing a penalty, or both, the term "person," as applied to a copartnership or association, shall mean the partners or members thereof, and as applied to a corporation, shall mean the officers thereof.

PRODUCER — Any person, as herein defined, who shall conduct any amusement, as herein defined, in the Township of Allen.

2. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 24-403. Amount of Tax. [Ord. 2002-03, 4/11/2002, § III; as amended by Ord. 2002-06, 11/14/2002, §§ 1 and 2]

1. For general Township purposes, under the authority of the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257 (53 P.S. § 6901 et seq.), as amended, a tax is hereby imposed upon the admission fee or privilege to attend or engage in any amusement, at the rate of 5% maximum of the price of admission, exclusive of the federal, state and local taxes, charged the general public or a limited number or selected group thereof by any producer for each and every amusement activity occurring within Allen Township, which tax shall be paid by the person paying such admission fee or acquiring such privilege; the producer shall be responsible for collecting said tax.
 - A. The tax imposed upon any golf course located within Allen Township shall be calculated by imposing a 5% tax upon 40% of the greens fee. The greens fee shall include all costs of admissions to the golf course.
2. In the case of a person admitted at a reduced rate or season or subscription ticket, the tax imposed by this Part shall be computed on the actual price of admission paid by such person.
3. In the case of a person admitted free or with a complimentary ticket for which no price of admission is charged, no tax shall apply, except that the producer of any amusement within the Township shall not issue complimentary tickets or allow free admissions in an amount in excess of 5% of the total number of paid admissions to any individual amusement event.
4. Where no fixed admission is charged the tax shall be based upon the gross admissions collected and shall be paid by the producer.

§ 24-404. Certificate of Registration. [Ord. 2002-03, 4/11/2002, § IV]

1. On or after the effective date of this Part, it shall be unlawful for any producer to continue to conduct or thereafter to begin to conduct any form of amusement within Allen Township as aforesaid, unless he shall have secured a certificate of registration in accordance with the provisions herein and shall have paid the tax herein imposed in accordance with the provisions herein made.
2. Every producer desiring to continue to conduct or hereafter to begin to conduct any amusement within Allen Township, as aforesaid, shall file a sworn application for a certificate of registration with the Township. Every application for such certificate shall be made upon a form furnished by the Township and shall set forth the name under which the applicant conducts or intends to conduct a permanent, temporary or itinerant form of amusement, the location of the place of amusement and such other information as the Township may require. If the applicant has or intends to have more than one place of amusement within Allen Township as aforesaid, the application shall state the location of each place of amusement, in case of an itinerant form of amusement, the date and length of time of such amusement is to be conducted in each place. In the case of an application for a certificate for a temporary or an itinerant form of amusement, the applicant shall state the name and address of the owner, lessee or custodian of the premises upon which the amusement is to be conducted. If an applicant is an association or corporation, the names and addresses of the principal officers thereof and any other information prescribed by the Township for purposes of identification shall be stated. The application shall be signed and verified by oath or affirmation by the producer, if a natural person, and in the case of an association, by an authorized member or partner, and in the case of a corporation, by an executive officer thereof or of some person specifically authorized by the corporation to sign the application.
3. Upon approval of the application, the Township shall grant and issue to each applicant a certificate of registration for each place of amusement within Allen Township as aforesaid, as set forth in his application. Said certificate shall not be assignable, shall be valid only for the person in whose name it is issued and for the conduct of the amusement and at the place designated therein, and shall at all times be conspicuously displayed at the place for which issued. The producer of an itinerant form of amusement shall notify the Township promptly of any change in the originally contemplated itinerary, either as to date or time of the conduct of the amusement at each place.
 - A. When the amusement consists of one or more individual games, machines, video or electronic games, pinball machines or similar devices, the Township shall also issue for each such game or machine a registration sticker, which shall not be assignable, and which shall be valid only for the person to whom issued and for the particular

game or machine and at the place designated in the application, and which shall at all times be conspicuously displayed on the game or machine for which it is issued. No such game, machine or device shall be operated until it is first registered as hereinabove provided. The producer shall promptly notify the collector of any changes in the inventory of such games, machines or devices.

4. The Township may suspend or, after hearing before the Board of Supervisors, revoke a certificate of registration whenever it finds that the holder thereof has failed to comply with any of the provisions of this Part. Upon suspending or revoking any certificate of registration, the Township shall request the holder thereof to surrender to him immediately all such certificates or duplicates thereof issued to him, and the holder shall surrender promptly all certificates to the Township. Whenever the Township suspends a certificate of registration, he shall notify the holder immediately by registered mail and advise him of a right to a hearing. The holder shall, within five days of receipt of such notice, file a written notice of intention to defend with the Township; and the failure to do so shall constitute a waiver of hearing by the holder.
5. No suspension of a certificate of registration shall be lifted, no suspended certificate of registration shall be reinstated, nor shall a new certificate of registration be issued to any person, the certificate of whom has been suspended or revoked, until such time as said person has complied with all of the provisions of this Part.

§ 24-405. Report Required. [Ord. 2002-03, 4/11/2002, § V]

1. On and after the effective date of this Part, every producer shall obtain and file monthly with the office of the Township, for each place of amusement, a report, duly signed and notarized, on the forms furnished by the Township for such report. The report shall clearly show the total number of admissions during the proceeding month and the total sum of money charged or received as a result of said admissions, classified to reflect the number and amount involved and the amount of tax collected by him during said month. Provided that tickets are issued as a prerequisite to admission in the ordinary conduct of business, the report shall show the total number of tickets of each classification sold during the previous month. All reports required under this section shall be filed at the office of the Township on or before the fifteenth-day following the close of the month for which said report is made.
 - A. In the event the Township desires, in its sole discretion, to obtain an independent auditor to audit the books, records, accounts and other related documentation of the producer, the Township may do so upon 60 days' written notice to producer; and the producer shall be liable for all expenses related to said audit.

2. In the case of temporary or itinerant producers, said report shall be filed with the Township after each performance but no later than the business day following such performances.
3. The tax collected by a producer pursuant to the provisions of the Part shall be paid for the use of Allen Township, as follows:
 - A. In the case of temporary or itinerant amusement, the tax shall be paid directly to the collector at the time reports are filed under Subsection 2 above.
 - B. In the case of amusement conducted no more than twice weekly, the tax due shall be paid by the producer directly to collector on the next business day following the conduct of the amusement.
 - C. In the case of all other amusements, the producer shall at least once a month pay the tax due for the preceding tax period directly to collector, on the next business day following the last day on which the amusement was conducted. Every producer shall, on the first business day of January of each calendar year, file with the collector a signed statement establishing the day of the week on which he intends to make the payment required by this subsection.
4. Hereafter, every producer subject to the provisions of this Part is required to keep and maintain such records as will fully disclose the total number of admissions and the charge for such admissions. Such records shall be open for inspection and examination by the Township Manager at all reasonable times.
5. In any case in which the producer fails to pay the tax levied therein to the Township, the owner, lessee or custodian of the place at which such amusement is held shall be liable for the payment of said tax, as herein required.
6. All such taxes as levied herein shall bear interest at the rate of 1/2 of 1% per month or fractional part of a month from the date they are due and payable until paid.
7. The Township may sue in the name of the Township of Allen for the recovery of taxes due and unpaid under this Part, together with reasonable and necessary attorney's fees and costs of suit.

§ 24-406. Duties of Collector. [Ord. 2002-03, 4/11/2002, § VI]

1. The administration of this Part is vested in the Township Manager, who shall prescribe forms and promulgate rules and regulations needed for the enforcement of this Part, subject to the approval of the Board of Supervisors. The Treasurer is hereby authorized to examine the books, records, papers

and files of any person or persons required to file the monthly report and pay the required tax.

2. Any information gained by the Township Manager or any other official or agent of the Township as a result of any returns, investigations or verifications required or authorized by this Part shall be confidential, except for official purposes, and except in accordance with proper judicial order, or as otherwise provided by law. Any disclosure of any information, contrary to the provision of this section, shall constitute a violation of this Part.

§ 24-407. Payment of Tax. [Ord. 2002-03, 4/11/2002, § VII]

No suit shall be maintained in any court to restrain or delay the collection of the tax levied by this Part until and unless the complainant shall pay under protest the tax as required; and if it is finally determined through a court of competent jurisdiction that said tax was wrongfully collected, the amount of the tax so adjudged to have been wrongfully collected shall be refunded.

§ 24-408. Exemptions. [Ord. 2002-03, 4/11/2002, § VIII]

1. Nothing contained herein shall apply to or affect newspaper reporters, photographers, radio announcers, concessionaires and persons of similar vocation, bona fide employees necessary for the operation of the particular business who are admitted free to any place for the purpose of performing special duties in connection with the event and whose special duties are the sole reason for their presence at the event, or federal, state or municipal officers on official business.
2. This Part shall not apply to any person or property as to whom or which is beyond the legal power of Allen Township to impose the tax or duties herein provided for.

§ 24-409. Disposition of Funds. [Ord. 2002-03, 4/11/2002, § IX]

All taxes, interest and penalties collected or recovered by the collector or any other Township officer or person for or in behalf of the Township shall be paid into the Township treasury as general revenue to be used for general revenue purposes.

§ 24-410. Payment of Expenses. [Ord. 2002-03, 4/11/2002, § X]

All expenses incurred by the Township or its employees in the administration of this Part shall be paid by the Township.

§ 24-411. Violations and Penalties. [Ord. 2002-03, 4/11/2002, § XI; as amended by Ord. 2007-04, 11/8/2007]

1. Any person who shall be convicted before any Magisterial District Judge of the Township for violating or failing to carry out any of the provisions or requirements of this Part or of neglecting, failing or refusing to furnish

- complete and correct returns or to pay over any tax levied by this Part at the time required, or of knowingly making any incomplete, false or fraudulent return, or of fraudulently doing or attempting to do anything whatsoever to avoid the payment in whole or in part of the tax imposed under this Part shall be liable to a fine or penalty not exceeding \$600 for each and every offense, and the costs of prosecution thereof; provided that such fine or penalty shall be in addition to any other penalty imposed by any other section of this Part.
2. Each day's operation without complying with the provisions of this Part shall constitute a separate and distinct violation of the Part.

PART 5
LOCAL TAXPAYERS BILL OF RIGHTS

§ 24-501. Short Title. [Ord. 2007-04, 11/8/2007]

This Part shall be known and may be cited as the "Local Taxpayers Bill of Rights."

§ 24-502. Definitions. [Ord. 2007-04, 11/8/2007]

The following words and phrases, when used in this Part, shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

ASSESSMENT — The determination by the Township of the amount of underpayment by a taxpayer.

BOARD — A board of local tax appeals established under 53 Pa.C.S.A. § 8430 (relating to administrative appeals).

ELIGIBLE TAX — Any of the following, including interest and penalty provided by law, when levied by a political subdivision:

- A. Any tax authorized or permitted under the Act of December 31, 1965 (P.L. 1257, No. 511, known as the "Local Tax Enabling Act").
- B. Any per capita tax levied under any act.
- C. Any occupation, occupation assessment or occupation privilege tax levied under any act.
- D. Any tax on income levied under any act.
- E. Any tax measured by gross receipts levied under any act.
- F. Any tax on a privilege levied under any act.
- G. Any tax on amusements or admissions levied under any act.
- H. Any tax on earned income and net profits.

GOVERNING BODY — The Township Board of Supervisors of the Township of Allen, Northampton County, Pennsylvania.

OVERPAYMENT — Any payment of tax which is determined in the manner provided by law not to be legally due.

TAXPAYER — An individual, partnership, association, corporation, limited liability company, estate, trust, trustee, fiduciary or any other entity subject to or claiming exemption from any eligible tax or under a duty to perform an act for itself or for another or pursuant to the authority of an act providing for an eligible tax.

UNDERPAYMENT — The amount or portion of any tax determined to be legally due in the manner provided by law for which payment or remittance has not been made.

VOLUNTARY PAYMENT — A payment of an eligible tax made pursuant to the free will of the taxpayer. The term does not include a payment made as a result of distraint or levy or pursuant to a legal proceeding in which the Township is seeking to collect its delinquent taxes or file a claim therefor.

§ 24-503. Disclosure Statement. [Ord. 2007-04, 11/8/2007]

1. Contents. The Township shall prepare a statement which sets forth the following in simple and nontechnical terms:
 - A. The rights of a taxpayer and the obligation of the Township during an audit or an administrative review of the taxpayer's books or records.
 - B. The administration and judicial procedures by which a taxpayer may appeal or seek review of any adverse decision of the Township.
 - C. The procedure for filing and processing refund claim and taxpayer complaints.
 - D. The enforcement procedures.
2. Distribution. The Township shall notify any taxpayer contacted regarding the assessment, audit, determination, review or collection of an eligible tax of the availability of the statement under Subsection 1. The Township shall make copies of the statement available to taxpayers upon request at no charge to the taxpayer, including mailing costs. The notification shall be stated as follows:

"You are entitled to receive a written explanation of your rights with regard to the audit, appeal, enforcement, refund and collection of local taxes by calling the Township of Allen at (610) 262-7012 during normal business hours."

§ 24-504. Requirements for Requests. [Ord. 2007-04, 11/8/2007]

1. Minimum Time Period for Taxpayer Response.
 - A. The taxpayer shall have at least 30 calendar days from the mailing date to respond to request for information by the Township. The Township shall grant additional reasonable extensions upon application for good cause.
 - B. The Township shall notify the taxpayer of the procedures to obtain an extension in its initial request.

- C. The Township shall take no lawful action against a taxpayer for the tax year in question until the expiration of the applicable response period, including extensions.
- 2. Requests for Prior Year Returns.
 - A. Except as provided in Subsection 2B, an initial inquiry by the Township regarding a taxpayer's compliance with any eligible tax may include taxes required to be paid or tax returns required to be filed no more than three years prior to the mailing date of the notice.
 - B. The Township may make a subsequent request for a tax return or supporting information if, after the initial request, the Township determines that the taxpayer failed to file a tax return, underreported income or failed to pay a tax for one or more of the tax periods covered by the initial request.
 - C. This subsection shall apply if the Township has sufficient information to indicate that the taxpayer failed to file a required return or pay an eligible tax which was due more than three years prior to the date of the notice.
 - 3. Use of Federal Tax Information. The Township may require a taxpayer to provide copies of the taxpayer's federal individual income tax return if the Township can demonstrate that the federal tax information is reasonably necessary for the enforcement or collection of an eligible tax and the information is not available from other available sources or the Department of Revenue.

§ 24-505. Refunds of Overpayments. [Ord. 2007-04, 11/8/2007]

- 1. General Rule. A taxpayer who has paid an eligible tax to the Township may file a written request with the Township for refund or credit of the eligible tax. A request for refund shall be made within three years of the date for filing the report as extended or one year after actual payment of the eligible tax, whichever is later. If no report is required, the request shall be made within three years after the due date for payment of the eligible tax or within one year after actual payment of the eligible tax, whichever is later.
 - A. For purposes of this section, a tax return filed by the taxpayer with the Township showing an overpayment of tax shall be deemed to be a written request for a cash refund unless otherwise indicated on the tax return.
 - B. A request for refund under this section shall not be considered a petition under § 53 Pa.C.S.A. § 8340 (relating to petitions).

2. Notice of Underpayment. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written request for refund shall be filed with the Township within one year of the date of the payment.

§ 24-506. Interest on Overpayment. [Ord. 2007-04, 11/8/2007]

1. General Rule. All overpayments of tax due the Township, including taxes on real property, shall bear simple interest from the date of overpayment until the date of resolution.
2. Interest Rate. Interest on overpayments shall be allowed and paid at the same rate as the commonwealth is required to pay pursuant to Section 806.1 of the Act of April 9, 1929 (P.L. 343, No. 176), known as the "Fiscal Code."
3. Exceptions.
 - A. No interest shall be allowed if an overpayment is refunded or applied against any other tax, interest or penalty due the Township within 75 days after the last date prescribed for filing the report of the tax liability or within 75 days after the date the return or report of the liability due is filed, whichever is later.
 - B. Overpayments of interest or penalty shall not bear any interest.
4. Acceptance of Refund Check. The taxpayer's acceptance of the Township check shall not prejudice any right of the taxpayer to claim any additional overpayment and interest thereon. Tender of a refund check by the Township shall be deemed to be acceptance of the check by the taxpayer for purposes of this section.
5. Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this section:

DATE OF OVERPAYMENT — The later of the date paid or the date tax is deemed to have been overpaid as follows:

- A. Any tax actually deducted and withheld at the source shall be deemed to have been overpaid on the last day of filing the report for the tax period, determined without regard to any extension of time for filing.
- B. Any amount overpaid as estimated tax for the tax period shall be deemed to have been overpaid on the last day for filing the final report for the tax period, determined without regard to any extension of time for filing.
- C. An overpayment made before the last day prescribed for payment shall be deemed to have been paid on the last day.
- D. Any amount claimed to be overpaid with respect to which a lawful administrative review or appellate procedure is initiated shall be

deemed to have been overpaid 60 days following the date of initiation of the review or procedure.

- E. Any amount shown not to be due on an amended income or earned income and net profits tax return shall be deemed to have been overpaid 60 days following the date of filing of the amended income tax return.

DATE OF RESOLUTION — The date the overpayment is refunded or credited as follows:

- A. For a cash refund, a date preceding the date of the Township's refund check by not more than 30 days.
- B. For a credit for an overpayment.
 - (1) The date of the Township's notice to the taxpayer of the determination of the credit; or
 - (2) The due date for payment of the tax against which the credit is applied, whichever first occurs. For a cash refund of a previously determined credit, interest shall be paid on the amount of the credit from a date 90 days after the filing of a request to convert the credit to a cash refund to a date preceding the date of the refund check by not more than 30 days whether or not the refund check is accepted by the taxpayer after tender.

§ 24-507. Notice of Basis of Underpayment. [Ord. 2007-04, 11/8/2007]

The Township shall notify the taxpayer, in writing, of the basis for any underpayment that the Township has determined to exist. The notification shall include:

- A. The tax period or periods for which the underpayment is asserted.
- B. The amount of the underpayment detailed by tax period.
- C. The legal basis upon which the Township has relied to determine that an underpayment exists.
- D. An itemization of the revisions made by the Township to a return or report filed by the taxpayer that results in the determination that an underpayment exists.

§ 24-508. Abatement of Certain Interest and Penalty. [Ord. 2007-04, 11/8/2007]

- 1. Errors and Delays. In the case of any underpayment, the Township may abate all or any part of interest for any period for the following:
 - A. Any underpayment or tax finally determined to be due attributable in whole or in part to any error or delay by the Township in the

performance of a ministerial act. For purposes of this subsection, an error or delay shall be taken into account only if no significant aspect of the error or delay can be attributed to the taxpayer and after the Township has contacted the taxpayer, in writing, with respect to the underpayment of tax finally determined to be due or payable.

- B. Any payment of a tax to the extent that any error in delay in the payment is attributable to an officer, employee or agent of the Township being erroneous or dilatory in performance of a ministerial act. The Township shall determine what constitutes timely performance of ministerial acts performed under this subsection.
2. Abatement Due to Erroneous Written Advice by the Borough.
- A. The Township shall abate any portion of any penalty or excess interest attributable to erroneous advice furnished to the taxpayer in writing by an officer, employee or agent of the Township acting in the officer's, employee's or agent's official capacity if:
 - (1) The written advice was reasonably relied upon by the taxpayer and was in response to a specific written request of the taxpayer; and
 - (2) The portion of the penalty or addition to tax or excess interest did not result from a failure by the taxpayer to provide adequate or accurate information.
 - B. This subsection shall not be construed to require the Township to provide written advice to taxpayers.

§ 24-509. Application of Payments. [Ord. 2007-04, 11/8/2007]

Unless otherwise specified by the taxpayer, all voluntary payments of an eligible tax shall be prioritized by the Township as follows:

- A. Tax.
- B. Interest.
- C. Penalty.
- D. Any other fees or charges.

§ 24-510. Administrative Appeals. [Ord. 2007-04, 11/8/2007]

A political subdivision levying an eligible tax shall establish an administrative process to receive and make determinations on petitions from taxpayers relating to

the assessment, determination or refund of an eligible tax. The administrative process shall consist of any one of the following:

- A. Review and decision or hearing and decision by the Township Tax Appeals Board appointed by the Township Board of Supervisors. The Board shall consist of at least three but not more than seven members. Qualifications for service to the Board and compensation, if any, of the members shall be determined by the Township Board of Supervisors. The Township Board of Supervisors may enter into agreements with other political subdivisions to establish a joint local tax appeal board.
- B. Review and decision by the Township Board of Supervisors in executive session.
- C. A hearing and decision by a hearing officer appointed by the Township Board of Supervisors. The Township Board of Supervisors shall determine the qualifications and compensation, if any, of the hearing officer.
- D. An administrative review or appeal process existing on the effective date of this Part that is substantially similar to the procedures in Subsection A, B or C.

§ 24-511. Petitions. [Ord. 2007-04, 11/8/2007]

- 1. Filing. A petition is timely filed if the letter transmitting the petition is postmarked by the United States Postal Service on or before the final day on which the petition is required to be filed. Deadlines for filing petitions are as follows:
 - A. Refund petitions shall be filed within three years after the due date for filing the report as extended or one year after actual payment of an eligible tax, whichever is later. If no report is required, the petition shall be filed within three years after the due date for payment of an eligible tax or within one year after actual payment, whichever is later.
 - B. Petitions for reassessment of an eligible tax shall be filed within 90 days of the date of the assessment notice.
- 2. Contents. The Township Board of Supervisors shall adopt regulations specifying the form and content of petitions, including the process and deadlines.

§ 24-512. Practice and Procedure. [Ord. 2007-04, 11/8/2007]

Practice and procedure under this section shall not be governed by 2 Pa.C.S.A. Chapter 5, Subchapter B (relating to practice and procedure of local agencies), and Chapter 7, Subchapter B (relating to judicial review of local agency action). The Township Board of Supervisors shall adopt regulations governing practice and procedure under this section.

§ 24-513. Decisions. [Ord. 2007-04, 11/8/2007]

Decisions on petitions submitted under this section shall be issued within 60 days of the date a complete and accurate petition is received. Failure to act within 60 days shall result in the petition being deemed approved.

§ 24-514. Appeals. [Ord. 2007-04, 11/8/2007]

Any person aggrieved by a decision under this Part who has a direct interest in the decision shall have the right to appeal to the court vested with the jurisdiction of local tax appeals by or pursuant to 42 Pa. C.S.A, (relating to judiciary and judicial procedure).

§ 24-515. Equitable and Legal Principles to Apply. [Ord. 2007-04, 11/8/2007]

Decisions under this Part may be made according to principles of law and equity.

§ 24-516. Installment Agreements. [Ord. 2007-04, 11/8/2007]

1. Authorization. The Township may enter into written agreements with any taxpayer under which the taxpayer is allowed to satisfy liability for any eligible tax in installment payments if the Township determines that the agreement will facilitate collection.
2. Extent to Which Agreements Remain in Effect.
 - A. Except as otherwise provided in this section, any agreement entered into by the Township under Subsection 1 shall remain in effect for the term of the agreement.
 - B. The Township may terminate any prior agreement entered into under Subsection 1 if:
 - (1) Information which the taxpayer provided to the Township prior to the date of the agreement was inaccurate or incomplete; or
 - (2) The Township believes that collection of any eligible tax under the agreement is in jeopardy.
 - C. If the Township finds that the financial condition of the taxpayer has significantly changed, the Township may alter, modify or terminate the agreement, but only if:
 - (1) Notice of the Township's finding is provided to the taxpayer not later than 30 days prior to the date of such action; and
 - (2) The notice contains the reasons why the Township believes a significant change has occurred.

- D. The Township may alter, modify or terminate an agreement entered into by the Township under Subsection 1 if the taxpayer fails to do any of the following:
- (1) Pay any installment at the time the installment is due under such agreement.
 - (2) Pay any other tax liability at the time liability is due.
 - (3) Provide a financial condition update as requested by the Township.
3. Prepayment Permitted. Nothing in this section shall prevent a taxpayer from prepaying in whole or in part any eligible tax under any agreement with the Township.

§ 24-517. Confidentiality of Tax Information. [Ord. 2007-04, 11/8/2007]

1. Any information gained by the Township as a result of any audit, return, report, investigation, hearing or verification shall be confidential tax information. It shall be unlawful, except for official purposes or as provided by law, for the Township to:
 - A. Divulge or make known in any manner any confidential information gained in any return, investigation, hearing or verification to any person.
 - B. Permit confidential tax information or any book containing any abstract or particulars thereof to be seen or examined by any person.
 - C. Print public or make known in any manner any confidential tax information.
2. An offense under this section is a misdemeanor of the third degree; and, upon conviction thereof, a fine of not more than \$2,500 and cost, or a term of imprisonment for not more than one year, or both, may be imposed. If the offender is an officer or employee of the Township, the officer or employee shall be dismissed from office or discharged from employment.

§ 24-518. Taxes on Real Property. [Ord. 2007-04, 11/8/2007]

Except as provided in § 24-506 (Interest on Overpayment), this Part shall not apply to any tax on real property.

PART 6**RETURNED CHECKS AND TAX COLLECTOR FEES****§ 24-601. Returned Checks; Fees. [Ord. 2006-04, 5/23/2006; as amended by Ord. 2007-04, 11/8/2007]**

1. Checks Payable to Allen Township.
 - A. The Township hereby imposes a fee per check returned by a payor bank and due to said bank's failure to honor and pay to the Township the amount of such check. The fee detailed herein shall be assessed against the person, firm or person, firm or corporation issuing such check and as a result of the payor bank's failure to pay the same.
 - B. The fee detailed in Subsection 1A above shall be set, from time to time, by resolution in the event the Township determines a need to alter the fee as initially established.
 - C. The fee for dishonored checks payable hereunder will be for any check to any Township office or organization for any purpose, with the exception of the Township tax collector.
 - D. The fee for dishonored checks payable hereunder shall be deposited in the Township's general fund.
2. Checks Payable to Township Tax Collector.
 - A. The Township hereby imposes a fee per check returned by a payor bank and due to said bank's failure to honor and pay to the Township tax collector the amount of such check. The fee detailed herein shall be assessed against the corporation issuing such check and as a result of the payor bank's failure to pay the same.
 - B. The fee detailed in Subsection 2A above shall be set, from time to time, by resolution in the event the Township determines a need to alter the fee initially established.
 - C. The fee for dishonored checks payable hereunder shall be paid to the Allen Township tax collector directly.

§ 24-602. Service Charge for Preparation of Notice. [Ord. 2006-04, 5/23/2006; as amended by Ord. 2007-04, 11/8/2007]

1. The Township hereby imposes a service fee to be assessed by and payable directly to the Township tax collector for the tax collector's preparation of any fifteen-day written notice of taxpayer delinquency, such notice as required under the Local Tax Enabling Act at 53 P.S. § 6920.1.

2. By further determination of this Township, the fee shall be set, from time to time, by resolution, in the event the Township determines a need to alter the fee as initially established.

§ 24-603. Responsibility for Delivery Fees. [Ord. 2006-04, 5/23/2006]

Consistent with the Local Tax Enabling Act at 53 P.S. § 6920.1, the Township tax collector shall recoup actual certified mail/restricted delivery fees advanced in forwarding any fifteen-day written notice of taxpayer delinquency required under the Local Tax Enabling Act, and such mailing fees may be added by the tax collector to the delinquent amount otherwise due and recited in the taxpayer's fifteen-day notice.

§ 24-604. Service Charge for Notice of Wage Attachment. [Ord. 2006-04, 5/23/2006; as amended by Ord. 2007-04, 11/8/2007]

1. The Township hereby imposes a service fee to be assessed by and payable directly to the Township tax collector for the tax collector's preparing and presenting written notice of demand for attachment of a delinquent's taxable wages from his or her employer.
2. The service fee mentioned in Subsection 1 above shall be set, from time to time, by resolution, in the event the Township determines a need to alter the fee as initially established.

§ 24-605. Service Charge for Written Certification. [Ord. 2006-04, 5/23/2006; as amended by Ord. 2007-04, 11/8/2007]

1. The Township hereby imposes a service fee per written certification to be assessed to each person, firm or corporation requesting a written tax certification from the Township tax collector verifying the payment status of real estate taxes levied upon the owners of Township realty.
2. The service fee mentioned in Subsection 1 above shall be payable directly to the Township tax collector.
3. The service fee mentioned in Subsection 1 above shall be set, from time to time, by resolution, in the event the Township determines a need to alter the fee as initially established.

CHAPTER 25

RESERVED

CHAPTER 26

WATER

PART 1

WATER SUPPLY SYSTEM

- §26-101. Policy**
- §26-102. Connection to Water Supply System**
- §26-103. Failure to Connect**
- §26-104. Rates, Rules, Regulations and Fees**
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PART 2

WATER CONSERVATION

- §26-201. General Policy**
- §26-202. Water Conservation Performance Standards for Plumbing Fixtures and Fittings**
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PART 1
WATER SUPPLY SYSTEM

§26-101. Policy.

The Board of Supervisors of Allen Township, Northampton County, Pennsylvania has determined that the health, safety, and welfare of the citizens of Allen Township will be best served by requiring that all owners of property abutting the water supply system owned and operated by NBMA, and approved by the Allen Township Board of Supervisors, be required to connect with and use said system unless specifically excepted from doing so as further described herein. For the purposes of this Part the term “abutting” shall mean touching, bordering, adjoining or contiguous to.

(Ord. 2001-03, 5/23/2001, §2)

§26-102. Connection to Water Supply System.

All owners of property abutting the water supply system owned and operated by NBMA, and approved by the Allen Township Board of Supervisors, shall, upon notice to do so, from Allen Township connect with and use said system. The following property owners shall not be required to connect to the water supply system provided one of the following exceptions is applicable to the property in question:

- A. Industries and farmers which have their own supply of water for uses other than human consumption;
- B. Unimproved real estate; or
- C. Improved real estate where no portion of habitable structure is closer than 250 feet to the closest possible point of connection at the property line.

(Ord. 2001-03, 5/23/2001, §3)

§26-103. Failure to Connect.

In the event that any owner of property abutting the water supply system owned and operated by NBMA, except those previously excepted, shall neglect or refuse to connect with and use said system within a period of one year after notice to do so has been served upon said owner by the Township, either by personal service or certified or registered mail, return receipt requested, said property owner shall be deemed to be in violation of this Ordinance and shall be subject to the penalties and remedies hereinafter set forth. Further, the Township or NBMA is hereby authorized to enter the property which has failed to connect to construct the required connection provided that the Township or NBMA has given the property owner at least 10 days’ notice of the time and place where

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the connection will be constructed, in order to construct the connection. Prior to the Township or NBMA entering any property as authorized herein, the municipality desiring to enter the property shall obtain a court order from the Northampton County Court of Common Pleas authorizing such actions. The Township or NBMA shall send an itemized bill of the cost of construction of connection to the owner of the property to which connection has been made, which bill is payable immediately, unless the Township or NBMA has authorized, in writing, an alternative method of payment.

(Ord. 2001-03, 5/23/2001, §4)

§26-104. Rates, Rules, Regulations and Fees.

Any connection to the water supply system owned and operated by NBMA shall be made in accordance with the rates, rules, regulations, and fee schedule of NBMA as modified by the Intermunicipal Water Service Agreement between Allen Township and the Northampton Borough Municipal Authority dated March 13, 2001.

(Ord. 2001-03, 5/23/2001, §5)

§26-105. Municipal Approval.

Property owners required to connect pursuant to the provisions of this Part shall only be required to do so if the extension of the NBMA water supply system has been specifically approved by the Allen Township Board of Supervisors.

(Ord. 2001-03, 5/23/2001, §6)

§26-106. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 2001-03, 5/23/2001, §7; as amended by Ord. 2007-04, 11/8/2009)

PART 2

WATER CONSERVATION

§26-201. General Policy.

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental, or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way, and for which construction a permit is required to be obtained from Allen Township (or would be required but for an exemption from a permit requirement for public or governmental agencies) unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of §26-202 of this Part. The provision of this Part shall apply to any building or structure for which such a building permit is issued, or would otherwise be required to be issued but for such an exemption, on or after June 1, 1992.

(Ord. 92-1, 4/9/1992, §1)

§26-202. Water Conservation Performance Standards for Plumbing Fixtures and Fittings.

1. Water Closets and Associated Flushing Mechanisms. The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6M.
2. Urinals and Associated Flushing Mechanisms. Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6M.
3. Showerheads. Showerhead discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.18.1M.
4. Faucets. Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.18.1M.

(Ord. 92-1, 4/9/1992, §2)

WATER

§26-203. Special Provisions.

1. Special Purpose Equipment. The performance standards of §26-202 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets, and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.
2. Exemptions. Any person(s) may apply to the Allen Township Municipal Office for an exemption to the terms of this Part, which may be granted by the Board of Supervisors, upon proof that some other device, system or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with, without undue hardship.

(Ord. 92-1, 4/9/1992, §3)

§26-204. Official Review and Modification.

The Board of Supervisors may, from time to time, modify, add to, or remove from the standards and restrictions herein.

(Ord. 92-1, 4/9/1992, §4)

§26-205. 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 which shall be found to have been violated shall constitute a separate offense.

(Ord. 92-1, 4/9/1992, §5; as amended by Ord. 2007-04, 11/8/2009)

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PART 1**TITLE, PURPOSE AND JURISDICTION****§ 27-100. Title. [Ord. 2000-03, 9/14/2000, Art. I, § 100]**

An ordinance regulating the location, height, bulk, erection, construction, alteration, razing and size of structures; the percentages of a lot which may be occupied, the size of yards, courts, and other open spaces; the density and distribution of population, the intensity of the use of land or bodies of water for trade, industry, residence, recreation, public activities, or other purpose, and the use of land for agriculture, water supply, conservation, soil conservation, forestry, or other purpose; and providing for the administration, enforcement, and amendment of this chapter in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended from time to time, and in accordance with the Allen Township Comprehensive Plan incorporated herein by reference.

§ 27-101. Short Title. [Ord. 2000-03, 9/14/2000, Art. I, § 101]

This chapter shall be known as and may be cited as the "Allen Township Zoning Ordinance of 2000."

§ 27-102. Purpose. [Ord. 2000-03, 9/14/2000, Art. I, § 102]

The purpose of this chapter is to:

1. Promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
2. Prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
3. Preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
4. Provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile

home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

5. Accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§ 27-103. Interpretation. [Ord. 2000-03, 9/14/2000, Art. I, § 103]

In interpreting and applying the provisions of this chapter, all stated requirements and provisions shall be construed to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

- A. When the language of this chapter is deemed to impose a restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.
- B. When any regulation made under authority of this chapter requires a greater width size of yards, courts, or other open space, requires a lower height of buildings, or smaller number of stories or require a greater percentage of a lot to be left unoccupied, or imposes other higher standards than are required in or under any other statute, the more-restrictive regulation shall govern.
- C. Whenever the provisions of any other statute require a greater width or size of yards, courts or open space, or require a greater percentage of lot to be left unoccupied, or impose higher standards that are required by and regulations made under authority of this chapter, the provisions of such statute shall govern.
- D. This chapter does not repeal, abrogate, annul, or in any way impair or interfere with the existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this chapter, or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.
- E. Provisions in the Allen Township Subdivision and Land Development Regulations [Chapter 22] providing for varying design standards shall not be considered to be in conflict with the provisions of this chapter.

§ 27-104. Application of Regulations. [Ord. 2000-03, 9/14/2000, Art. I, § 104]

Conformity with Use and Building Regulations.

- A. In all districts, after the effective date of this chapter, any new building or other structure or any tract of land or parts thereof shall be constructed, developed, and used only in accordance with the regulations specified for each district.

- B. In all districts, after the effective date of this chapter, any existing building, structure, or use of any tract of land or parts thereof which is not in conformity with the regulations for the district in which it is located shall be deemed a nonconforming structure or use.
- C. In all districts, any legally established use of a structure, building, lot, or any tract of land which use constitutes nonconforming use under the provisions of this chapter may be continued.

§ 27-105. Zoning Map and Districts. [Ord. 2000-03, 9/14/2000, Art. I, § 105]

1. Adoption of Zoning Map. The areas within the Township as assigned to each district and the location of boundaries of the districts established by this chapter are shown on the Zoning Map, as revised, which, together with all explanatory matter thereon, is declared to be part of this chapter and shall be kept on file with the Township Secretary. If and whenever changes are made in boundaries or other matter included on the said Zoning Map, such changes in the map shall be made promptly after the amendment has been approved by the Township Board of Supervisors.
2. District Boundary Lines. The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of streets and roads, the corporate boundary of the Township, or as dimensioned on the map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Board of Supervisors shall prevail.

§ 27-106. Severability. [Ord. 2000-03, 9/14/2000, Art. I, § 106]

It is hereby declared to be the intent of the Board of Supervisors that the provisions of this chapter shall be severable and that if a court of competent jurisdiction declares any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of the chapter shall continue to be separately and fully effective.

PART 2
DEFINITIONS

§ 27-200. General. [Ord. 2000-03, 9/14/2000, Art. II, § 200; as amended by Ord. 2003-05, 6/12/2003, §§ 1, 2; by Ord. 2004-01, 2/12/2004, § 1; by Ord. 2004-02, 2/12/2004, § 1; by Ord. 2004-07, 6/22/2004, § 4; and by Ord. 2009-02, 3/12/2009]

1. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this chapter, the meanings given in the following clauses.
2. For the purpose of this chapter, words and terms used herein shall be interpreted as follows:
 - A. Words in the present tense shall include the future.
 - B. The singular includes the plural.
 - C. The word "person" includes a corporation, partnership, and association as well as the individual.
 - D. The word "lot" includes the word "plot or parcel."
 - E. The term "shall" is always mandatory.
 - F. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be occupied."
3. For the purpose of this chapter, terms referring to various public bodies and officials shall be interpreted as follows:
 - A. Board of Supervisors (the Board): the Board of Township Supervisors of Allen Township; the governing body of Allen Township.
 - B. Zoning Hearing Board: the Zoning Hearing Board appointed in accordance to law by the Board (governing body of Allen Township).
 - C. Zoning Officer: the person appointed by the Board as enforcement officer of this chapter.
 - D. Planning Commission: the Allen Township Planning Commission appointed in accordance to law by the Board.
 - E. Comprehensive Plan: the effective Allen Township Comprehensive Plan as adopted by the Board of Supervisors.
 - F. Official Township Map: the Allen Township Official Map as adopted and revised by the Board of Supervisors.

4. Any word or term not defined herein shall be used with a meaning of standard usage.

ACCESSORY —

- A. ACCESSORY BUILDING — (see § 27-1411).
- B. ACCESSORY USE — (see § 27-1411).

ADULT BOOKSTORE — An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes, offers for sale, books, films, video cassettes or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and, in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons.

ADULT ENTERTAINMENT —

- A. An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- B. A live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered customers.

ADULT MINI-MOTION-PICTURE THEATER — An enclosed building with a capacity of less than 50 persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity of 50 or more persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT-ORIENTED ESTABLISHMENT — The term includes, without limitation, the following establishments when operated for profit, whether direct or indirect:

- A. Adult bookstore.
- B. Adult mini-motion-picture theaters.

- C. Adult motion-picture theaters.
- D. Massage establishment.
- E. Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member.
- F. An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

AGRICULTURAL OPERATIONS — The management and use of farming resources for the production of crops, livestock, or poultry.

ALLEY — A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

ALLUVIAL SOIL — Areas subject to periodic flooding as defined in the Soil Survey of Northampton County, July 1974, as being "on the floodplain" or subject to "flooding."

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement or diminution, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ANIMAL EQUIVALENT UNIT (AEU) — One thousand pounds' live weight of livestock or poultry animals (as defined by the Pennsylvania Nutrient Management Act), regardless of the actual number of individual animals comprising the unit.

ANIMAL HUSBANDRY — The raising and keeping of livestock and poultry not classified as intensive agriculture. This includes, but is not limited to, cattle, goats, rabbits, fowl, and sheep.

AREA —

- A. LOT AREA — The area contained within the property lines of the individual parcels of land shown on a subdivision plan or required by this chapter, which excludes any area within an existing or designated future street right-of-way. The minimum lot area shall be calculated from the ultimate right-of-way line.

- B. BUILDING AREA – The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.
- C. FLOOR AREA – The sum of the areas of the several floors of building structure, including areas used for human occupancy and basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy.

AUTOMOBILE REPAIR — Automobile repair garage, including paint spraying and body and fender work or car washing facility, provided that all repair and paint work is performed within an enclosed building.

AUTOMOTIVE SALES — Sales of automobiles by a new car dealership; used car sales; and car, pickup truck, van, trailer, cycle and boat rental.

BASEMENT — A story partly underground, having 1/2 or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement or determining floor area, only if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet, or if used for business or dwelling purposes.

BED-AND-BREAKFAST — The use and occupancy of a single-family detached dwelling for accommodating transient guests for rent.

BOARDER — A resident of a boardinghouse.

BOARDINGHOUSE — Any dwelling with fewer than 20 sleeping rooms in which more than three persons, either individually or as families, are commercially housed or lodged, with or without meals. A rooming house or a furnished rooming house shall be deemed a boardinghouse.

BUILDING —

- A. BUILDING – An erection or structure under roof intended for use and occupancy as a habitation or for some purpose of trade, manufacture, ornament, or other use; any structure affording shelter to persons, animals, or property. The word "building" shall include any part thereof.
- B. BUILDING, ACCESSORY – A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

- C. BUILDING, PRINCIPAL — A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

BUILDING COVERAGE — That percentage of the plot or lot area covered by the building area.

BUILDING FACADE — The exterior faces or walls of a building exposed to public view or that wall viewed by persons not within the building. **[Added by Ord. 2017-02, 3/28/2017]**

BUILDING FACADE, PRIMARY — The face or wall of a building that serves as the principal ingress or egress for personnel or the public. **[Added by Ord. 2017-02, 3/28/2017]**

BUILDING HEIGHT — The vertical distance measured from the lowest corner of the proposed finished grade at the building's perimeter walls to the highest point of the roof or the structure, excluding those items listed in § 27-1408. However, in no case shall the elevation of the highest point of the roof or the structure exceed the maximum rooftop elevation. **[Amended by Ord. 2017-02, 3/28/2017]**

BUILDING SETBACK LINE — The line parallel to the street at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located.

CAMPGROUND — A lot, tract, or parcel of land upon which operates a business where two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

CAMPSITE — A plot of ground within a recreational camping park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

CAR WASH — A facility for washing automobiles.

CELLAR — A story partly underground and having more than 1/2 of its height (measured from floor to ceiling) below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage, nor shall it be used for separate dwelling purposes.

CEMETERY — A burial place or graveyard including mausoleum, crematory or columbarium.

COLD FRAME — A small, temporary structure covered with glass or some other transparent material used to protect plants. A cold frame which

remains on the ground for more than three months in a calendar year shall be considered a greenhouse (see § 265).

COMMERCIAL COMMUNICATIONS ANTENNA — Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas, or amateur radio equipment including without limitation ham or citizen-band radio antennas.

COMMERCIAL COMMUNICATIONS TOWER — A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support commercial communications antennas.

COMMERCIAL FORESTRY — The cutting down of greater than 10 trees from a property within a year's time for the purpose of selling the trees.

COMMERCIAL SCHOOL — Trade, professional school, music or dancing school.¹

CONCENTRATED ANIMAL OPERATIONS — Those agricultural operations where the animal density exceeds two AEUs per acre on an annualized basis.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. A condominium is a unit with all of the following characteristics:

- A. The unit may be any permitted land use. A condominium is an ownership arrangement, not a land use.
- B. All or a portion of the exterior open space and any community interior space are owned and maintained in accordance with the Pennsylvania Uniform Condominium Act 68 Pa.C.S.A. § 3101 et seq., and in accordance with the provisions for open space, roads, or other development features in this chapter and the Allen Township Subdivision and Land Development Ordinance [Chapter 22].

CONTRACTING — Contractor offices and shops such as building, cement, electrical, heating, plumbing, masonry, painting, roofing, fencing, landscaping, and excavating.

¹Editor's Note: The former definition of "community/group home," which immediately followed this definition, was repealed by Ord. 2017-02, 3/28/2017.

CONVERSION — The conversion of an existing building to a number of dwelling units.

CRAFTS — Carpentry shop, cabinetmaking, furniture making, and similar crafts.

DAY CARE — Day nursery, nursery school, kindergarten, or other agency giving day care to children, or adults or elderly persons.

DENSITY — A measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the base site area (excluding existing and proposed road rights-of-way and any required open space).

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or the storage of materials or equipment.

DISTRICT — A zoning district as laid out on the Zoning Map along with the regulations pertaining thereto.

DORMITORY — An accessory building for the residency of students, religious orders, teachers, or others engaged in the primary activity of the institution where individuals need to live on the site.

DRIVE-INS AND OTHER EATING PLACES — Eating place which utilizes an inside window, service area or cafeteria line where customers place their orders and food is served for consumption at seating areas within the building and for customer take-out service. This type of eating place may also have drive-through service.

DWELLING — A building containing one or more dwelling units.

- A. DWELLING UNIT – Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating by one family.
- B. SINGLE-FAMILY DETACHED DWELLING – A dwelling having only one dwelling unit from ground to roof, independent outside access, and open space on all sides.
- C. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to permanent foundation walls. The mobile home foundation shall be provided with anchors and tie-downs, which shall be placed at least at each corner of the mobile home and each shall be able to withstand a minimum tensile strength of 2,800 pounds. All of

the apparatuses used to transport the unit shall be removed, including the towing hitch.

- D. SINGLE-FAMILY ATTACHED DWELLING – A dwelling containing only one dwelling unit from ground to roof, independent outside access, and a portion of one or two walls in common with adjoining dwellings. Duplexes and townhouses are both single-family attached dwellings, with the distinction that a duplex unit has only one wall in common with another unit.
- E. MULTIPLE-FAMILY DWELLINGS – A dwelling containing two or more dwelling units not having party walls, forming complete separation between individual dwelling units. Single-family attached dwellings are specifically excluded from this definition. Garden apartments and condominiums are included in this definition.

DWELLING IN COMBINATION — Dwelling in combination with an existing or proposed nonresidential use within the same building.

EASEMENT — A grant of the specified use of a parcel of land to the public, a corporation, or a person.

EATING PLACE — Eating place for the sale and consumption of food and beverages without drive-in service and without take-out service. All food and beverages are to be served by waiters and waitresses and consumed inside the building while patrons are seated at counters and tables.

EDUCATIONAL INSTITUTIONS AND SCHOOLS — See § 2-121.

EMERGENCY SERVICES — Fire, ambulance, rescue, and other emergency services of a municipal or volunteer nature.

EMPLOYEE — A person who is employed or is engaged in any type of regular activity. This term is utilized in the parking standards of this chapter as a measure of the number of parking spaces required. It shall refer to the maximum number of employees on duty at any time, at a place of business, whether the employees are full or part time. If shifts are involved in which two shifts overlap, it refers to the total of both shifts.

EXTRACTIVE OPERATION — Extractive operations for sand, clay, shale, gravel, topsoil, or similar operations, including borrowing pits (excavations for removing material for filling operations).

FALL ZONE — The area on the ground within a prescribed radius from the base of a commercial communications tower. The fall zone is the area within which there is a potential hazard from falling debris or the collapsing of the commercial communications tower. The fall zone shall be determined by the applicant's engineer and reviewed by the Township Engineer.

FAMILY [Amended by Ord. 2017-02, 3/28/2017] —

- A. One or more individuals who are "related" to each other by blood, marriage or adoption (including persons receiving formal foster care) or up to five unrelated individuals who maintain a common household with common cooking facilities and certain rooms in common, and who live within one dwelling unit. A family shall also expressly include the number of unrelated persons that may be allowed by the personal care home provisions of this chapter residing within an approved personal care home.
- B. A greater number of unrelated persons may also be considered a family, provided the property owners demonstrates to the Zoning Officer that the group is a functional equivalent of a family, shares the entire dwelling, lives and cooks together as a single housekeeping unit, shares expenses for food, rent, utilities and other household expenses and is permanent and stable.

FAMILY DAY CARE — A facility in which care is provided for one or more but fewer than seven children at any one time where the child care areas are being used as a family business. The time of daily operation shall be limited to the hours of 6:00 a.m. to 6:00 p.m.

FARMING — The cultivating of the soil and the raising and harvesting of the products of the soil, (excluding forestry, nursery, and greenhouse) not classified as intensive agriculture.

FENCE — Any structure constructed of wood, metal, wire mesh, or masonry erected for the purpose of screening one property from another either to assure privacy or to protect the property screened; for the purpose of this chapter a masonry wall is considered to be a fence; also for the purpose of this chapter, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard," "side yard," and "front yard" line(s). A wall specifically intended to serve as a retaining wall to retain earth or other material is specifically not to be considered a fence. **[Amended by Ord. 2013-07, 11/14/2013]**

FINANCIAL ESTABLISHMENT — Bank, savings and loan association, credit union, and other financial establishment.

FLEA MARKET — A periodic sales activity held within a buildings and/or outdoors, where retail merchants offer goods, new or used, for sale to the public. (This use does not include garage or yard sales.)

FLOODPLAIN — (See § 27-1418 for additional definitions.)

- A. A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.

- B. An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOR AREA RATIO — The ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area.

FORESTS — Areas identified as "woodlands" and shown on Map 9, Conservation Areas, from the Township Comprehensive Plan as adopted by resolution of the Board of Supervisors on October 27, 1999. **[Amended by Ord. 2013-07, 11/14/2013]**

FUNERAL HOME — An establishment for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GREENHOUSE — A building, usually made of glass or some other transparent material, used for the cultivation, storage, or protection of plants. A cold frame which remains on the ground for more than three months in a calendar year shall be considered a greenhouse.

HEIGHT OF TOWER — The overall height of the tower from the base of the tower to the highest point of the tower, including, but not limited to, antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or

- (2) Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION — An activity for gain customarily carried on in a dwelling, or in a building or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes.

HOSPITAL — An establishment, licensed by the American Hospital Association, which provides health services primarily for inpatient medical or surgical care of the sick or injured, including such related facilities, such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices as an integral part of the establishment.

HOUSING FOR OLDER PERSONS — A residential development that is age qualified in accordance with federal regulations as provided in § 27-1533, and which involves a unified development operated under common rules with internal streets, landscaped areas along public streets, and on-site recreation facilities.

IMPERVIOUS SURFACES — Those surfaces which are nonvegetated and/or water surfaces. All buildings, parking areas, driveways, roads, sidewalks, and any areas in gravel, stone, concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.

IMPERVIOUS SURFACE RATIO — A measure of the intensity of use of a parcel of land. It is measured by dividing the total area of all impervious surfaces within the site by the lot area.

INDOOR ENTERTAINMENT — An entertainment or recreational facility operated as a gainful business and taking place within a building, including a bowling alley, skating rink, billiard hall, movie theater, theater or other similar use.

INTENSIVE AGRICULTURAL FACILITY — Any building or structure used in conjunction with an intensive agricultural operation.

INTENSIVE AGRICULTURAL OPERATIONS — Specialized agricultural activities, including, but not limited to, mushroom, pig, poultry, and dry lot livestock production which due to the intensity of production, necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes. Any operation meeting the definition of a "concentrated animal operation," as defined by the State Nutrient Management Act, as may be amended from time to time, is to be considered intensive agriculture.

JUNKYARD — An area of land, with or without buildings, used for the storage of used or discarded materials, including, but not limited to, wastepaper, glass, rags, metal, building materials, house furnishings, machinery, tires, vehicles, or parts thereof. The deposit or storage of two or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of two or more wrecked or broken vehicles, or the major parts of two or more such vehicles, shall only be stored in a licensed junkyard.

KENNEL or STABLE — Any lot on which four or more dogs or horses are kept at any point in time, boarded, bred, or trained for fee or not for fee, whether in special buildings or runways, including but not limited to, dog and cat kennels, horse stables or riding academies.

LAKE — A permanent body of water, naturally occurring or man-made, covering an area of two or more acres.

LARGE RETAIL STORES — Stores having more than 10,000 square feet of floor area, such as, supermarkets or department stores selling commodities and goods to the ultimate consumer.

LIBRARY — Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.

LINEAR PARK — A park that is substantially longer than it is wide. It is often formed as part of a "rails to trails" conversion of antiquated railroad beds to recreational use. Other linear parks make use of the strips of public land next to canals, streams, electrical lines, highways and shorelines.
[Added by Ord. 2015-03, 6/11/2015]

LOT or PLOT —

- A. **LOT** — A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, nor including any land within the limits of a public or private way upon which said lot abuts, even if the ownership to such way is the owner of the lot. A lot, for the purpose of this chapter, may or may not coincide with a lot of record.
- B. **LOT OF RECORD** — A description of a lot(s) which has been recorded in the office of the Recorder of Deeds of Northampton County, Pennsylvania.
- C. **CORNER LOT** — A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the

side lot lines with the street lines intersect at an angle of less than 135°.

- D. THROUGH LOT – An interior lot having frontage on two parallel or approximately parallel streets.
- E. DEPTH OF LOT – The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
- F. LOT WIDTH – The distance measured between the side lot lines at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such lot line and the opposite rear lot line.

LOT COVERAGE — The maximum percentage of the area of the tract, subtracting the area contained within the ultimate right-of-way of any public roadway, which may be covered with an impervious surface, for example, buildings and driveways, parking lot areas, and/or sidewalks constructed from conventional impervious pavement. **[Amended by Ord. 2013-07, 11/14/2013]**

LOT LINES —

- A. LOT LINE – Any boundary line of a lot.
- B. LOT LINE, REAR – Any lot line which is parallel to or within 45° of being parallel to a street line except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are now street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of any odd shape, only the one lot line furthest from any street shall be considered a rear lot line. Where two side lot lines of a lot meet at a point, the rear lot line shall be assumed to be a line not less than 10 feet long lying within the lot and parallel to the street line.
- C. LOT LINE, SIDE – Any lot line which is not a street line or a rear lot line.
- D. STREET LINE – The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way, provided that where an ultimate right-of-way width for a road or street has been established, that width shall determine the location of the street line.

LUMBER YARD — Lumber yard, where lumber products are sold, excluding planing mill.

MANUFACTURING — Manufacturing, including the assembling, production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.

MASSAGE ESTABLISHMENT — Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the commonwealth. This definition does not include an athletic club, health club, school gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MAXIMUM ROOFTOP ELEVATION — The maximum building height allowed in each applicable zoning district, as measured using the average predevelopment grade of the ground at the proposed building's or structure's four corners. Average predevelopment grade shall be calculated by determining the average grade above sea level (existing on the effective date of this definition) of the ground, in its natural condition prior to any site alteration or construction activity, measured at the four corners of the proposed building or structure. Site alteration or construction activity includes, but is not limited to, the addition of material (fill) to or the removal of material (cut) from a site or property. The calculation of the average predevelopment grade may exclude one corner of the proposed building or structure where the predevelopment grade at that corner differs by at least 10% from the average of the remaining predevelopment grades at the proposed building corners. Where the proposed building is not rectangular in shape, the average predevelopment grade shall be determined by drawing a single rectangle, of the smallest size, around the footprint of the proposed building or structure, and using the four corners of that rectangle in the calculation of average predevelopment grade. **[Added by Ord. 2017-02, 3/28/2017]**

MEDICAL OFFICE — Office or clinic for medical or dental examination or treatment of persons as outpatients, including laboratories incidental thereto.

MILL — Mill where grain, lumber, and similar products are processed.

MINI-WAREHOUSE — A structure containing separate storage spaces which are leased to the general public for the purpose of storing items generally stored in residential structures.

MOBILE HOME — A transportable, single-family dwelling unit intended for permanent occupancy, office, or place of assembly, contained in one or more sections, designed to be joined into one integral unit capable of again being separated for repeat towing, built on a permanent chassis, 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. The term does not include recreational vehicles or travel trailers, however, for floodplain management purposes, the term "mobile home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, if said parcel is leased or rented by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved entirely for placement of mobile homes for nontransient use, consisting of two or more mobile home lots for sale or rent.

MODULAR HOME — A transportable, single-family dwelling intended for permanent occupancy contained in two or more units and designed for use with a permanent foundation.

MOTEL or HOTEL — A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent.

MUNICIPAL WASTE — Any garbage refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous material, resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities and any sludge not meeting the definition of "residual or hazardous waste" in the Solid Waste Management Act from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

MUNICIPAL WASTE LANDFILL — A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of the operation, including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of, or incidental to, the operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of

sewage sludge. (Pa. Code Title 25, Environmental Resources, Part I, Chapter 271.1, as amended.

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.

NURSING HOME — Licensed nursing or convalescent home. For the purposes of this chapter, this definition covers any facility with managed care such as assisted living, progressive care facility, etc.

OFFICE — Business, professional, or government office.

OPEN SPACE — Land used for recreation, resource protection, or amenity, and is protected by the provisions of this chapter and the Subdivision and Land Development Ordinance to assure that it remains in such uses. The responsibility of maintaining the open space shall fall upon the landowner or the homeowners' association in the manner stipulated in §§ 707(2) and (3) of the Pennsylvania Municipalities Planning Code. Open space does not include land occupied by buildings, roads, or road right-of-way; nor does it include the yards or lots of single or multifamily dwelling units or parking areas as required by the provisions of this chapter. Open space shall be left in a natural state except in the case of recreation uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

OUTDOOR ENTERTAINMENT — Outdoor entertainment or recreational facility, including miniature golf and golf driving ranges, operated as a gainful business and not including an outdoor motion picture establishment or vehicular track or course.

OUTDOOR MOTION-PICTURE ESTABLISHMENT — An open lot used for the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles. Such use may include facilities for the sale and consumption of food and nonalcoholic beverages.

OUTDOOR RECREATION FACILITY/COMMERCIAL — A commercial activity conducted entirely outside which is designed to amuse, entertain, or otherwise provide for the recreation of persons, other than the conductors of the activity, and which requires a fee or charge in order for a person to partake in the activity and includes, but is not limited to, tennis, swimming, baseball, basketball, etc. The phrase "outdoor recreation facility" shall specifically be construed to indicate that all activity (recreation) shall occur out of doors. The term "recreation facility" shall not be construed to include

amusement parks or off-track betting parlors, adult bookstores, adult entertainment facilities or theaters.

PARKING — The temporary storage of motor vehicles. For purposes of this chapter, parking is provided for in the following forms:

- A. **ON-STREET PARKING** – The parking of motor vehicles on a street, in a line parallel to the moving lanes of a street.
- B. **OFF-STREET PARKING** – The parking of motor vehicles in an area which has direct access to a street via a driveway or accessway, but which is not located on a street.
 - (1) **COMMON PARKING AREA** – An off-street parking lot or garage designed to serve three or more dwelling units or nonresidential uses.
 - (a) **COMMON PARKING LOT** – An off-street ground level area for the temporary storage of motor vehicles.
 - (b) **COMMON PARKING GARAGE** – A deck, building or structure, or part thereof, used for the temporary storage of motor vehicles. Where there is ground level parking, it is covered by a roof. Multiple tiers of parking shall be subject to the building height limitations of this chapter.
 - (2) **PRIVATE PARKING AREA** – An off-street parking lot or garage designed for the temporary storage of a small number of motor vehicles. It is for use by one or two dwelling units only and is located in close proximity to the dwelling unit(s) it serves. A private parking area is located on the fee-simple lot which contains the dwelling unit it serves, or is located on the minimum lot area required by this chapter, whether the lot is deeded or for planning purposes only.
 - (a) **PRIVATE PARKING LOT** – An open, uncovered area for the temporary storage of motor vehicles, owned and operated by the residents of the nearby dwelling unit(s).
 - (b) **PRIVATE PARKING GARAGE OR CARPORT** – A structure which is accessory to, attached to, or part of a dwelling unit which is used for the temporary storage of motor vehicles and owned and operated by the residents thereof.
 - (c) **COMMUNITY GARAGE** – A structure which is accessory to, attached to, or part of a group of attached dwelling units which is used for the temporary storage of motor vehicles and owned and operated by the residents of those units.
- C. **SPILLOVER PARKING** – An area is intended to accommodate the occasional need for parking beyond the requirements of the resident of

the dwelling unit. The need for spillover parking is created by service vehicles and other occasional visitors.

PARKING LOT OR GARAGE — A lot of record upon which the parking or storing of automotive vehicles is the primary use.

PLANING MILL — Where wood products are sold or processed into finished items such as molding, trim, etc.

PLANT NURSERY — The outdoor raising of plants, shrubs, and trees for sale and transportation.

POND — A permanent body of water, naturally occurring or man-made, covering an area of up to two acres.¹

PRINTING — Printing, publishing, and binding.

PRIVATE RECREATIONAL FACILITY — A recreational facility owned or operated by a private organization and open only to bona fide members and guests. **[Amended by Ord. 2015-03, 6/11/2015]**

PUBLIC FACILITY — Government building, operating facility (such as police station, highway department yard, etc.), recreational facility or park owned or operated by the municipality or other governmental agency.

PUBLIC UTILITY TRANSMISSION TOWER — A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

RECREATIONAL VEHICLE — A vehicle or piece of equipment intended primarily as temporary living quarters for recreational camping or travel use, whether self-powered or designed to be pulled or carried. The basic entities are, but not limited to, the following: travel trailer, truck-mounted camper, motor home, folding tent camper, and autos, buses, or trucks adapted for vacation use.

REPAIR SHOP — Repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, but not including motor vehicles, motorcycles, trucks, and heavy equipment.

RESEARCH — Research, testing, or experimental laboratory.

¹**Editor's Note:** The former definition of "principal," which immediately followed this definition, was repealed 3/12/2009 by Ord. 2009-02.

RESIDENTIAL ZONING DISTRICT — The Rural (R), Low Residential (R1), Medium Residential (R2), High Density Residential (R3), and Mobile Home Park (MHP) Zoning Districts.

RETAIL STORE — Retail shops and stores with a gross floor area of 10,000 square feet or less selling apparel, books, confections, drugs, dry goods, flowers, food stuff, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, luggage, sporting goods, pets, floor covering, fabrics, garden supplies. Also included within this use shall be the sale of soft drinks and alcoholic beverages in sealed containers not for consumption on the premises.

RESOURCE RECOVERY FACILITY — A facility or land that is used for any one or a combination of the following: composting, incineration, material separation, recycling, or trash transfer as defined below. Municipal waste landfill operations are not included under this use, and open burning of any materials shall specifically be prohibited.

RIFLE, SHOOTING, TARGET RANGES; SHOOTING PRESERVES — A parcel of land used for the purpose of discharging firearms at fixed and/or moving targets or flying targets (i.e., clay pigeons).

RIGHT-OF-WAY —

- A. RIGHT-OF-WAY – Land set aside for use as a street, alley, or other means of travel.
- B. EXISTING RIGHT-OF-WAY – The legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.
- C. ULTIMATE RIGHT-OF-WAY – The right-of-way deemed necessary by Allen Township, as appropriate to provide adequate width for ultimate street improvements. Ultimate right-of-way widths are designated on the Township Official Map.

ROOMER, BOARDER, or LODGER — A person occupying any room or group of rooms forming a single, habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classified for purposes of this chapter not as a roomer, boarder, or lodger, but as a guest of a commercial lodging establishment (motel, hotel, tourist home).

SATELLITE DISH ANTENNA — A device or instrument, designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be solid, open mesh, or

bar-configured, typically eight to 12 feet in diameter, in the shape of a shallow dish or antenna.

SCHOOL and EDUCATIONAL INSTITUTION — Religious, sectarian, and nonsectarian, denominational private school or public school which is not conducted as a private gainful business, provided that dormitories or other living accommodations for faculty or students shall meet the minimum requirements of this chapter.

SEWER —

- A. **PUBLIC SEWER** — Any municipal owned sewer system in which sewage is collected from more than one lot and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as "off-lot" or "off-site" sewer. This shall include capped sewers when installed to Township specifications.
- B. **ON-LOT SEWER** — An on-lot septic tank disposal system providing for disposal of effluent for one building and its accessory building on a single lot, meeting the area requirements of the zoning district and/or the requirements of the Department of Environmental Protection, whichever is greater.
- C. **CENTRAL SEWER** — A sewer system privately owned in which sewage is collected from more than one lot and piped to an approved treatment site.

SERVICE BUSINESS — Service business, including barber, beautician, laundry, and dry cleaning, shoe repair, tailor, photographer, and travel agency, upholsterer.

SERVICE STATION — An establishment for the sale of vehicular fuels and the sale and installation of lubricants, tires, batteries, and similar automotive accessories.

SEXUAL ACTIVITIES — The term does not include any of the following:

- A. Any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.
- B. Any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news.
- C. Any publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or seminudity is indigenous to the populations.

SHOPPING CENTER — A neighborhood or regional shopping center which is preplanned and designed as a complex of related structures and circulation patterns containing multiple retail, eating, and/or financial establishments.

SITE — A parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

SITE AREA — All land area within the site as defined in the deed. Actual area shall be from an actual site survey rather than deed description.

SITE AREA, BASE — The area of a tract of land remaining after subtracting land which is not contiguous, land previously subdivided and existing and proposed road and utility rights-of-way from the site area.

SPECIFIED ANATOMICAL AREAS —

- A. Less than completely and opaquely covered:
 - (1) Human genitals or pubic region;
 - (2) Buttocks; or
 - (3) Female breasts below a point immediately above the top of the areola.
- B. Human male genitals in a discernible turgid state, even if completely opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — The term includes any of the following:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

STORY — That part of a building located between a floor and the floor or roof next above. A half-story is a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor. A cellar is not a story.

STREET (INCLUDES PRIVATE ROADWAYS, PARKING, ETC.) — Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or any other way for the movement of vehicular traffic, which is an existing state, county, or Township roadway, or a street or way shown upon a final drawing, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and other areas within the right-of-way.

STREET LINE — The dividing line between the street and the lot. The street line shall be the same as the future right-of-way width as established with the Official Map.

STRUCTURE — A combining of materials assembled, constructed, or erected at a fixed location, including a building, the use of which requires location on the ground or attachment to something having location on the ground.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

TAVERN — Establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.

TERMINAL — Railway station, bus station or terminal, or heliport.

TRACT — Contiguous or single properties in single ownership at the time of submission for a zoning permit or subdivision and/or land development plan application. The area of the tract is the area provided for in the deed as verified by field survey. The area may include any non-fee-simple rights-of-way or easements within or adjacent to the "tract."

TRAVEL TRAILER — A vehicle designed for human habitation and designed as a temporary dwelling for travel, recreation, vacation, and other short term uses.

TRAVEL TRAILER CAMP — A lot or part thereof occupied or designed for occupancy by one or more travel trailers or travel units.

TRUCK SALES — Truck and heavy equipment repair and sales.

TRUCK TERMINAL — The use of land and/or structures for the storage of trucks and for the transfer of freight from one truck to another.

USE —

- A. USE – Any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
- B. USE, ACCESSORY – A use located on the same lot with a principal use, and clearly incidental or subordinate to, and customary in connection with, the principal use.
- C. USE, PRINCIPAL – The main use on a lot.

UTILITIES —

- A. Those services customarily rendered by public utility corporations, municipalities, or municipal authorities, in the nature of electricity, gas, telephone, water, and sewage, including the appurtenances used in connection with the supplying of such services (building, wires, pipes, poles, and the like).
- B. Transformer station, pumping station, relay station, towers (transmission or relay), substations, switching center, sewage treatment plant, and similar or related installation, not including public incinerators and public or private landfills.

VEHICULAR TRACK OR COURSE — A recreational facility that provides a motor powered vehicle to a patron, for a fee, to drive on a track or course that is located on the premises. For the purposes of this use, a motor powered vehicle is a motorcycle, all-terrain vehicle (three- or four-wheeled), go-cart, or other vehicle with two, three, or four wheels of a similar nature. These vehicles are usually designed to accommodate only one person.

VETERINARY — Office of a veterinarian with accessory animal kennel. In no event shall animal kennels be allowed as a primary use.

WATER —

- A. PUBLIC WATER – Water brought in pipes from a central water source. It is municipally owned, and may supply either a subdivision, development, or large areas of the Township.
- B. ON-LOT WATER – Water supplied to a building from an individual well on the lot on which the building is located.
- C. CENTRAL WATER – Water brought in pipes from a central water source. It is privately owned.

WHOLESALE BUSINESS, WHOLESALE STORAGE,
WAREHOUSING — Wholesale business, wholesale storage or warehousing,
excluding retail sales.

YARD —

- A. YARD — An open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.
- B. YARD, FRONT — A yard between a structure and its fronting street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. The front yard is measured to the ultimate right-of-way.
- C. YARD, REAR — A yard between a structure and a rear lot line and extending the entire length of the rear lot line.
- D. YARD, SIDE — A yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

PART 3
ESTABLISHMENT OF DISTRICTS

§ 27-300. Establishment of Districts. [Ord. 2000-03, 9/14/2000, Art. III, § 300]

The Township of Allen is hereby divided into districts of different types, each type being of such number, shape, kind, and area, and of such common unity of purpose and adaptability of use, that are deemed most suitable to carry out the objectives of this chapter and the Comprehensive Plan.

§ 27-301. Classes of Districts. [Ord. 2000-03, 9/14/2000, Art. III, § 301]

For the purpose of this chapter, Allen Township is hereby divided into districts which shall be designated as follows:

Agricultural	(A)
Rural	(R)
Low Density Residential	(R1)
Medium Density Residential	(R2)
High Density Residential	(R3)
Mobile Home Park	(MHP)
Industrial Commercial	(I/C)
Industrial	(I)
Highway Commercial	(HC)
Neighborhood Commercial	(NC)

§ 27-302. Zoning Districts Map. [Ord. 2000-03, 9/14/2000, Art. III, § 302]

Districts are bounded and defined as shown in the map entitled "Zoning Map of Allen Township," which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter.

§ 27-303. Interpretation of District Boundaries. [Ord. 2000-03, 9/14/2000, Art. III, § 303]

Where uncertainty exists with respect to the boundaries of the district as indicated on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, railroad lines, or streams, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries, or where district boundaries are extensions of lot lines and connect the intersections of lot lines, such lines shall be said district boundaries.

- C. Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.

§ 27-304. Statements of Purpose and Intent for Districts. [Ord. 2000-03, 9/14/2000, Art. III, § 304]

1. Agricultural District. The primary purpose of this district is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This district also intends to protect and stabilize the Township's agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this district must be willing to accept the impacts associated with normal farming practices, in related businesses.
2. Rural District. This district acknowledges and permits the continuation of sparsely developed areas of the Township. These areas are characterized by large lot detached dwellings and other small-scale service uses that provide some local conveniences within a rural setting. This district will continue these development trends but will impose standards upon nonresidential uses that will protect nearby residences. No public utilities are foreseeable within this district; therefore, larger lot sizes are used to provide sufficient space to install on-site sewer and water facilities.
3. Low Density Residential District. This district accommodates suburban residential uses. Some areas of this district coincide with expected sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times in different areas. As a result, permanent densities have been adjusted according to the availability of these public utilities. When no public sewers are provided, minimum lot area requirements have been sized to provide for an initial and an alternate on-site sewage disposal system. Agricultural activities have been allowed acknowledging their likely continuation until such time as the areas are needed for development.
4. Medium Density Residential District. This district accommodates the suburban residential uses and coincides with expected sewer and water utility service areas within the near future. Agricultural activities have been allowed acknowledging their likely continuation until such time as the areas are needed for development.
5. High Density Residential District. This district seeks to accommodate the higher density housing needs of the Township. A wide range of housing types is encouraged with densities exceeding those permitted elsewhere in the Township. This district is located adjacent to the neighboring Boroughs where public water and public sewer extensions are most feasible.

6. Mobile Home Park District. The purpose of this district is to provide for an economically feasible housing choice within the Township at an appropriate density. The location of the district is intended to ensure that the facilities for this type of use are available and that the use will blend with other uses in the Township. Regulations are provided to assure that mobile home parks will be an asset to the community as well as a quality place for those who choose to reside there.
7. Industrial/Commercial District. This district is established to accommodate those retail and business activities compatible to industrial land uses. A mix of uses is intended to serve a similar user base with similar infrastructure needs while allowing orderly growth of the Township.
8. Industrial District. This district is established to contribute to the soundness of the economic base of the Township by permitting and encouraging industrial development to take place in locations that will constitute a harmonious and appropriate addition to the physical development of the Township.
9. Highway Commercial District. This district is established to accommodate those retail and business activities that serve a regional market and are not normally part of a shopping center development and those activities that require merchandising oriented to the highway user.
10. Neighborhood Commercial District. The purpose of this district is to encourage the continuation of a "village" atmosphere for residents and small commercial establishments. The district is to provide basic convenience commercial goods and services to residents who live within an existing village setting. Uses have been limited to those residents are likely to need on a daily or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this district.

PART 4
AGRICULTURAL DISTRICT

§ 27-401. Uses Permitted By Right. [Ord. 2000-03, 9/14/2000, Art. IV, § 401; as amended by Ord. 2003-001, 1/9/2003; by Ord. 2003-05, 6/12/2003, § 4; and by Ord. 2017-02, 3/28/2017]

1. Single-family detached dwellings.
2. Farming, including pasturing, truck gardening, horticulture, and similar enterprises.
3. Animal husbandry.
4. Greenhouses (retail sales permitted only as conditional use below).
5. Plant nursery (retail sales permitted only as a conditional use below).
6. Aviaries, hatcheries and apiaries complying with all State and Federal Regulations.
7. Intensive agricultural operations meeting the requirements of this chapter. New operations, structures or the renovation, conversion, or expansion of existing structures to house an intensive agricultural operation are permitted only if the requirements of this chapter can be met.
8. Kennel or stable.
9. Public conservation areas and associated structures for the conservation of open space, water, soil, forest and wildlife resources.
10. Commercial forestry.
11. (Reserved)
12. Churches and similar places of worship.
13. Cemeteries.
14. Public municipal building and facilities, including libraries.
15. Commercial communication antenna.
16. Customary accessory uses and buildings incidental to any of the permitted uses, including the following:

Nonpermanent roadside stands for the sale of "home grown" or "homemade" products when located not less than 20 feet from the cartway of any road. More than 50% of the items offered for sale must have been raised and/or harvested by the seller.

17. No-impact home-based business.
18. Church or place of worship.
19. Family farm support business (site plan required).
20. Farmer's market.
21. Horse riding academy.
22. Special event center — accessory use.
23. Vineyard.
24. Winery.

§ 27-402. Uses Permitted By Conditional Use. [Ord. 2000-03, 9/14/2000, Art. IV, § 402; as amended by Ord. 2003-001, 1/9/2003, § 1; and by Ord. 2017-02, 3/28/2017]

1. The following uses will be considered by the Board of Supervisors as conditional use subject to the procedures in this chapter:
 - A. Commercial communication tower.
 - B. Golf courses and country clubs.
 - C. Outdoor recreation facility/commercial; not including, rifle, shooting and target ranges, or shooting preserves.
 - D. Animal hospitals, veterinary offices.
 - E. Agriculturally oriented commercial establishments, i.e., farm implement dealers and feed mills.
 - F. Retail sales in greenhouses and nurseries.
 - G. Publicly owned educational institutions.
 - H. Country club.
 - I. Golf course.
 - J. Microbrewery.
 - K. Microdistillery.
 - L. Nanobrewery.
 - M. Solar energy collectors.

- N. Temporary shelter.
- O. Treatment center.
- P. Wind turbine.
- Q. Flea market, indoor.
- R. Flea market, outdoor.

§ 27-403. Land Development Plan Approval. [Ord. 2000-03, 9/14/2000, Art. IV, § 403]

Land development plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance [Chapter 22] and the Municipalities Planning Code (MPC).

§ 27-404. Area, Yard and Height Regulations. [Ord. 2000-03, 9/14/2000, Art. IV, § 404]

1. Single-Family Detached Dwellings.
 - A. The provisions of Subsection 1B and C of this section shall apply to all parcels of land legally existing on the effective date of this chapter. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional single-family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any parcel of land legally existing on the effective date of this chapter shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional single-family dwellings the number of lots, if any, remaining from the original number permitted by this section.
 - (1) Any subdivision or land development plan hereafter filed for a tract of land in the Agricultural Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwellings as determined by the provisions of this section.
 - (2) In the event a tract of land, which was not classified as part of the Agricultural District on the effective date of this chapter, is hereafter classified as part of the Agricultural District, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zoning classification.
 - B. For each tract of contiguous land in single ownership that is less than 30 acres, as of the effective date of this chapter, the provisions of Part 5 shall apply with regard to single-family detached dwellings.

- C. For each tract of contiguous land in single ownership that is in excess of 30 acres, there may be one lot subdivided for each 30 acres to be utilized for a single-family detached dwelling, provided that the minimum lot area shall be one acre and a maximum lot area of two acres.

2. Area, Yard and Height Requirements. Lot area, yard, and height requirements (except as otherwise noted).

Maximum Regulations	Farming, Animal Husbandry, Intensive Agricultural Operations	Single-Family Detached Dwelling (Including Farm Dwelling)	Kennel/Stable	All Other Uses
Building Height	35 feet	35 feet	35 feet	35 feet
Lot Coverage	10%	20%	10%	25%
Minimum Regulations				
Lot Area	10 acres (20 acres for intensive agriculture)	1 dwelling per 30 acres (1 acre minimum, 2 acre maximum)	6 acres	1 acre
Lot Width				
At Street Line	150 feet	100 feet	150 feet	100 feet
At Minimum	200 feet	150 feet	200 feet	200 feet
Building Setback Line				
Building Setback	50 feet	50 feet	50 feet	50 feet
Rear Yard	50 feet	50 feet	50 feet	50 feet
Side Yard				
Total	100 feet	70 feet	100 feet	100 feet
One Side	50 feet	35 feet	50 feet	50 feet

² Subject to additional requirements and restrictions.

§ 27-405. Agricultural Nuisance Disclaimer. [Ord. 2000-03, 9/14/2000, Art. IV, § 405]

All subdivision and land development plans within the Agricultural Zone must contain the following note:

All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including, but not limited to, noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that § 4 of the Pennsylvania Act 133 of 1982, the Right to Farm Law, may bar them from obtaining a legal judgment against such normal agricultural operations.

§ 27-406. General and Specific Regulations. [Ord. 2002-03, 9/14/2000, Art. IV, § 406]

All uses are subject to the applicable regulations of Parts 14 and 15.

PART 5
RURAL DISTRICT

§ 27-501. Uses Permitted By Right. [Ord. 2000-03, 9/14/2000, Art. V, § 501; as amended by Ord. 2003-001, 1/9/2003, § 1; by Ord. 2003-05, 6/12/2003, § 5; and by Ord. 2017-02, 3/28/2017]

1. Single-family detached dwellings.
2. Churches and similar places of worship.
3. Cemeteries.
4. (Reserved)
5. Farming including pasturing, truck gardening, horticulture, and similar enterprise.
6. Animal husbandry.
7. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources.
8. Public municipal building and facilities, including libraries.
9. Animal hospitals and veterinary offices.
10. Plant nursery (retail sales permitted only as a conditional use below).
11. Greenhouses (retail sales permitted only as a conditional use below).
12. Aviaries, hatcheries, and apiaries complying with all state and federal regulations.
13. Commercial communications antenna.
14. Kennel or stable.
15. Customary accessory uses and building incidental to any of the permitted uses, including nonpermanent roadside stands for the sale of "home grown" or "homemade" products when located not less than 20 feet from the cartway of any road. More than 50% of the items offered for sale must have been raised and/or harvested by the seller.
16. Commercial forestry.
17. No-impact home-based business.
18. Bed-and-breakfast.

19. Church or place of worship.
20. Family farm support business (site plan required).
21. Flea market, indoor.
22. Flea market, outdoor.
23. Horse riding academy.
24. Special event center — accessory use.
25. Vineyard.
26. Winery.

§ 27-502. Uses Permitted By Conditional Uses. [Ord. 2000-03, 9/14/2000, Art. V, § 502; as amended by Ord. 2003-001, 1/9/2003, § 1; by Ord. 2004-07, 6/22/2004, § 2; and by Ord. 2017-02, 3/28/2017]

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures in this chapter:

- A. Commercial communication tower.
- B. Golf courses and country clubs.
- C. Campgrounds.
- D. Private educational institutions and schools.
- E. Private clubs, not including rifle, shooting, and target ranges.
- F. Commercial swimming pools.
- G. Retail sales in greenhouses and nurseries.
- H. Publicly owned educational institutions.
- I. Single-family cluster development (subject to provisions of § 27-1534.)
- J. Airport.
- K. Country club.
- L. Farmer's market.
- M. Fitness center or exercise center.
- N. Golf course.
- O. Heliport.

- P. Microbrewery.
- Q. Microdistillery.
- R. Nanobrewery.
- S. Solar energy collectors.
- T. Temporary shelter.
- U. Treatment center.
- V. Wind turbine.
- W. Clinic.

§ 27-503. Land Development Plan Approval. [Ord. 2000-03, 9/14/2000, Art. V, § 502]

Land development plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance [Chapter 22] and the Municipalities Planning Code (MPC).

§ 27-504. Area, Yard and Height Regulations. [Ord. 2000-03, 9/14/2000, Art. V, § 504]

Lot area, yard and height requirements (except as otherwise noted).

Maximum Regulations	Farming and Animal Husbandry	Single-Family Detached Dwelling	Kennel/Stable	All Other Uses
Building Height	35 feet	35 feet	35 feet	35 feet
Lot Coverage	10%	20%	10%	15%
Minimum Regulations				
Lot Area	10 acres	1 acre	6 acres	2 acres
Lot Width				
At Street Line	150 feet	100 feet	150 feet	150 feet
At Building Setback Line	200 feet	150 feet	200 feet	200 feet
Building Setback	50 feet	50 feet	50 feet	50 feet
Rear Yard	50 feet	30 feet	50 feet	50 feet
Side Yard				
Total	100 feet	50 feet	100 feet	100 feet
One Side	50 feet	25 feet	50 feet	50 feet

§ 27-505. General and Specific Regulations. [Ord. 2000-03, 9/14/2000, Art. V, § 505]

All uses are subject to the applicable regulations of Parts 14 and 15.

PART 6

LOW DENSITY RESIDENTIAL DISTRICT

§ 27-601. Uses Permitted By Right. [Ord. 2000-03, 9/14/2000, Art. VI, § 601; as amended by Ord. 2003-05, 6/12/2003, § 6; and by Ord. 2017-02, 3/28/2017]

1. Farming including pasturing, truck gardening, horticulture, and similar enterprise.
2. Single-family detached dwellings.
3. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources.
4. Public municipal buildings and facilities, including libraries.
5. Accessory uses customarily incidental to the above permitted uses.
6. Commercial forestry.
7. No-impact home-based business.
8. Church or place of worship.
9. Vineyard.
10. Winery.

§ 27-602. Uses Permitted By Conditional Use. [Ord. 2000-03, 9/14/2000, Art. VI, § 602; as amended by Ord. 2017-02, 3/28/2017]

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedure in this chapter.

- A. Conversion of existing building.
- B. Publicly owned educational institutions and schools.
- C. Country club.
- D. Family farm support business (site plan required).
- E. Farmer's market.
- F. Fitness center or exercise center.
- G. Golf course.
- H. Horse riding academy.
- I. Microbrewery.

- J. Microdistillery.
- K. Nanobrewery.
- L. Personal care home.

§ 27-603. Land Development Plan Approval. [Ord. 2000-03, 9/14/2000, Art. VI, § 603]

Land development plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance [Chapter 22] and the Municipalities Planning Code (MPC).

§ 27-604. Area, Yard and Height Regulations. [Ord. 2000-02, 9/14/2000, Art. VI, § 604; as amended by Ord. 2017-02, 3/28/2017]

Lot area, yard and height requirements (except as otherwise noted).

Available Public Utilities	Mini- mum Lot Area (square feet)	Mini- mum Lot Width	Maxi- mum Lot Coverage	Front Yard	Side One Side	Yard (Both Sides)	Rear Yard	Maxi- mum Building Height
Single- Family Detached Dwellings								
None/ Public Water Only	43,560 (1 acre)	130 feet	25%	50 feet	35 feet	(70 feet)	50 feet	35 feet
Only Public Sewers	25,000	125 feet	30%	40 feet	25 feet	(50 feet)	30 feet	35 feet
Public Sewer and Public Water	20,000	125 feet	30%	25 feet	15 feet	(30 feet)	30 feet	35 feet
Other Uses	2 acres	200 feet	25%	50 feet	30 feet	(60 feet)	50 feet	35 feet

§ 27-605. General and Specific Regulations. [Ord. 2000-03, 9/14/2000, Art. VI, § 605]

All uses are subject to the applicable regulations of Parts 14 and 15.

PART 7

MEDIUM DENSITY RESIDENTIAL DISTRICT

§ 27-701. Uses Permitted By Right. [Ord. 2000-03, 9/14/2000, Art. VII, § 701; as amended by Ord. 2003-05, 6/12/2003, § 7; and by Ord. 2017-02, 3/28/2017]

1. Farming including pasturing, truck gardening, horticulture, and similar enterprise.
2. Single-family detached dwellings.
3. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources.
4. Public municipal buildings and facilities, including libraries.
5. Accessory use customarily incidental to the above permitted uses.
6. Commercial forestry.
7. No-impact home-based business.
8. Church or place of worship.
9. Fitness center or exercise center.
10. Unit for care of relative.
11. Banquet facility.
12. Health facility.
13. Medical center.
14. Restaurant, standard.

§ 27-702. Uses Permitted By Conditional Use. [Ord. 2000-03, 9/14/2000, Art. VII, § 702; as amended by Ord. 2004-01, 2/12/2004; and by Ord. 2017-02, 3/28/2017]

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures of this chapter:

- A. Conversion of existing building.
- B. Publicly owned educational institutions and schools.
- C. Nursing home.
- D. Housing for older persons, which shall comply with § 27-1533.

- E. Adult residential community accessory to an existing assisted living facility.
- F. Assisted living facility.
- G. Clinic.
- H. Nanobrewery.
- I. Personal care home.

§ 27-703. Land Development Plan Approval. [Ord. 2000-03, 9/14/2000, Art. VII, § 702]

Land development plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance [Chapter 22] and the Municipalities Planning Code (MPC).

§ 27-704. Area, Yard and Height Regulations. [Ord. 2000-03, 9/14/2000, Art. VII, § 704; as amended by Ord. 2017-02, 3/28/2017]

Lot area, yard, and height requirements (except as otherwise noted)

Available Public Utilities	Mini- mum Lot Area (square feet)	Mini- mum Lot Width	Maxi- mum Lot Coverage	Front Yard	Side One Side	Yard (both sides)	Rear Yard	Maxi- mum Building Height
Single- Family Detached Dwellings								
None/ Public Water Only	43,560 (1 acre)	130 feet	25%	50 feet	35 feet	(70 feet)	50 feet	35 feet
Only Public Sewers	25,000	125 feet	30%	40 feet	25 feet	(50 feet)	30 feet	35 feet
Public Sewer and Public Water	12,000	90 feet	35%	25 feet	10 feet	(20 feet)	25 feet	35 feet
Other Uses	2 acres	200 feet	25%	50 feet	30 feet	(60 feet)	50 feet	35 feet

§ 27-705. General and Specific Regulations. [Ord. 2000-02, 9/14/2000, Art. VII, § 705]

All uses are subject to the applicable regulations of Parts 14 and 15.

PART 8

HIGH DENSITY RESIDENTIAL DISTRICT

§ 27-801. Uses Permitted By Right. [Ord. 2000-03, 9/14/2000, Art. VIII, § 801; as amended by Ord. 2003-05, 6/12/2003, § 8; and by Ord. 2017-02, 3/28/2017]

1. Single-family detached dwellings.
2. Duplexes.
3. Farming, including pasturing, truck gardening, horticulture, and similar enterprise.
4. Public conservation areas and associated structures for the conservation of open space, water, soil, forest and wildlife resources.
5. Public municipal buildings and facilities, including libraries.
6. Customary accessory uses and buildings incidental to any of the permitted uses.
7. Commercial forestry.
8. No-impact home-based business.
9. Health facility.
10. Banquet facility.
11. Medical center.
12. Townhouses.
13. Restaurant, standard.
14. Multifamily dwellings (including condominiums and garden apartments).

§ 27-802. Uses Permitted By Conditional Use. [Ord. 2000-03, 9/14/2000, Art. VIII, § 802; as amended by Ord. 2017-02, 3/28/2017]

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures of this chapter:

- A. Nursing home.
- B. Adult residential community accessory to an existing assisted living facility.
- C. Assisted living facility.
- D. Continuing care facility.

E. Personal care home.

§ 27-803. Land Development Plan Approval. [Ord. 2000-03, 9/14/2000, Art. VIII, § 803]

Land development plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance [Chapter 22] and the Municipalities Planning Code (MPC).

§ 27-804. Area, Yard and Height Regulations. [Ord. 2000-03, 9/14/2000, Art. VIII, § 804; as amended by Ord. 2007-02, 5/10/2007; and by Ord. 2017-02, 3/28/2017]

Lot area, yard and height requirements (except as otherwise noted).

Table 1
Use: Single-Family Detached Dwellings

Available Public Utilities	Mini- mum Lot Area (square feet)	Mini- mum Lot Width	Maxi- mum Lot Coverage	Mini- mum Front Yard	Mini- mum Side One Side	Mini- mum Yard (both sides)	Mini- mum Rear Yard	Maxi- mum Building Height
Single- Family Detached Dwellings								
None/ Public Water Only	43,560 (1 acre)	130 feet	25%	50 feet	35 feet	(70 feet)	50 feet	35 feet
Only Public Sewers	25,000	125 feet	30%	40 feet	25 feet	(50 feet)	30 feet	35 feet
Public Sewer and Public Water	12,000	90 feet	35%	25 feet	10 feet	(20 feet)	25 feet	35 feet

Table 2
Uses Permitted Only With Public Sewer And Public Water Facilities Available

Use	Mini- mum Lot Area (square feet)	Maxi- mum Density Unit/ Gross Acre	Mini- mum Lot Width	Maxi- mum Lot Cover- age	Mini- mum Front Yard	Mini- mum Side One Side	Mini- mum Yard (both sides)	Mini- mum Rear Yard	Maxi- mum Building Height
Duplexes ¹	4,500 ¹	6	45 feet	40%	25 feet	10 feet	(N/A)	25 feet	35 feet
Town- houses ²	3,000	8	22 feet	45%	30 feet	20 feet	(End units)	25 feet	5 feet
Multiple- Family ³	2 acres	12	200 feet	60%	50 feet	30 feet	(60 feet)	50 feet	35 feet

1. The minimum lot area within a duplex subdivision is 4,500 square feet; however, the average lot area of each phase of a subdivision is a minimum of 6,000 square feet and no more than 20% of the total number of lots in any given phase can be less than 6,000 square feet in area.
2. The following additional standards apply to townhouses:

- A. Minimum building spacing is 50 feet.
 - B. Maximum dwelling units/structure is eight.
 - C. If a townhouse structure contains two or more units, no more than two adjacent units shall have the same front yard setback with a minimum variation in setback of four feet, unless otherwise approved by the Township during the subdivision and land development process.
 - D. Townhouses must front on a local road with a minimum cartway width of 40 feet with curb and sidewalk and a minimum right-of-way of 60 feet.
 - E. Minimum off-street parking required as follows:
 - (1) Three-bedroom unit: two spaces.
 - (2) Four-bedroom unit: three spaces.
3. In those instances where several multiple-family or townhouse dwelling building groupings are located on the same lot, the following regulations apply:
- A. Front to front, rear to rear, or front to rear, parallel buildings shall have 80 feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as 10 feet at one end if increased by similar or greater distance at the other end.
 - B. A yard space of 50 feet is required between end walls of buildings.
 - C. A yard space of 100 feet is required between end walls and front or rear faces of buildings and 100 feet between rear and front faces of buildings.
 - D. Land development plan approval is required to verify compliance with all ordinance provisions such as parking, landscaping, buffering, etc.
 - E. All buildings must have frontage on a public or private street, with a minimum cartway of 40 feet with curb and sidewalk and sixty-foot right-of-way (if public).
 - F. All multifamily developments must have direct access to a public collector or arterial road.
 - G. A minimum lot area of 5,500 square feet per dwelling unit is required.
 - H. The maximum density is 12 dwelling units per acre.

- I. The maximum units per structure are 12 for condominium style and eight for single-family attached style.
- J. Land shall be reserved and maintained by the owner for recreation and open space at 1,000 square feet per dwelling unit; 5,000 square feet total minimum (paving areas not included). In addition, land or fees shall be dedicated to the Township for recreation in accordance with the Township Subdivision and Land Development Ordinance [Chapter 22].

Table 3
Other Uses

	Mini- mum Lot Area (square feet)	Mini- mum Lot Width	Maxi- mum Lot Coverage	Front Yard	Side One Side	Yard (both sides)	Rear Yard	Maxi- mum Building Height
Other Uses	2 acres	200 feet	25%	50 feet	30 feet	(60 feet)	50 feet	35 feet

§ 27-805. General and Specific Regulations. [Ord. 2000-03, 9/14/2000, Art. VIII, § 805]

All uses are subject to the applicable regulations of Parts 14 and 15.

PART 9
MOBILE HOME PARK DISTRICT

§ 27-901. Uses Permitted By Right. [Ord. 2000-03, 9/14/2000, Art. IX, § 901; as amended by Ord. 2003-05, 6/12/2003, § 9]

1. Farming including pasturing, truck gardening, horticulture, and similar enterprise (subject to requirements in Part 14).
2. Single-family detached dwellings.
3. Mobile home park, subject to the requirements of § 27-904.
4. Public municipal buildings and facilities, including libraries.
5. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources.
6. Customary accessory uses and buildings incidental to any of the permitted uses.
7. Commercial forestry.
8. No-impact home-based business.

§ 27-902. Land Development Plan Approval. [Ord. 2000-03, 9/14/2000, Art. IX, § 902]

Land development plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance [Chapter 22] and the Municipalities Planning Code (MPC).

§ 27-903. Area, Yard and Height Regulations. [Ord. 2000-03, 9/14/2000, Art. IX, § 903]

Lot area, yard, and height requirements (except as otherwise noted).

	MHP	All Other Uses
Maximum Regulations		
Building Height	See § 27-904 for all MHP regulations	35 feet
Lot Coverage		25%
Lot Area		1 acre
Lot Width		
At Street Line		100 feet
At Minimum Building Setback Line		200 feet

	MHP	All Other Uses
Rear Yard		50 feet
Side Yard		50 feet
Total		100 feet
1 Side		50 feet

§ 27-904. Mobile Home Park Regulations. [Ord. 2000-03, 9/14/2000, Art. IX, § 904]

1. Minimum park size for a mobile home park is 10 acres.
2. A mobile home park shall have direct access to an arterial or collector highway either by fronting directly or through another mobile home park.
3. Occupancy. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be nine.
4. Mobile home lots shall meet the following minimum dimensional requirements:

Minimum lot area	7,500 square feet
Minimum lot width at setback line	75 feet
Maximum lot coverage	35%
Minimum yards	
Front	35 feet
Rear	40 feet
Side	
1 side	15 feet
Total	30 feet
Minimum unit spacing	30 feet
Off-street parking spaces	2

 - A. Minimum open space for all mobile parks shall be 15% of the total park area and shall be permanent open space, maintained by the park owners.
 - B. The maximum density shall be four dwelling units/acre.
5. Site Drainage.
 - A. The ground surface of all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner without risk of harmful runoff to lands adjoining or in the vicinity of the proposed mobile home park.

- B. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Protection.
 - C. Wastewater from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any mobile home park.
6. Soil and Ground Cover Requirements.
- A. Exposed ground surfaces in all parts of every park shall be paved, covered with stone, screenings, or other solid material or protected with a vegetation growth that is capable of preventing soil erosion and any elimination of dust during dry weather. The paved surfaces shall not substantially increase or concentrate surface drainage runoff.
 - B. Park grounds shall be maintained free of vegetative growth which may harbor rodents or insects or other pests harmful to man.
7. Mobile Home Lots.
- A. Every mobile home must be placed on a foundation, pad, pillars, etc., in accordance with BOCA or the home manufacturer, whichever is more strict.
 - B. Each mobile home lot shall have direct frontage/access to a street in the mobile home park.
 - C. The corners of the mobile home shall be anchored to prevent wind overturn and rocking, by the use of augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds each.
 - D. Appropriate certification must be provided to the Zoning Officer from the manufacturer that the home construction meets all components of the Township Building Code.
8. Skirting. The area between ground level and the perimeter of the mobile home shall be enclosed by means of a skirting of wood, aluminum or other similar material prior to occupancy of the mobile home.
9. Maintenance of Open Space Areas.
- A. All land required to be set aside for open space shall be designated as such in the plans submitted for subdivision approval. The plans shall contain the following statement: "Open space lands may not be separately sold, nor may such land be further developed or subdivided."

- B. The subdivision plans shall designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In the designating use and maintenance, the following classes may be used.
 - (1) Lawn. A grass area, with or without trees, which may be used by residents for a variety of purposes and which shall be mowed regularly to ensure a neat and tidy appearance.
 - (2) Natural Area. An area of natural vegetation undisturbed during construction, or replanted. Such area may contain pathways, but shall otherwise be maintained only to prevent the spread of weeds, undesirable plants such as poison ivy, the maintenance of free flowing streams, and to prevent the accumulation of trash or litter.
 - (3) Recreation Area. An area designated for specific recreation use including but not limited to tennis, swimming, shuffleboard, playfield, and tot lot. Such areas shall be maintained in such a manner as not to create a hazard or nuisance, and shall perpetuate the proposed use.
 - C. No more than 40% of the open space may be in the required buffer zone.
 - D. The common open space shall be provided in contiguous areas of not less than one acre.
10. Street System.
- A. General Requirements. A safe and convenient vehicular access shall be provided for abutting public streets or roads.
 - B. Access and Internal Streets. Access to internal streets of mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. Streets shall have a minimum road pavement width of 40 feet.
 - C. Intersections. Within 50 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be kept between center lines of offset intersecting streets. Intersection of more than two streets at one point is prohibited.
 - D. Streets shall be constructed in conformance with the standards of Allen Township for materials and thickness. Curbs shall be provided along all streets to channel water to drainage facilities. Curb construction shall be in conformance with Allen Township Subdivision and Land Development Ordinance [Chapter 22]. Sidewalks shall also be required along all roads within or adjacent to the park.

11. Off-Street Parking. Where recreational facilities are provided, adequate off-street parking for same shall also be provided.
12. Sewage Disposal and Water Distribution.
 - A. Public sewage collection and treatment and public water shall be required in all mobile home parks and shall be approved by the Pennsylvania Department of Environmental Protection and be consistent with the Township Sewage Facilities Plan.
 - B. The sewer and water system and lateral connections must be constructed and designed in accordance with the Allen Township Authority and Department of Environmental Protection regulations and provided for dedication to the Allen Township Authority.
13. Electrical Distribution System.
 - A. Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances with local electric power company specifications regulating such systems.
 - B. Power Distribution Lines.
 - (1) All utility lines shall be installed underground.
 - (2) All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specifically designed for the purpose, as required by the appropriate electrical utility company.
 - C. Individual Electrical Connections. Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
 - D. Ground Required. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor, run with branch circuit conductors and other approved methods of ground metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.
14. Fuel Supply and Storage.
 - A. Liquefied Petroleum Gas Systems. Liquefied petroleum gas systems provided for mobile homes and mobile home parks, service buildings, or other structures when installed in mobile home parks shall be maintained in conformity with the "Standards for the Storage and Handling of Liquefied Petroleum Gases" (National Fire Protection Association, NFPA, Latest Edition, as amended; and American

National Standard Institute, ANSI, Latest Edition, as amended) and to NFPA, "Standard for Mobile Home Parks," Latest Edition, as amended.

- (1) The systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- (2) The systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in an effective operating condition.
- (3) All liquefied petroleum gas piping outside the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in the mobile home.
- (4) No liquefied petroleum gas vessel shall be stored or located inside or beneath any mobile home or other structure.

B. Fuel Oil Supply Systems.

- (1) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the National Fire Protection Association Standard, NFPA, Latest Edition, as amended.
 - (2) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
 - (3) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shutoff valves located within five inches of storage tanks.
 - (4) All fuel storage tanks of cylinders shall be securely placed and shall be not less than five feet from any mobile home exit.
 - (5) Storage tanks located in areas subject to traffic shall be protected against physical damage.
15. Refuse Handling. The storage, collection and disposal of refuse in a mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazards, or air pollution and shall comply with any state and/or local agency having jurisdiction.

16. Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall be submitted on the final plan and shall conform to the requirements of any state and/or local agency having jurisdiction.
17. Exterior Lighting of Streets and Grounds. Adequate provisions shall be made in all mobile home parks for exterior lighting of streets and common ground as the public safety, welfare, and protection of the mobile home park residents and visitors shall require.
18. Storage Within Mobile Home Parks. Owner or operator of said park shall provide an adequate storage area to permit the residents to park and store campers and boats. This area shall be paved and screened by fence or living screen from the remainder of the mobile home park. No campers or boats shall be stored other than in such a storage area. No abandoned, unlicensed vehicles shall be permitted within the park. One storage space shall be provided per four mobile home spaces and shall be a minimum of 200 square feet per space; dimensional, no less than 10 feet by 20 feet.
19. Subdivision Ordinance.
 - A. The provisions, regulations and procedures provided in the Allen Township Subdivision and Land Development Ordinance [Chapter 22] shall apply to mobile home parks and no such park shall be opened or constructed without full compliance with same.
 - B. As-built plans of all park improvements including, but not limited to, location of all mobile home pads, utility services such as water and sewer, underground electric, telephone, storm drainage, and service and recreation facilities shall be submitted to Allen Township prior to the issuance of any and all permits for mobile home occupancy.
20. Service/Park Buildings, Structures, and Facilities. These buildings are permitted within the park as long as they are for the benefit of park residents only and not marketed for use by the general public. Such buildings, structures, etc., include central offices, maintenance buildings, general store, swimming pool, bathhouse, etc. These structures and facilities must be located on individual lots within the park and conform to the following standards.

Building setback	40 feet
Side yard	20 feet
Rear yard	40 feet
Lot coverage	40%

Off-street parking: In accordance with the use proposed with the facility.

§ 27-905. General and Specific Requirements. [Ord. 2000-03, 9/14/2000, Art. IX, § 905]

All uses are subject to the applicable regulations of Parts 14 and 15.

PART 10
INDUSTRIAL/COMMERCIAL DISTRICT

§ 27-1001. Uses Permitted By Right. [Ord. 2000-03, 9/14/2000, Art. X, § 1001; as amended by Ord. 2003-05, 6/12/2003, § 10; and by Ord. 2017-02, 3/28/2017]

1. Farming including pasturing, truck gardening, horticulture, and similar enterprise.
2. Plant nursery.
3. Greenhouses.
4. Commercial school.
5. Public municipal buildings and facilities including libraries.
6. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildfire resources.
7. The following commercial uses subject to the requirements in Part 14, Subpart D:
 - A. Office.
8. The following industrial uses subject to the requirements of Part 14, Subpart E:
 - A. Research.
 - B. Wholesale.
 - C. Printing.
 - D. Contracting.
 - E. Truck terminal.
 - F. Crafts.
 - G. Planing mill.
 - H. Mill.
 - I. Wholesale business, wholesale storage, warehousing.
9. Fitness and exercise center or club.
10. Commercial communications antenna and tower.
11. Day care.

12. Customary accessory uses and buildings incidental to any of the permitted uses.
13. Commercial forestry.
14. No-impact home-based business.
15. Convenience store.
16. Flex space or building.
17. Mini-mail.
18. Mini-market.
19. Nightclub.
20. Water extraction and bottling.
21. Restaurant, drive-in, fast-food.
22. Wholesale business/wholesale storage.

§ 27-1002. Uses Permitted By Conditional Use. [Ord. 2000-03, 9/14/2000, Art. X, § 1002; as amended by Ord. 2003-001, 1/9/2003, § 1; and by Ord. 2017-02, 3/28/2017]

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures of this chapter:

- A. Outdoor recreation facility/commercial; rifle, shooting and target ranges; shooting preserves.
- B. Golf course (private and public).
- C. Private club.
- D. Manufacturing subject to the requirements in Part 14, Subpart E.
- E. The following commercial uses subject to the requirements in Part 14, Subpart D:
 - (1) Retail store.
 - (2) Large retail store.
 - (3) Service business.
 - (4) Financial establishment.
 - (5) Repair shop.

- (6) Hospital.
- (7) Funeral home.
- (8) Motel, hotel.
- (9) Indoor entertainment.
- (10) Outdoor entertainment.
- (11) Lumber yard.
- (12) Veterinary.
- (13) Service station.
- (14) Automobile sales.
- (15) Self-storage facility.
- (16) Nursing home.
- (17) Medical office.
- (18) Automobile repair.
- (19) Truck sales.
- (20) Parking lot or garage.
- (21) Shopping center.
- (22) Bed-and-breakfast.
- (23) Car wash.
- (24) B.Y.O.B. club.
- (25) Banquet facility.
- (26) Health facility.
- (27) Large-scale retail/commercial development.
- (28) Medical center.
- (29) Microbrewery.
- (30) Microdistillery.
- (31) Retail store.

- (32) Retail home heating fuel distributor.
- (33) Service store.
- (34) Solar energy collectors.
- (35) Wind turbine.
- (36) Hospital.
- (37) Shopping center.
- (38) Distribution center/customer fulfillment center.
- (39) Truck terminal.
- (40) Warehouse.

F. Publicly owned educational institutions.

§ 27-1003. Land Development Plan Approval. [Ord. 2000-03, 9/14/2000, Art. X, § 1003]

Land development plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance [Chapter 22] and the Municipalities Planning Code (MPC).

§ 27-1004. Area, Yard and Height Regulations. [Ord. 2000-03, 9/14/2000, Art. X, § 1004; as amended by Ord. 2017-02, 3/28/2017]

Lot area, yard, and height requirements (except as otherwise noted).

Maximum Regulations	Office	Manufacturing and All Permitted Uses	All Conditional Uses (Except Manufacturing)
Building Height ¹	35 feet	35 feet	35 feet
Lot Coverage	70%	70%	70%
Minimum Regulations			
Lot Area	1 acre	3 acres	1 acre
Lot Width			
At Street Line	50 feet	100 feet	50 feet
At Minimum Building Setback Line	100 feet	200 feet	100 feet
Building Setback	50 feet	100 feet	50 feet
Rear Yard	40 feet	50 feet	20 feet
Side Yard			
Total	40 feet	100 feet	40 feet

Maximum Regulations	Office	Manufacturing and All Permitted Uses	All Conditional Uses (Except Manufacturing)
One Side	20 feet	50 feet	20 feet

¹Maximum building height as a conditional modification may be extended to 60 feet if:

- A. Proposed building heights above 35 feet are restricted to prohibit human occupancy on a regular basis;
- B. The site is served by public water;
- C. The plan receives approval from the Lehigh Northampton Airport Authority and all appropriate FAA permissions; and
- D. Approval of the Allen Township Board of Supervisors, with consideration to overall consistency with the intent of the zoning district and consideration of human safety, has been received.

§ 27-1005. General and Specific Regulations. [Ord. 2000-03, 9/14/2000, Art. X, § 1005]

All uses are subject to the applicable regulations of Parts 14 and 15.

PART 11
INDUSTRIAL DISTRICT

§ 27-1101. Uses Permitted By Right. [Ord. 2000-03, 9/14/2000, Art. XI, § 1101; as amended by Ord. 2003-05, 6/12/2003, § 11; and by Ord. 2017-02, 3/28/2017]

1. Farming including pasturing, truck gardening, agriculture, and similar enterprises (subject to requirements of Part 14).
2. Indoor rifle, shooting and target ranges, shooting preserves.
3. The following industrial uses, subject to the requirements in Parts 14, Subpart E:
 - A. Manufacturing.
 - B. Research.
 - C. Wholesale.
 - D. Printing.
 - E. Contracting.
 - F. Truck terminal.
 - G. Crafts.
 - H. Planing mill.
 - I. Mill.
4. The following commercial uses, subject to the requirements in Part 14, Subpart D:
 - A. Lumber yard.
 - B. Eating place.
5. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources.
6. Public municipal buildings and facilities, including libraries.
7. Customary accessory uses and buildings incidental to any of the permitted uses.
8. Commercial forestry.
9. No-impact home-based business.

10. Distribution center/customer fulfillment center.
11. Flex space or building.
12. Water extraction and bottling.
13. Truck terminal.
14. Warehouse.
15. Wholesale business/wholesale storage.
16. Restaurant, drive in, fast-food.

§ 27-1102. Uses Permitted By Conditional Use. [Ord. 2000-03, 9/14/2000, Art. XI, § 1102; as amended by Ord. 2017-02, 3/28/2017]

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures of this chapter:

- A. Adult related facilities.
- B. Junkyard.
- C. Extractive operation.
- D. Municipal waste landfill.
- E. Resource recovery facility.
- F. Vehicular track or course.
- G. Outdoor rifle, shooting, and target ranges.
- H. Airport.
- I. Heliport.
- J. Large-scale retail/commercial development.

§ 27-1103. Land Development Plan Approval. [Ord. 2000-03, 9/14/2000, Art. XI, § 1103]

Land development plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance [Chapter 22] and the Municipalities Planning Code (MPC).

§ 27-1104. Area, Yard and Height Regulations. [Ord. 2000-03, 9/14/2000, Art. XI, § 1104; as amended by Ord. 2017-02, 3/28/2017]

Lot area, yard, and height requirements (except as otherwise noted).

Maximum Permitted	Industrial Uses	Other Uses
Building Height ¹	35 feet	35 feet
Lot Coverage	70%	70%
Minimum Regulations		
Lot Area	3 acres	1 acre
Lot Width		
At Street Line	100 feet	50 feet
At Building Setback Line	200 feet	100 feet
Building Setback	100 feet	100 feet
Rear Yard	50 feet	20 feet
Side Yard		
Total	100 feet	40 feet
One Side	50 feet	20 feet

¹Maximum building height as a conditional modification may be extended to 60 feet if:

- A. Proposed building heights above 35 feet are restricted to prohibit human occupancy on a regular basis;
- B. The site is served by public water;
- C. The plan receives approval from the Lehigh Northampton Airport Authority and all appropriate FAA permissions; and
- D. Approval of the Allen Township Board of Supervisors, with consideration to overall consistency with the intent of the zoning district and consideration of human safety; has been received.

§ 27-1105. General and Specific Regulations. [Ord. 2000-03, 9/14/2000, Art. XI, § 1105]

All uses are subject to the applicable regulations of Parts 14 and 15.

PART 12
HIGHWAY COMMERCIAL DISTRICT

§ 27-1201. Uses Permitted By Right. [Ord. 2000-03, 9/14/2000, Art. XII, § 1201; as amended by Ord. 2003-05, 6/12/2003, § 12; and by Ord. 2017-02, 3/28/2017]

1. Farming including pasturing, truck gardening, agriculture, and similar enterprises (subject to requirements of Part 4).
2. The following commercial uses subject to the requirements in Part 14, Subpart D:
 - A. Retail stores.
 - B. Large retail store.
 - C. Service business.
 - D. Financial establishment.
 - E. Office.
 - F. Medical office.
 - G. Eating place.
 - H. Drive-in, other eating place.
 - I. Repair shop.
 - J. Motel, hotel.
 - K. Indoor entertainment.
 - L. Tavern.
 - M. Lumber yard.
 - N. Service station.
 - O. Automobile sales.
 - P. Automobile repair.
 - Q. Truck sales.
 - R. Self-storage facility.
 - S. Car wash.

3. Public conservation areas and associated structures for the conservation of open space, water, soil, forest and wildlife resources.
4. Public municipal buildings and facilities, including libraries.
5. Day care.
6. Customary accessory uses incidental to any of the permitted uses.
7. Commercial forestry.
8. No-impact home-based business.
9. Clinic.
10. Convenience store.
11. Farmer's market.
12. Fitness center or exercise center.
13. Flex space or building.
14. Mini-mall.
15. Mini-market.
16. Nightclub.
17. Retail store.
18. Retail business/large-scale development.
19. Tavern.
20. Restaurant, drive in, fast-food, standard.
21. Restaurant, standard.

§ 27-1202. Uses Permitted by Conditional Use. [Added by Ord. 2017-02, 3/28/2017³]

1. B.Y.O.B. club.
2. Banquet facility.
3. Crematorium.
4. Funeral home.

³Editor's Note: This ordinance also renumbered former §§ 27-1202, 27-1203, and 27-1204 as §§ 27-1203, 27-1204, and 27-1205, respectively.

5. Health facility.
6. Large-scale retail/commercial development.
7. Medical center.
8. Microbrewery.
9. Microdistillery.
10. Nanobrewery.
11. Retail home heating fuel distributor.
12. Service business.
13. Solar energy collectors.
14. Wind turbine.
15. Flea market, indoor.
16. Flea market, outdoor.
17. Shopping center.

§ 27-1203. Land Development Plan Approval. [Ord. 2000-03, 9/14/2000, Art. XII, § 1202]

Land development plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance [Chapter 22] and the Municipalities Planning Code (MPC).

§ 27-1204. Area, Yard and Height Regulations. [Ord. 2000-03, 9/14/2000, Art. XII, § 1203]

Lot area, yard, and height requirements (except as otherwise noted).

Maximum Permitted	All Uses
Building Height	35 feet
Lot Coverage	70%
Minimum Regulations	
Lot Area	1 acre
Lot Width	
At Street Line	75 feet
At Building Setback Line	100 feet
Building Setback	50 feet
Rear Yard	20 feet

Maximum Permitted	All Uses
Side Yard	
Total	40 feet
One Side	20 feet

§ 27-1205. General and Specific Regulations. [Ord. 2000-03, 9/14/2000, Art. XII, § 1204]

All uses are subject to the applicable regulations of Parts 14 and 15.

PART 13

NEIGHBORHOOD COMMERCIAL DISTRICT

§ 27-1301. Uses Permitted By Right. [Ord. 2000-03, 9/14/2000, Art. XIII, § 1301; as amended by Ord. 2003-05, 6/12/2003, § 13; and by Ord. 2017-02, 3/28/2017]

1. Farming, including pasturing, truck gardening, agriculture, and similar enterprises (subject to requirements of Part 4).
2. The following commercial uses, subject to the requirements of Part 14, Subpart D:
 - A. Office.
 - B. Medical office.
 - C. Retail store.
 - D. Service business.
 - E. Financial establishment.
 - F. Eating place.
 - G. Repair shop.
 - H. Funeral home.
 - I. Tavern.
 - J. Veterinary.
 - K. Bed-and-breakfast.
 - L. Nursing home.
3. Single-family detached dwelling.
4. Duplex (allowed only with public sewer).
5. Rooming house.
6. Churches or place of worship.
7. Community/group home.
8. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources.
9. Public municipal buildings and facilities, including libraries.

10. Customary accessory uses incidental to any of the permitted uses.
11. Day care.
12. No-impact home-based business.
13. Church or place of worship.
14. Clinic.
15. Convenience store.
16. Farmer's market.
17. Fitness center or exercise center.
18. Mini-mall.
19. Mini-market.
20. Service business.
21. Restaurant, drive in, fast-food.
22. Tavern.

§ 27-1302. Uses Permitted By Conditional Use. [Ord. 2000-03, 9/14/2000, Art. XIII, § 1302; as amended by Ord. 2017-02, 3/28/2017]

1. Conversion of existing building.
2. Dwelling in combination.
3. Banquet facility.
4. B.Y.O.B. club.
5. Health facility.
6. Medical center.
7. Microbrewery.
8. Microdistillery.
9. Nanobrewery.
10. Nightclub.
11. Retail home heating fuel distributor.
12. Temporary shelter.

13. Treatment center.
14. Flea market, indoor.
15. Flea market, outdoor.

§ 27-1303. Land Development Plan Approval. [Ord. 2000-03, 9/14/2000, Art. XIII, § 1303]

Land development plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance [Chapter 22] and the Municipalities Planning Code (MPC).

§ 27-1304. Area, Yard and Height Regulations. [Ord. 2000-03, 9/14/2000, Art. XIII, § 1304]

Lot area, yard and height requirements (except as otherwise noted).

Maximum Permitted	Any Use Without Public Sewer	All Uses with Public Sewer (Except Duplex)	Duplex with Public Sewer
Building Height	35 feet	35 feet	35 feet
Lot Coverage	70%	70% (SFD 35%)	35%
Minimum Requirements			
Lot Area	1 acre	12,000 square feet	6,000 square feet
Lot Width			
At Street Line	75 feet	75 feet	40 feet
At Building Setback Line	100 feet	100 feet	45 feet
Building Setback	25 feet	25 feet	25 feet
Rear Yard	15 feet	15 feet	25 feet
Side Yard			
Total	30 feet	30 feet	20 feet
One Side	15 feet	15 feet	10 feet

§ 27-1305. General and Specific Regulations. [Ord. 2000-03, 9/14/2000, Art. XIII, § 1305]

All uses are subject to the applicable regulations of Parts 14 and 15.

PART 14
PERFORMANCE STANDARDS

A. General Performance Standards.

§ 27-1400. Compliance. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1400]

All uses and activities shall comply with the standards in this Part 14.

§ 27-1401. Lot Use Requirements. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1401]

1. Any proposed use must be a permitted use in that district (either by right or upon receiving conditional use approval) or must have received a variance for its use.
2. This chapter does not prohibit more than one of the same use or more than one principal use on any lot. If this condition is proposed, no part of a required minimum lot area or required open space can be used by another use or structure to meet its required minimums. Unless otherwise permitted by the Board of Supervisors during subdivision and/or land development review, any use or structure must occupy a portion of the lot sufficiently sized and oriented to allow it to be subdivided from that parent tract without creating any nonconformities.

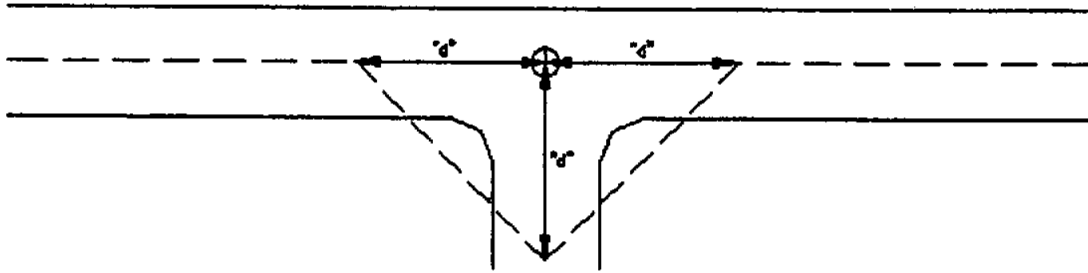
§ 27-1402. Visibility at Street Intersections. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1402]

On a corner lot, within the triangular area computed by the method described below, nothing shall be erected, placed, or allowed to grow to a height in excess of two feet above the center line grades of the intersecting streets.

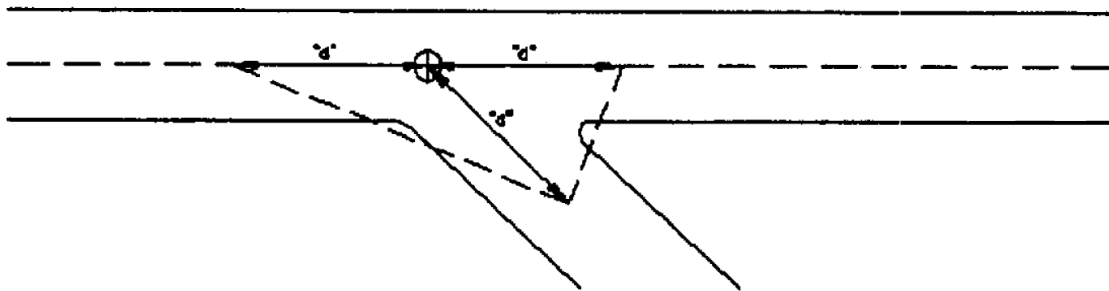
- A. No vehicle, object, or other obstruction of a height in excess of two feet shall be parked or placed within the clear sight triangle depicted below.
- B. No hedge, shrub, tree, or other growth shall be maintained within the clear sight triangle at a height in excess of two feet except existing trees.
 - (1) Leaves and branches of existing trees within the clear sight triangle shall be trimmed away to a height of at least 10 feet above the center line grades of the intersection streets.
- C. The area of the clear sight triangle to be preserved at intersections is determined by connecting a straight line between two points. Each point is on the center line of one of the intersecting streets a distance "d" from the point of street center line intersections.

"d"	Township Designation for Major Streets
75 feet	Local
90 feet	Collector
120 feet	Arterial

- (1) Example of clear sight triangle — a right-angle intersection.



- (2) Example of a clear sight triangle — a non-right-angle intersection.



- D. Clear sight triangle requirements have precedence over any other setback, yard, or other requirements, unless they are not more stringent than the clear sight triangle requirement; the most demanding requirement shall apply.
- E. The clear sight triangle extends from a vertical height of two feet to a vertical height of 10 feet at minimum.
- F. Traffic directional signs and parts thereof are excluded from the requirements of this section.

§ 27-1403. Yard Requirements. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1403]

1. Minimum yards shall be required from all public and private roads, streets, highways, and property lines.

2. The required front yard varies depending upon the functional classification of the road, street, or highway; the functional classification of roads in the Township is delineated on its Official Map.
3. Setback Requirements. No building or structures shall be placed within any required yard or ultimate road, street, or highway right-of-way line except lamp posts, driveways, mail boxes, sidewalks, and utility lines, or such incidental items as may be agreed to by the Board of Supervisors during the site or land development plan review.
 - A. In the case of a proposed street, the street right-of-way line, the street classification, and the setback line shall be shown on the subdivision plan.
4. Where a lot extends through from street to street or in the case of a corner lot, the applicable front yard setback requirements shall be applied to both streets.
5. Exceptions for Existing Alignment. If the alignment of existing buildings on either side of a lot within a distance of 50 feet of the proposed building and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth, the Supervisors may accept the average of such existing alignment within that distance as the required front yard, but in no case shall the front yard be less than 20 feet.
6. Projection into Yards. Ground-story bay windows, porches, and chimney flues may project into required yard areas no more than four feet [ADA required facilities are exempt]. Such projections shall not occupy more than 1/3 the length of the building wall. Cornices and gutters may project not more than two feet into a required yard. Fire escapes may be permitted in accordance with this section in side and rear yards only.

§ 27-1404. Structures and Fences in Yards and Setbacks. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1404, as amended by Ord. 2013-07, 11/14/2013]

1. A fence shall be permitted on any property line. All fences shall be installed with the finished side of the fence not containing the support beams or posts facing toward the neighboring property.
2. No fence shall exceed the following height limitations.
 - A. Any fence located within the front yard shall be a maximum of 36 inches high and be able to be seen through from the street.
 - B. No fence shall exceed six feet in height for a residential use.
 - C. No fences shall exceed 10 feet in height in a commercial/industrial use. Additional security measures above 10 feet may be approved by the Board of Supervisors.

3. (Reserved)
4. The clear site triangle regulations in § 27-1402 may not be violated.
5. No proposed fence, structure, or wall is permitted within the existing or ultimate right-of-way of a public street, public easement, or clear-sight triangle without the express permission of the Board of Supervisors.

§ 27-1405. Environmental Performance Standards. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1405]

1. **Applicability.** The Zoning Map identifies the following environmental features: floodplains, forest and steep slopes.
2. **Overlay Concept.** The environmental features shown on the Zoning Map are considered to apply an overlay zoning designation supplementing the requirements of the underlying district. The more-restrictive requirement shall apply.
3. **Discrepancies and Additional Environmental Regulations.** Applicants may dispute the presence of environmental features on his/her site by presenting a plan for Township review based on actual field measurements and/or calculations and certified by a professional land surveyor or a professional engineer. The Zoning Officer shall review the plan and make the final determination, accepting review from the Township Engineer, the Planning Commission, and the Board of Supervisors, if necessary. Also, environmental features not identified on the Zoning Map may be present on a site. All applicable environmental performance standards contained in this Part must be followed and the features shown on the applicant's site plan; land development plan, and/or subdivision plan.
4. **Floodplains.** All such lands shall remain as permanent open space, unless otherwise allowed in § 27-1419.
5. **Steep Slopes.** In areas of steep slopes, i.e., those above 8%, the following standards shall apply. **[Amended by Ord. 2005-07, 3/22/2005]**
 - A. If public water and sewer facilities are not available, the following requirements shall apply to all lots:
 - (1) **Fifteen Percent to 25%.** If any part of the lot located outside of the minimum required yard area (i.e., within the building setback lines) contains slopes of 15% to 25%, the required minimum lot size and required minimum lot width shall double, and the required maximum density and coverage shall be halved.
 - (2) **Twenty-Five Percent or More.** If any part of the lot located outside of the minimum required yard area (i.e., within the

building setback lines) contains slopes greater than 25%, the required minimum lot size and required maximum lot width shall triple, and the required maximum density and coverage shall be 1/3 of the specified maximum.

- (3) Any earthwork performed on a slope of 8% or greater must have a grading plan, following the requirements of Ordinance 90-3, as amended.
- (4) Performing grading to avoid requirements of this chapter is hereby prohibited.
- (5) In the case of property containing both steep slopes and forests, the more-restrictive minimum lot size and required maximum lot width shall be applied.

B. If public water and sewer facilities are available, the following requirements shall apply to all lots:

- (1) Single-Family Detached and Single-Family Semidetached.
 - (a) Any earthwork performed on a slope of 8% or greater must have a grading plan, following the requirements of Ordinance 90-3, as amended.
 - (b) If any part of the lot located outside of the minimum required yard area (i.e., within the building setback lines) contains slopes of 33%, the required minimum lot size and required minimum lot width shall be 1.5 times the required size and width.
- (2) Multiple-Family and Townhouses.
 - (a) If any part of the lot located outside of the minimum required yard area (i.e., within the building setback lines) contains slopes of 20%, the maximum density for multifamily and townhouse units shall be three units per acre, and the maximum number of units in a townhouse grouping shall be four units.
 - (b) No multifamily or townhouse structure shall be constructed on a lot where the slope anywhere within the building setback lines exceeds 25%.

- 6. Forest. Properties which contain forests, as defined by this chapter, subsequent to the effective date of this chapter, shall be subject to the following regulations:

- A. The minimum lot size, maximum density of development permitted, and maximum lot coverage for any property containing forests is established in accordance with the following requirements.

**Residential Lot Size, Lot Width Development Density, and
Cover Factors**

Percent of Property Covered by Forest	Lot Size and Width Factor*	Development Density and Cover Factor**
0% to 25%	1.0	1.0
25.1% to 50%	1.5	0.67
50.1% to 100%	2.0	0.50

Nonresidential, Development Density and Cover Factor

Percent of Property Covered by Forest	Development Density and Cover Factor**
0% to 25%	1.0
25.1% to 50%	0.85
50.1% to 100%	0.75

NOTES:

- * This factor shall be multiplied by the zoning district lot size and width requirement to obtain the adjusted minimum lot size and width.
- ** This factor shall be multiplied by the zoning district density and lot coverage requirement to obtain the adjusted maximum allowed development density and lot coverage.

- B. Removing forests or existing trees to avoid requirements of this chapter is hereby prohibited.
- C. A minimum of 80% of forest area shall be preserved as undisturbed forests, except for removal of dead or diseased trees, and/or except for normal removal of trees for prudent forest management to allow for proper tree growth. This calculation of 80% in both cases shall be made after the lot size criteria of this chapter have been met as listed above. If the preservation of forests (as required by this section) results in less development density and on-lot coverage than otherwise allowed, the more restrictive requirement shall be utilized.
- D. The "forest" definition and delineation shall be determined on the basis of lot lines that exist as of the effective date of this chapter. The delineation of forests shall be made during the preparation of any subdivision or land development plan for approval by the Township, on the basis of the property prior to the creation of building lots in any

proposed subdivision. Once the delineation of forests is made, the lot layout for that subdivision and/or development density and coverage for that subdivision and/or land development plan would be based upon the criteria of this section.

- E. In any case, if a lot owner wished to develop a single lot with a single-family detached dwelling, the owner shall be permitted to remove the minimum amount of forest required for construction of his dwelling and grading of his building and normal accessory items (for example: driveway, septic system, pool, shed, etc.).
 - F. In the case of property containing both steep slopes and forests, the more restrictive minimum lot size and required maximum lot width shall be applied.
7. Lakes, Ponds, Wetlands, or Watercourses. These areas shall be left as permanent open space. Quarries are not included in this section.
- A. Lake Shorelines. The shorelines of lakes, to a distance of 300 feet from the shorelines, shall contain no more than 10% impervious surfaces. At least 70% shall be permanent open space.
 - B. Pond Shorelines. The shorelines of ponds shall, to a distance of 100 feet from the shorelines, contain no more than 10% impervious surfaces. At least 80% shall be permanent open space.
8. Stormwater. Stormwater management for all subdivisions and land developments consistent with the Township Stormwater Management Ordinance must be provided.
9. Soil Erosion and Sedimentation. All developments shall protect streams, lakes, and ponds from sedimentation damage control erosion in accordance with the Clean Streams Law, PL 1987, Chapter 102, Latest Edition, as amended.

§ 27-1406. Buffer Yards. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1406; as amended by Ord. 2005-08, 3/22/2005, § 1; and by Ord. 2015-03, 6/11/2015]

Buffer yards are required for mobile home parks, golf courses and for any use in the HC, I, and I/C Districts where it adjoins any property in a residential zoning district or any existing residential properties, or any publicly owned recreational facility (excluding linear parks).

- A. In multifamily subdivisions and mobile home parks, the buffer yard shall be part of the open space and not part of the lot area assigned to a dwelling unit, unless open space is not required for the development.
- B. The buffer yard shall be measured from the district boundary line, property line or from the near street where a street serves as the district boundary line or property line.

- C. The buffer yards may be coterminous with required front, side and rear yards, and, in case of conflict, the larger yard requirements shall apply.
- D. In all buffer yards, the exterior twenty-five-foot width (30 feet in multifamily subdivisions and 12 feet for a hospital) shall be maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations. The treatment of invasive or exotic species shall be performed in accordance with the best management practices endorsed by the Pennsylvania Invasive Species Council and in accordance with State and Federal regulations for any application of herbicides. In addition, sufficient documentation shall be provided to the Township by the property owner to demonstrate that any proposed buffer planting material is not subject to any active act and/or quarantine pursuant to Federal or Commonwealth regulations governing invasive and/or exotic species.
- E. No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard; however, parking of passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the exterior ten-foot width.
- F. All buffer yards, except residential subdivisions or mobile park homes, shall include a dense screen planting of trees, shrubs or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise. Such screen planting shall be located within the buffer yard, and shall be in accordance with the following requirements:
 - (1) Plant materials used in the screen planting shall be at least four feet high when planted and shall be of such species as will produce a dense visual screen at least eight feet high within four years. In addition, sufficient documentation shall be provided to the Township by the property owner to demonstrate that any proposed buffer planting material is not subject to any active act and/or quarantine pursuant to Federal or Commonwealth regulations governing invasive and/or exotic species.
 - (2) The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year.
 - (3) The screen planting shall be so placed that at maturity it will be not closer than three feet from any street or property line.
 - (4) In accordance with the provisions of this chapter, a clear sight triangle shall be maintained at all street intersections and all points where private accessways intersect public streets.
 - (5) The screen planting shall be broken only at points of vehicular or pedestrian access and required drainage.

- G. In multifamily subdivisions and mobile home parks, the following shall apply:
- (1) The buffer yard may be averaged. The width in Subsection J below is average with the minimum being 60% of the average.
 - (2) All existing deciduous and coniferous trees above two inches caliper and/or six feet in height shall be preserved in the buffer yard except where clearance is required to ensure sight distances. Any removal should, where feasible, involve relocation rather than clearing.
 - (3) Buffer width and planting material shall be laid out to respect existing or proposed off-site uses. The minimum width may be used where compatible single-family uses adjoin, or where the property abuts nonbuildable land. The object of planting shall be defined in the plan as visual barrier, noise barrier or to prevent access to hazardous areas.
 - (4) Generally, a minimum of 25% of plant material shall be evergreen and 10% flowering. Planting shall be adequate in quantity to fully cover the minimum thirty-foot buffer, but may be clumped or grouped for maximum efficiency.
 - (a) Where noise and glare are problems, 50% of the plantings shall be evergreens.
 - (b) Where hazardous conditions exist, hedgerows with thick, thorny plants are desirable (excluding noxious weeds). Plantings should be such as to make access difficult.
 - (c) Where visual screening is most important, evergreens and flowering trees should increase to 50% of the total.
 - (5) Self-maintaining ground cover or grass shall be planted to the edge of the buffer.
 - (6) The buffer must produce a dense visual barrier to a height of eight feet within four years.
 - (7) The screen planting shall be broken only at points of vehicular or pedestrian access and required drainage.
- H. No screen planting shall be required along streets that form district boundary lines, provided that:
- (1) No outdoor processing or manufacturing activity and no outdoor storage of materials shall be so located as to be visible from the adjacent residential properties or residential districts (R, R1, R2 and R3).

- (2) Only the front of any proposed building shall be visible from the adjacent residential properties or residential districts (R, R1, R2 and R3).
- I. Prior to the issuance of any zoning permit, complete plans showing the arrangement of all buffer yards; the placement, species and size of all plant materials; and the placement, size material and type of all fences to be placed in such buffer yard shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this chapter.
- J. Size of Buffer Yards. The following are the required buffer yard widths for each use requiring a buffer yard. Unless noted otherwise, the buffer yard is applicable to any property line adjacent to a residential property or residentially zoned (R, R1, R2 and R3) property, or publicly owned recreational facility (excluding linear parks).
 - (1) Multifamily garden apartments: 30 feet with no more than 30% of the required open space area (if any) in the buffer yard.
 - (2) Mobile home park: 50 feet on all property lines.
 - (3) Golf courses: 50 feet.
 - (4) Hospital: 12 feet.
 - (5) Office uses: 25 feet.
 - (6) Commercial uses: 25 feet.
 - (7) Industrial uses: 25 feet.
- K. The buffer yards shall be shown on any required site plan, land development plan and/or subdivision plan and shall be sealed by a registered landscape architect.
- L. The buffer yard landscaping and/or barriers must be permanently maintained by the property owner and any dead landscaping replaced. A protective easement shall be provided.
- M. At the discretion of the Board of Supervisors, the Board of Supervisors may accept the existence of existing, mature tree lines as meeting the requirements of this section. A protective easement shall be required to ensure their preservation and maintenance.
- N. A raised berm shall be provided in the buffer yard which shall be undulating and shall have an average height of six feet, or as otherwise approved by the Board of Supervisors during site or land development plan review. **[Added by Ord. 2017-02, 3/28/2017]**

- O. The raised berm shall be planted with a dense screen planting consisting of a minimum of six different trees, 50% of which shall be evergreen, and dense shrub understory plantings (noninvasives, native preferably). The minimum height of the screen planting evergreen trees shall be eight feet at the time of planting as measured from finished grade. **[Added by Ord. 2017-02, 3/28/2017]**
- P. All street tree plantings within the Industrial and Industrial Commercial Zoning Districts shall be a minimum caliper of four to 4.5 inches as measured three feet above finished grade. **[Added by Ord. 2017-02, 3/28/2017]**

§ 27-1407. Hazards and Nuisances. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1407]

- 1. No land or building in any zoning district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electromagnetism;

or other condition, substance, or element; in such manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises.

2. Procedures.

- A. An application for a building permit or a certificate of occupancy for a use shall include a plan or proposed construction and a description of the proposed machinery, operations and products, and specification for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed in this section.
- B. The applicant shall also file with such plans and specifications a statement acknowledging his understanding of the applicable performance standards and stating his agreement to conform to the same at all times.
- C. Fire and Explosion Hazards. All activities involving, and all storage of flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State and local laws and regulations shall also apply.
- D. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond any lot line; nor shall any vibration produced exceed 0.002g peak at up to 50 cps frequency, measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.
 - (1) Vibrations occurring at higher than 50 cps frequency or aperiodic vibrations shall not induce acceleration exceeding 0.001g.
 - (2) Single-impulse aperiodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01g.
- E. Noise. Excessive levels of sound and vibration are detrimental and harmful to the health, comfort, living conditions, welfare and safety of citizens and injurious to their property. **[Amended by Ord. 2015-03, 6/11/2015]**
 - (1) Definitions. The following words, terms and phrases, when used in this Section, shall have the meaning ascribed to them below, except where the context clearly indicates a different meaning. All terminology and sound measurements referred to in this Section shall be in conformance with the applicable

publications of the American National Standards Institute, or its successor body.

NOISE — Any undesired sound.

DECIBELS (db) — A unit of measurement of the sound pressure level equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (that is, 20 micronewtons per square meter). Sound pressure is the instantaneous difference between the actual pressure and the average or barometric pressure at a given point as produced by sound energy.

SOUND LEVEL — The quantity in decibels obtained by the use of a sound level meter, which is an instrument that includes a microphone, amplifier, output meter, and frequency weighing networks used for the measurement of noise and sound levels in a specified manner.

A-WEIGHTED SOUND LEVEL [dB(A)] — The frequency weighing network that shall be used for the measurement of noises applicable to this Section is that designated as "A" by the American National Standards Institute. The A-weighted sound level denoted by dB(A) is the sound pressure level in decibels as measured by a sound level meter using the A-weighting network.

PURE TONE — Any sound that can be heard essentially as a single pitch or a set of single pitches. For the purposes of this Section, a pure tone shall exist if the one-third octave band sound pressure level for the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous octave bands by 5 db for center frequencies of 500 Hz (that is, 500 cycles per second) and above, and 8 db for center frequencies between 160 and 400 Hz, and by 15 db for center frequencies less than or equal to 125 Hz.

(2) **Noise Prohibitions.**

- (a) A person shall not cause or permit noise levels to emanate that exceed those specified in the following table, including Subsection 2E(2)(b) and (c), except as exempted by Subsection 2E(2)(d).

Maximum Allowed Noise Level for All Land Uses in a Receiving Zoning District at a Receiving Property Boundary, Expressed as A-weighted Decibels ["dB(A)"]

Zoning District	Daytime*	Nighttime**
I, I/A, I/C(1)	75 dB(A)	75 dB(A)

Maximum Allowed Noise Level for All Land Uses in a Receiving Zoning District at a Receiving Property Boundary, Expressed as A-weighted Decibels ["dB(A)"]

Zoning District	Daytime*	Nighttime**
HC(2)	67 dB(A)	62 dB(A)
A, R, R1, R2, R3, NC, MHP (3)	60 dB(A)	55 dB(A)

NOTES:

* A-weighted sound level maximum allowed for the period 7:00 a.m. to 10:00 p.m.

** A-weighted sound level maximum allowed for the period 10:00 p.m. to 7:00 a.m.

- (1) I/C — Industrial/Commercial; I/A - Industrial/Airport; I - Industrial.
- (2) HC — Highway/Commercial.
- (3) A-Agricultural; MHP — Mobile Home Park; R1 — Low-Density Residential; R2-Medium-Density Residential; R3-High-Density Residential; NC — Neighborhood Commercial.

(b) A person shall not cause or permit the emission of a pure tone that exceeds an A-weighted sound level 5 dB(A) lower than the applicable maximum given in the above table.

(c) A person shall not cause or permit an A-weighted sound level to emanate from construction or demolition activities that exceeds during daytime hours 90 dB(A) or during nighttime hours the maximum stated in the above table for the applicable land use.

(d) Exemptions. The provisions of the Section do not apply to:

[1] Devices used only for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency or emergency work.

[2] Motor vehicles on public rights-of-way, aircraft, trains, and emergency, utility or public operations, including snow removal. See the separate Township Noise Ordinance, which regulates vehicle noise.

[3] Sounds created by Township-recognized sporting, amusement, entertainment, and other public gatherings conducted pursuant to other Township permits or ordinances. This exception includes, but is not limited to, public athletic contests, festivals, carnivals, fairs, parades, celebrations, and concerts.

[4] Unamplified human voices.

F. Odor. No emission of noxious odor other than agricultural in nature as perceived by the human olfactory sense at any lot line shall be permitted.

G. Air Pollution. No fly ash, fume, vapor, gas, or other form of air pollution shall be permitted that exceeds any air pollution standard or air quality criteria established by the Bureau of Air Environmental Protection. Specific standards and regulations are contained in the Bureau's Regulations, as amended.

H. Glare.

- (1) Direct glare is defined for the purpose of this chapter as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature process as welding or petroleum or metallurgical refining.
- (2) Indirect glare is defined for the purpose of this chapter as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure.
- (3) No direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60° drawn perpendicular to the ground, such luminaries shall be placed not more than 16 feet above the ground level and the maximum illumination at ground level shall not be in excess of three footcandles.
- (4) A luminary less than four feet above the ground may have a cone angle of 90°.
- (5) Indirect glare produced by illuminating a reflecting surface shall not exceed 0.3 footcandle instantaneous maximum measurement or 0.1 footcandle average measurement.
- (6) Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

- I. Liquid or Solid Wastes. No discharge shall be permitted at any point into any sewage disposal system, or watercourse, or lake, or into the ground, except in accord with State Health or Environmental Protection Department Standards, Township standards, or other regulating agency standards.
 - (1) Materials of such nature or temperature that will contaminate any water supply or otherwise cause the creation of dangerous elements shall be prohibited.
 - (2) The accumulation of solid or liquid wastes conducive to the breeding of rodents or insects thus formulating a health or safety hazard shall be prohibited.
- J. Radioactive or Hazardous Waste. No radioactive or hazardous waste, as defined by the United States Environmental Protection Agency, shall be stored or disposed of in any district.
- K. Storage of Gas, Liquids, and Solids.
 - (1) No underground or subsurface storage of chemicals, either gas, liquid or solids shall be permitted in any district, except for underground storage of petroleum products as regulated by the State Police and/or other state or federal regulatory agency.
 - (2) No above ground or surface storage of chemicals, either gas, liquid or solids in any quantity in excess of 20 cubic feet in volume, shall be stored or maintained within 300 feet of a residential district boundary, or within 300 feet of a residential dwelling, except for chemicals, such as heating oil, or propane, which may be required for the normal heating and cooling of a building and fire suppressant chemicals developing chemicals and janitorial chemicals and lawn and agricultural fertilizers in a quantity not to exceed 40 cubic feet.

§ 27-1408. Waiver of Height Requirements. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1408]

- 1. Nothing herein shall restrict the height of a church spire, cupola, dome mast, belfry, clock tower, radio tower, or transmission line, flagpole, water tank, elevator, or stair bullhead, stage tower, scenery loft, smoke stack, silo or similar structure, so long as sufficient yard exists, adjacent to such structure, to allow such structure to fall completely within the lot lines if such structure were to fail. All federal airport regulations must be followed.
- 2. Structures for which height restrictions have been waived shall not have a lot coverage at the base in excess of 10% of the lot area.

3. Structures for which height restrictions have been waived shall not be used for residency or tenancy purposes.
4. Structure for which height restrictions have been waived shall not have any advertising sign or device inscribed upon or attached to such structures.

§ 27-1409. Traffic Impact Study. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1409]

The Township reserves the right to require a traffic impact study in accordance with provisions hereinafter set forth, if in the opinion of the Township, the proposed use could generate significant traffic flow. The traffic impact study shall be based on the following criteria:

- A. General Site Description. The site description shall include the size, location, proposed land uses, construction, staging and completion date and types of dwelling units, if applicable. A brief description of other major existing and proposed land developments within 1/2 mile of the proposal which shall constitute the study area, except that a study area of one mile from the proposal shall be used for any commercial development of greater than 200,000 square feet of total floor area.
- B. Traffic Facilities Description. The description shall contain a full documentation of the proposed internal and existing highway system. The report shall describe the external roadway system within the area. Major intersection in the area shall be identified and sketched. All future highway improvements which are part of proposed surrounding developments shall be noted and included in the calculations.
- C. Existing Traffic Conditions. Existing traffic conditions shall be measured and documented for all streets and intersections in the area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and for the hour(s) of predicted peak development generated hour(s) traffic shall be recorded. Traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and predicted peak development generated hour(s), and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the predicted peak development generated hour(s) for all streets and major intersections in the study area. Levels of service shall be determined for each major road segment and turning movement. Detailed traffic counts of existing local streets not provided or proposed for through access are not required. A tabulation of accident locations during a recent three-year period shall be shown. This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or turning movements experiencing Levels of Service D, E, or F, as described in Highway Capacity Manual, Special Report No. 209, dated 1985, shall be noted as congestion locations.

- D. **Traffic Impact of the Development.** Estimation of vehicular trips to result from the proposal shall be computed from the average daily peak highway hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the Trip Generation Manual, published by the Institute of Transportation Engineers, or, at the request of the Township, said calculations shall be substantiated by physical counts at similar type developments. These estimated development generated traffic volumes shall be provided for both inbound and outbound traffic movements, and the reference source(s) and methodology followed shall be documented. All turning movements shall be calculated. These estimated volumes shall be distributed to the area and assigned to the existing streets and intersections throughout the area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. Any characteristics of the site that will cause particular trip generation problems shall be noted. For retail sales uses, the increased traffic during the holiday seasons and during weekends shall be forecast and analyzed.
- E. **Analysis of Traffic Impact.** The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (straight line projections based on historical data), the development generated traffic and the traffic generated by other proposed developments in the study area. A second volume/capacity analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) for all roadways and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections. All access points shall be examined as to the necessity of installing traffic signals. This evaluation shall compare the projected traffic to state warrant regulations for traffic signal installation. **[Amended by Ord. 2017-02, 3/28/2017]**
- (1) All traffic studies shall include the hours of 3:00 p.m. to 6:00 p.m. in the peak p.m. hours studied for Route 329 where the proposed use will impact Route 329. In addition, the traffic study shall be performed during the time of year when public school is in session, due to the difference in traffic volumes present during the school year.
 - (2) Any traffic study involving truck movements shall include a twenty-four-hour weekday projection of incremental traffic (car and truck) generated due to the potential of variable peaks resulting from truck movements.
 - (3) All traffic studies involving Route 329 shall analyze the proposed use's generated traffic loads and the impact on any proposed and existing traffic signals on Route 329 and provide for the appropriate upgrades and/or retiming of such signals to ensure the existing LOS is not degraded.

- F. Conclusions and Recommendations. Levels of service for all streets and intersections shall be listed. All streets and/or intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, and traffic signal installation and operation including signal timing. All physical street improvements shall be shown in sketches.
- G. Cost of Needed Projects. Approximate costs for all needed transportation improvements shall be developed within a defined impact area.
- H. Administration.
- (1) The full cost of the traffic study and Township reviews of the study shall be borne by the applicant.
 - (2) The traffic study shall be reviewed by the Township Engineer or other professional reviewer designated by the Township.
 - (3) The project manager for any traffic impact report shall be a professional traffic engineer or transportation planner with significant experience in traffic studies.
 - (4) In place of individual traffic studies, the Board of Supervisors may by resolution establish a fee schedule for traffic studies. The applicant shall then pay such fees which shall be used for a coordinated study of more than one proposed development in an area of the Township.
 - (5) The Board of Supervisors shall approve the traffic study as complete prior to granting final approval to a land development, subdivision, or conditional use application, unless a specific process for determining any needed traffic improvements is made a condition of such approval.
- I. Applicant's Responsibility. The applicant shall respond to the traffic impact report by stating to what degree he/she is willing to assist in funding or completing any off-site improvements that are needed and to state what on-site improvements he/she proposes. These improvements may include structural or nonstructural improvements. Nonstructural improvements include long-term commitments by employers or developers to support van pools, bus pools, staggered work hours or public bus service.
- J. Future Stages of Development. The traffic study shall include not only an analysis of one individual project proposed at one point in time, but also the overall projected impacts of future development of all nearby lands owned by the applicant or that the applicant has an option to purchase. The study shall include a projection of the traffic expected from this future development, using reasonable alternatives if no definite plans are available.

- K. Other Proposed Developments. The study should also take into account traffic that can be expected as a result of other development which has been approved and development for which plans have been submitted to the Township and are being actively pursued.
- L. Timing of Required Traffic Improvements. No occupancy permit shall be granted for a use or uses until such traffic improvements that have been required by PennDOT or the Township to serve the use are in place and operating, unless the Board of Supervisors require or allow funds for a required traffic improvement to be placed in a dedicated escrow account to be used when such improvements are warranted.
- M. Post-development Monitoring. Within 18 months or other interval determined by the Board of Supervisors, but no later than 36 months

following the issuance of an occupancy permit of the last use each phase, the applicant, if requested to do so by the Board of Supervisors, shall conduct traffic counts to ensure the assumptions and projection of the final traffic impact study are valid. Traffic counts shall be performed at intervals and peak times approved by Township Engineer. If the traffic counts are found to be different from any assumptions or projections contained in the final traffic impact study, the applicant shall propose and construct, with the approval of the Board of Supervisors, remedial improvements to address the difference and provide financial security to guarantee construction of remedial improvements. **[Added by Ord. 2015-03, 6/11/2015]**

§ 27-1410. General Site Landscaping. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1410; as amended by Ord. 2015-03, 6/11/2015]

The following general site landscaping requirements shall apply to all properties required to submit land development plans following the requirements of this Chapter in accordance with the standards published in the American Standard for Nursery Stock (ANSI Z60.1), last revised edition.

- A. All properties must provide for a total area of landscaping equal to 10% of any proposed area of impervious cover.
 - (1) This landscaping shall be distributed throughout the property to enhance the buildings and parking areas and the property's appearance from surrounding properties and roads.
 - (2) The property owner is required to maintain this landscaping in a neat and healthy manner, and is required to replace dead and diseased plants.
- B. Landscaping used to satisfy this requirement shall be credited as follows:
 - (1) Every large deciduous tree provided, for example red oak (*quercus borealis*), green ash (*fraxinu lanceolata*), and sweetgum (*liquidamber styraciflus*), shall count as 200 square feet of landscaping credit.
 - (2) Every medium deciduous tree provided, for example red maple (*acer rubrum*), callery pear (*pyrus calleryana*), and golden raintree (*koelreuteria paniculatra*), shall count as 150 square feet of landscaping credit.
 - (3) Every small deciduous tree or evergreen provided, for example flowering dogwood (*cornus florida*), kwanzan cherry (*prunus serrulate kwanzan*), and white pine (*pinus strumbus*), shall count as 100 square feet of landscaping credit.
 - (4) Any area occupied by shrubs, flower beds and/or foundation plantings shall count as landscaping credit toward this landscaping requirement on a square foot per square foot basis.

- C. These general site landscaping requirements are in addition to any planting strips, planting screens, buffer strips or street trees, as required elsewhere in this chapter or in other ordinances of the Township.
- D. Any existing trees or plant material to be protected and preserved, and not counted toward other landscaping requirements in this or other Township ordinances, may count toward the required landscaping area, using the provisions stated in Subsection B.
- E. In meeting these general site landscaping requirements, at least 10% of the credits (as outlined above) must be provided by way of large deciduous trees with a further minimum of at least one such tree for each lot regulated by this section of this Part.

§ 27-1411. Accessory Uses and Structures. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1411]

- 1. Any structure or use on a lot, other than a primary structure or use must be clearly accessory to the primary use (which must be allowed on that property). For example, barns are to be used as a primary or accessory structure for the storage of farm materials and/or livestock associated with the primary use of the farm i.e., farming. Storage of materials in the barn not associated with farming would, therefore, be prohibited.
- 2. Except as noted below, accessory buildings must meet all yard and setback requirements of this chapter.
- 3. Completely detached accessory buildings for all nonresidential uses being 10 feet or less in height may occupy a required side or rear yard, but shall not be located closer than 10 feet to any side or rear property line (see exception below) nor closer than 15 feet to the rear of the primary building on the lot and 25 feet from the nearest point of the primary building of any adjacent lot (see exception below).
 - A. Completely detached accessory buildings, up to 10 feet in height, for residential uses shall be set back from a side or rear property line a minimum distance equal to 10% of the required minimum lot width (at the setback line) for that use in that district or a distance of 10 feet, whichever is less.
 - B. Since attached structures (such as duplexes and townhouses) have no side yard requirements on their common lot lines, no lot line setbacks or adjacent building setbacks above are applicable for these small accessory buildings.
- 4. Completely detached accessory buildings in Subsection 3 above may be increased in height, provided that for every one foot in height above 10 feet, there shall be added one foot of additional setback to the side or rear lot lines.

§ 27-1412. Storage. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1412]

1. Outdoor Storage. Specific provisions of outdoor storage are governed in this Part. No outdoor storage is permitted on a site unless it is related to the primary use of the site. The storage of DEP-classified hazardous materials must be in quantities and stored in a manner consistent with DEP regulations. No materials or wastes shall be deposited upon a lot in some form or manner that they may be transported off the lot by any natural causes or forces.
2. Indoor Storage. Specific provisions of indoor storage are governed in this Part. No indoor storage is permitted on a site unless it is related to the primary use of the site. The storage of DEP-classified hazardous materials must be in quantities and stored in a manner consistent with DEP regulations.
3. Storage of Recreational Vehicles and Travel Trailers. No more than two of either a recreational vehicle or travel trailer or combination thereof may be stored on a lot occupied by the owner of the recreational vehicle and/or travel trailer, provided such recreational vehicle and/or travel trailer shall be placed in such a position so as to meet all dimensional requirements for the district within which it is located. This provision is for the storage or occupation of recreational vehicles only and not the storage or occupation of a mobile home.

§ 27-1413. Structures to Have Access. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1413; as amended by Ord. 2002-02, 2/14/2002, § 1]

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.

- A. Driveways (Single-Family Dwellings). Access to single-family dwellings shall be provided by driveways and subject to the following criteria:
 - (1) Number Per Lot. No more than two driveway connections per lot shall be permitted.
 - (2) Clear Sight Triangle. Driveways shall be located and constructed so that a clear sight triangle or 75 feet as measured along the street center line for local roads, and 100 feet as measured along the street center line for collector or arterial roads, and 10 feet from the travel lane along the driveway center line is maintained; no permanent obstructions over 30 inches high shall be placed within this area. **[Amended by Ord. 2015-03, 6/11/2015]**
 - (3) Access Permits. Driveways shall not be permitted to have direct access to state roads or highways, unless authorized by the Pennsylvania Department of Transportation through issuance of a

highway occupancy permit, or to Township roads unless a road occupancy permit has been obtained from the Township.

- (4) Intersection. Driveways shall intersect streets at right angles, wherever possible.
 - (5) Grades: Driveway grades shall not exceed the following:
 - (a) Seven percent when access to an arterial street or highway is permitted.
 - (b) Ten percent with access to a local or collector street.
 - (6) Location. The center line of a driveway at the point of access to a street shall not be located closer to a street intersection than the following distances:
 - (a) One hundred fifty feet if either street is an arterial street.
 - (b) One hundred feet if one street is a collector and the other street is either a collector or local street.
 - (c) Seventy-five feet if both streets are local streets. This requirement does not apply to the lots across from the stopping road at a T- intersection, provided the applicant receives approval from the Planning Commission and written approval from the Board of Supervisors.
 - (d) Driveways shall not be located within five feet of any fire hydrant or adjoining lot line, unless shared with an adjacent lot.
 - (7) Road Classification. Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.
 - (8) Driveway Width. No driveway shall provide a curb cut exceeding 20 feet in width.
 - (9) Drainage. Driveways shall be constructed in a manner to be consistent with the design, maintenance, and drainage of the street. In addition, any driveways proposed pursuant to this subsection shall be constructed in compliance with Chapter 21 (Opening or Excavating of Streets or Highways), § 21-105 (Drainage), and Chapter 9 (Earth Disturbance) of the Code of the Township of Allen. **[Amended by Ord. 2015-03, 6/11/2015]**
- B. Access Drive (Non-Single-Family Development). Vehicular access to uses other than single-family dwellings shall be provided by access drives and subject to the following standards:

- (1) Number Per Lot. Except as specified elsewhere, the number of access drives intersecting with a street may not exceed two per lot frontage. The Township Supervisors, during the land development review process, may grant permission for additional access points where necessary to meet specific property circumstances or where frontage of unusual length exists. **[Amended by Ord. 2015-03, 6/11/2015]**
- (2) Clear Sight Triangle. Access drives shall be located and constructed so that clear sight triangle of 75 feet as measured along the street center line, for local roads, and 100 feet as measured along the street center line for collector or arterial roads, and five feet along the center line of the access drive is maintained; no permanent obstruction over 30 inches high shall be placed within this area.
- (3) Access Permits. Access drives shall not be permitted to have direct access to state roads or highways, unless authorized by the Pennsylvania Department of Transportation through issuance of a highway occupancy permit, or to Township roads unless a road occupancy permit has been obtained from the Township.
- (4) Intersection. Access drives shall intersect streets at right angles, wherever possible.
- (5) Grades. Access drive grades shall not exceed the following:
 - (a) Seven percent when access to an arterial street or highway is permitted.
 - (b) Ten percent with access to a local or collector street.
- (6) Location. The center line of an access drive at the point of access to a street shall not be located closer to a street intersection than the following distances:
 - (a) Three hundred feet if either street is an arterial street.
 - (b) Two hundred feet if one street is a collector and the other street is either a collector or local street.
 - (c) One hundred fifty feet if both streets are local streets.
 - (d) Access drives shall not be located within 15 feet of any fire hydrant or adjoining property line; however, this setback can be waived, by the Board of Supervisors, along one property line when a joint parking lot is shared by adjoining uses.
- (7) Surfacing. With the exception of farm lanes, all access drives shall be paved with concrete or bituminous paving material, or another dust-free material suitable to the Board of Supervisors.

- (8) Access Drive Width and Radius. Entrances and exits shall be limited to three lanes. The width of such entrances and exits, measured at the property line, shall conform to the following schedule: **[Amended by Ord. 2015-03, 6/11/2015]**

	Width (feet)	
	Minimum	Maximum
1 lane	12	14
2 lanes	20	28
3 lanes	30	40

These widths may be revised on a case-by-case basis, in the sole discretion of the Board of Supervisors, depending on specific conditions present at the property, or if the driveway is designed to meet a particular PennDOT design criterion.

In all cases, the radius of the edge of the access drive 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.

All nonresidential driveways shall be curbed at the street line, unless otherwise allowed by the Board of Supervisors. In addition, any driveways proposed pursuant to this subsection shall be constructed in compliance with Chapter 21 (Opening or Excavating of Streets or Highways), § 21-105 (Drainage), and Chapter 9 (Earth Disturbance) of the Code of the Township of Allen.

§ 27-1414. Swimming Pools. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1414]

- Swimming pools shall be located to the side of or in the rear of the primary structure of the lot. No swimming pools are permitted closer to a street right-of-way than the front of the primary structure.
- Pools shall be set back at least 10 feet from any lot line or electric line. This setback shall also apply in the case of attached structures (such as duplexes and townhouses).
- In-ground swimming pools must be located entirely within a chain link or wooden fence (or equivalent) with a minimum height of 48 inches. A locking gate must be provided for the fence.
- Aboveground swimming pools having an exposed sidewall of less than 48 inches must also be enclosed in a fence to a minimum height of 48 inches from the ground. The fence may be attached to the pool sidewalls.

5. Any aboveground swimming pool must have a retractable locking ladder and/or locking gate to the steps of a side deck.
6. Fencing must be installed prior to filling the pool with water.
7. If BOCA or the property owner's insurances would demand stricter standards, the property owner must follow the stricter standards.

§ 27-1415. Animals as Pets. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1415]

Single-family dwellings may have animals as pets, if not classified as animal husbandry or kennel/stable, if the following criteria are met. These pets shall not be a commercial business and must be the responsibility of a family member living on the property. The following regulations must be followed.

- A. Location of shelters and/or housing of pets shall not be within a distance of 15 feet from the property line nor within 75 feet of any dwelling other than the owner's dwelling; and further provided that no building used in such connection shall be maintained or established within such distance. All such buildings to be located to the rear of the main structure or dwelling.
- B. Shelters and/or Housing. All shelters and/or housing of animals shall be constructed of suitable materials providing protection for the animal. Sufficient ventilation and sunlight shall be provided in the structure. The structure shall have a roof and all materials shall be securely attached to the structural elements of the shelter or housing. Shelters or housing made of materials unsupported or unattached will not be permitted.
- C. Animal runs and yards in which animals are kept, exercised, and trained shall be maintained in good condition. Ground areas shall be maintained so as to prevent runoff of soil and/or any debris storage to surrounding properties. The area shall be so graded to prevent accumulation of stormwater runoff.
- D. For purposes of this chapter, any animals classified as animal husbandry or kennel/stable, such as goats, and other livestock and poultry shall not be considered as pets. For purposes of this chapter any property owner desiring to keep a horse as a pet must have a minimum lot size of two acres. For each additional horse in excess of one an additional 1.5 acres per horse shall be required. Any property containing four or more horses shall be considered a stable. The location of any corral shall be a minimum distance of 100 feet from every property line boundary.
- E. Any animals typically found in zoos or governed by the PA Game Commission (i.e., lions, tigers, bobcats, etc.) are not permitted.

§ 27-1416. Temporary Structures. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1416]

A permit may be issued for use of a temporary structure or use necessary during construction or special circumstances of a nonrecurring nature, subject to:

- A. The time period of the permit shall be six months. This permit may be renewed for two additional three-month trial periods by the Zoning Officer. After that, any permit extensions may only be granted by the Board of Supervisors after the applicant has proven just cause.
- B. Such structures must be removed completely upon expiration of the permit without cost to the Township.
- C. Adequate sewer and water provisions must be present.

§ 27-1417. Exceptions to Minimum Lot Sizes. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1417]

- 1. The minimum lot size provisions of this chapter shall not prevent the construction of a single-family dwelling on any lot that was lawfully created but does not meet the dimensional requirements of this chapter, provided that:
 - A. Such lot is not less than 10,000 square feet.
 - B. Lots not served by public water and sewers shall meet all requirements of the Department of Environmental Protection.
 - C. The percentage of lot area covered by a single-family dwelling shall not exceed 15% of the area of the lot.
 - D. The front and rear yards shall aggregate at least 60% of the total lot depth, but in no case shall either the front yard or the rear yard be less than 20 feet.
 - E. The side yards shall aggregate at least 40% of the total of width, but in no case shall either side be less than 15 feet.
 - F. The lot has access to a public street or approved private street.
- 2. This exception shall not apply to any two or more contiguous lots in a single ownership as of or subsequent to the effective date of this chapter, in any case where a replotting or replanning could create one or more lots which would conform to the chapter.

B. Floodplain Performance.

§ 27-1418. Floodplain Performance. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1418]

1. Purpose. The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
 - A. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development will cause unacceptable increases in flood heights, velocities, and frequencies.
 - B. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
 - C. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
 - D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
2. Applicability. These provisions shall apply to all lands within the jurisdiction of the Township of Allen and shown as being located within the boundaries of the designated Floodplain Districts which are considered as a part of the Official Zoning Map.
3. Compliance. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.
4. Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made 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 the Township of Allen or any officer, consultant or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
5. Establishment of the Floodplain Zoning Districts.

- A. Basis of District. The Floodplain District is defined and established as those areas of the Township subject to flooding as defined in Subsections 1, 2 and 3 of this section. The Floodplain District shall include areas subject to inundation by waters of the one-hundred-year flood. The basis for the delineation of this district shall be the most current Flood Insurance Study for the Township of Allen approved by FEMA and shall be comprised of three areas as follows:
- (1) The Floodway (FW) is delineated for purposes of this chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this area are specifically defined in the Floodway Data Table of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map, or as may be defined by the Pennsylvania Department of Environmental Protection.
 - (2) The Flood Fringe (FF) shall be that area of the one-hundred-year floodplain not included in the Floodway. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study (FIS) and as shown on the accompanying Flood Boundary and Floodway Map.
 - (3) The General Floodplain (FA) shall be that floodplain area for which no detailed flood profiles or elevations have been provided. They are shown on the maps accompanying the FIS prepared by FIA. Where the specific one-hundred-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 Quadrangle, etc., the applicant for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic techniques. Hydrologic and hydrologic 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 of Allen.
- B. Overlay Concept.
- (1) The Floodplain District described above shall be overlays to the underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the Floodplain District

shall serve as a supplement to the underlying district provisions.

- (2) Where there happens to be any conflict between the provisions or requirements of any of the Floodplain District and those of any underlying district, the more-restrictive provisions and/or those pertaining to the Floodplain District shall apply.
 - (3) In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provision shall remain applicable.
6. Zoning Map. The boundaries of the Floodplain District are established as part of the Official Zoning Map of the Township of Allen which is declared to be a part of this chapter and which shall be kept on file at the Township of Allen Offices.
7. District Boundary Changes. The delineation of any of the Floodplain District may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission, or other qualified agency or individual documents that notification for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.
8. Interpretation of District Boundaries. Initial interpretation of the boundaries of the Floodplain District shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
9. District Provisions. All uses, activities, and development occurring within any Floodplain District shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances such as the Township of Allen Subdivision and Land Development Ordinance [Chapter 22]. In addition, all such uses, activities, and development shall be undertaken only in compliance with federal or state law including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1334, latest edition, as amended. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the Township, a permit shall be obtained from the Department of Environmental Protection.

- A. Permitted Uses. In the Floodplain District, no development shall be permitted except where any rise in flood heights caused by the proposed development will be fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities as required above. Further, the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, and provided that they do not require structures, fill, or storage of materials and equipment:
- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas, but including no facilities subject to damage by flooding.
 - (3) Detention basins, sanitary and storm sewers may be allowed as permitted uses provided approval therefore is obtained from the Township Board of Supervisors and the Township Engineer. The location, materials, and restoration and methods of construction involved for said detention basins, sanitary and storm sewers shall be within the sole discretion of the Township Board of Supervisors and the Township Engineer.
 - (4) Front, side, and rear yard and lot area in excess of the minimum dimensional and area requirements established for each zoning district.
- B. Uses Permitted by Conditional Use. The following uses and activities may be permitted by conditional use, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance.
- (1) Roads, driveways, or parking areas.
 - (2) Utilities and public facilities and improvements such as railroads, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.
 - (3) Water-related uses and activities such as marinas, docks, wharves, piers, etc.
 - (4) Extraction of sand, gravel, and other materials.

- (5) Temporary uses such as circuses, carnivals, and similar activities.
- (6) Accessory uses customarily incidental to the permitted uses above, providing no structures are located in the Floodplain District.

C. Prohibited Uses. The following uses shall be specifically prohibited in the Floodplain District:

- (1) All freestanding structures, buildings, mobile homes, and retaining walls, with the exception of flood retention dams, culverts, and bridges, as approved by the Pennsylvania Department of Environmental Protection.
- (2) The filling of marshlands, grading of any type, removal of topsoil, damming, or the relocation of any watercourse without approval of the Allen Township Board of Supervisors and the Allen Township Planning Commission and the approval of the Pennsylvania Department of Environmental Protection shall be forbidden.
- (3) Sanitary, landfills, dumps, junkyards, outdoor storage of vehicles and materials.
- (4) On-site sewage disposal systems.
- (5) Private water supplies or wells shall be prohibited from being located in the Floodplain District.
- (6) Hospitals, public or private.
- (7) Nursing Homes, public or private.
- (8) Jails.
- (9) New mobile home parks and mobile home subdivisions and substantial improvements to such existing parks and subdivisions.
- (10) Storage of the following materials and substances:
 - (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, and the like.
 - (m) Phosphorous.
 - (n) Potassium.
 - (o) Sodium.
 - (p) Sulfur and sulfur products.
 - (q) Pesticides (including fungicides, insecticides, and rodenticides).
 - (r) Radioactive substances insofar as such substances are not otherwise subject to regulation.
 - (s) Other similarly hazardous substances.
- (11) Cemetery.
10. Conditional Use and Variances.
- A. Application Procedure. The application for a conditional use or variance shall be accompanied by the following:
- (1) Detailed engineering studies indicating the effects of the proposed use on drainage and streams on all adjacent properties as well as the property in question.
 - (2) A determination of elevations of the existing ground, proposed finished ground, and lowest floor (including basement) certified by a registered professional engineer or architect.
11. Procedure for Consideration of a Conditional Use Exception or Variance. All applications for approval of a conditional use or variance shall be considered using standards listed in Parts 18 and 19, and:
- A. The Board of Supervisors or the Zoning Hearing Board may require that recommendations of the County Conservation District be

submitted as part of the application for a conditional use or variance in matters concerning or related to the Floodplain District.

- B. The Board of Supervisors or the Zoning Hearing Board may request review recommendations from the Township Planning Commission, the Township Engineer, and the Lehigh Valley Planning Commission for review purposes, and the subject recommendations shall become part of the public hearing testimony. The final hearing shall not be held until such recommendations have been received by the Board of Supervisors or the Zoning Hearing Board.
 - C. In rendering a decision, the Board of Supervisors or the Zoning Hearing Board may impose special measures or conditions as deemed necessary and appropriate for the use to conform to the intent of this chapter.
12. Standards for Granting of Conditional Uses or Variances. The Board of Supervisors or the Zoning Hearing Board shall exercise discretion in allowing only those uses which are substantially in accord with the stated objectives herein. The Board of Supervisors or the Zoning Hearing Board, in considering conditional use or variance applications, shall consider the following:
- A. The effect of the use shall not substantially alter the cross section profile of the stream and floodplains at the location of the proposed use.
 - B. Lands abutting the waterway, both upstream and downstream, shall not be unreasonably affected by the proposed use.
 - C. The general welfare or public interest of Allen Township or other municipalities in the same watershed shall not be adversely affected.
 - D. Any new structure or substantially improved structure permitted by conditional use or variance shall be constructed and placed on the lot so as to offer the minimum obstruction of the flow of water, and shall be designed to have the minimum effect upon the flow and height of flood water. Such structures also shall be elevated so that the lowest floor (including basement) shall be one foot above the base flood elevation.
 - E. Any new structure permitted by conditional use or variance shall be floodproofed in compliance with the requirements of the U.S. Army Corps of Engineers as outlined in the Elevated Residential Structures Book. In addition, any such structure shall be firmly anchored to prevent flotation, collapse, or lateral movement as evidenced by the design and report of a registered structural or civil engineer. Such structure shall be constructed so as to prevent the entrance of

floodwaters into the water supply and waste treatment systems as well as other utility and facility systems.

- F. An affirmative decision shall not be issued by the Board of Supervisors or the Zoning Hearing Board for an application within the designated floodway unless the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements as evidenced by permits granted by the proper state agency.
 - G. The Board of Supervisors or the Zoning Hearing Board shall notify the applicant in writing over the signatures of the Board that the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance, such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions as required.
13. Conditional Uses and Variances: Additional Factors to be Considered. In passing upon application for conditional uses and variances, the Board of Supervisors or the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of this chapter and the following:
- A. The danger of life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed uses, development, or activity that will cause any increase in flood levels in the Floodway District.
 - B. The danger that materials may be swept on to 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 facility 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 with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for the area.

- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

The Board of Supervisors or the Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters. Conditional uses and/or variances shall only be issued after the Board of Supervisors or the Zoning Hearing Board has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of public, or conflict with local laws or ordinances.

- 14. Subdivision and Land Development Approval. All plans for subdivision and land development, a portion or portions of which are within the Floodplain District, including the development of any recreation or utility use, and activity adjacent to the Floodplain District shall be reviewed, and approved by the Allen Township Planning Commission and the Allen Township Board of Supervisors. Uses and/or activity adjacent to the Floodplain District shall be in accordance with the regulations and requirements of the Township Zoning Ordinance and the districts in which the area exists.
- 15. Definitions.

DEVELOPMENT — Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling grading, excavation, mining, dredging or drilling operations and the subdivision of land.

FLOOD — A temporary inundation of normally dry land areas.

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

FLOODPLAIN DISTRICTS — Those floodplain districts specifically designated in the Township of Allen Zoning Ordinance as being inundated primarily by the one-hundred-year flood. Included would be areas identified as Floodway (FW), Flood Fringe (FF), and General Floodplain (FA).

ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any one year).

C. Airport Zoning Performance Standards.

§ 27-1419. Airport Zoning Performance Standards. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1419]

1. Purpose. The purpose of these provisions is to regulate and restrict obstructions as a potential for endangering the lives and property of users of the Lehigh Valley International Airport (LVIA), and property or occupants of land in the vicinity; that an obstruction may affect existing and future instrument approach minimums of LVIA; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of LVIA and the public investment therein. Accordingly, it is declared:
 - A. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by LVIA;
 - B. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
 - C. That the prevention of these obstructions should be accomplished, to the extent legally possible.
2. Establishment of the Airport Zone. In order to carry out the provisions of these performance standards, there is created and established a certain zone which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to LVIA, are taken from the Department of Transportation Federal Aviation Administration Advisory Circular AC 150/5190-4, dated August 23, 1977, latest revision. The zone is shown and made a part of this chapter and applies to all properties south and west of the Airport Zone line on the Zoning Map. This zone is considered an overlay to the underlying zoning districts.
3. Airport Zone Height Limitations. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow, in this zone created by this chapter, to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for the zone as follows:
 - A. The construction or erection of any structure above a height of 35 feet shall require written approval of the Federal Aviation Administration

and/or the Lehigh Northampton Airport Authority. **[Amended by Ord. 2013-07, 11/14/2013]**

4. Use Restrictions. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport, lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interface with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
5. Nonconforming Uses.
 - A. Regulations Not Retroactive. The regulations prescribed herein shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.
 - B. Marketing and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Lehigh-Northampton Airport Authority and/or Federal Aviation Administration to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.
6. Special Cases.
 - A. Existing Uses. No zoning permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this chapter of any amendments thereto, or than it is when the application for a zoning permit is made.
 - B. Nonconforming Uses Abandoned or Destroyed. Whenever the Allen Township Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated or decayed, no zoning permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

- C. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the Zoning Hearing Board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration and/or Lehigh-Northampton Airport Authority as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a liberal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Lehigh-Northampton Airport Authority and/or Federal Aviation Administration for advice as to the aeronautical effects of the variance. If the Lehigh Northampton Airport Authority and/or the Federal Aviation Administration do not respond to the application within 15 days after receipt, the Zoning Hearing Board may act on its own to grant or deny said application.
- D. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary and/or required by the Federal Aviation Administration.
7. Enforcement. It shall be the duty of the Allen Township Zoning Officer to administer and enforce the regulations prescribed herein. Applications for zoning permits and variances shall be made to the Allen Township Zoning Officer upon a form supplied by the Township. Applications required by this chapter to be submitted to the Allen Township Zoning Officer shall be promptly considered and granted or denied, per the requirements set forth in Part 18 Administration. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Allen Township Zoning Officer.
8. Definitions.

AIRPORT — Lehigh Valley International Airport (LVIA).

AIRPORT ELEVATION — The highest point of an airport's usable landing area measured in feet from sea level.

HAZARD TO AIR NAVIGATION — An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT — For the purpose of determining the height limits in all zones set forth in this chapter and shown on the Zoning Map, the datum shall mean sea level elevation unless otherwise specified.

NONCONFORMING USE — Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

OBSTRUCTION — Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in § 27-1402C of this chapter.

PERSON — An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, includes a trustee, a receiver, an assignee, or a similar representative of any of them.

RUNWAY — A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE — An object, including a mobile object, constructed or installed by man, including but not limited to, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

TREE — Any object of natural growth.

D. Commercial Performance Standards.

§ 27-1420. Applicability. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1420]

The following standards apply to all uses designated as commercial uses in this chapter:

1. Any proposed use proposing to generate water or sewer flow greater than 400 gpd/acre must be connected to public water and public sewer. Any proposed use creating process wastewater must be connected to public sewer.
2. All permitted and accessory uses, except for off-street loading and parking, and signs shall be conducted within enclosed building except for those uses requiring outdoor exposure, such as nurseries.
3. Traffic.
 - A. All commercial uses shall have access and egress directly to a collector or nonresidential local road. Direct access to an arterial road is

permitted only if the Board of Supervisors determines that no other means of access is physically possible and the applicant has performed all traffic upgrades, the Board of Supervisors has determined is necessary.

- B. All vehicle access and egress shall be controlled by the use of a landscape strip constructed parallel to the highway.
 - C. All access and egress points shall be located not less than 200 feet from the intersection of any street right-of-way lines.
 - D. Access and egress points must be separated from other access and egress points by two-hundred-foot minimums.
 - E. Outbound traffic control shall be controlled so that vehicles move in defined traffic lanes. Physical barriers to prevent cutting across parking areas may be required by the Township.
- 4. Trash dumpsters shall be contained within locking fences and screened from view by adjacent properties by fence type or landscaping and located a minimum of 25 feet from any lot line.
 - 5. Any property lines abutting an existing residential property or residentially zoned land shall be screened by a twenty-five-foot wide dense visual barrier of landscaping within the required buffer yard designed by a registered professional landscape architect. This screen must be permanently maintained by the property owner.
 - 6. Landscaping and all-season ground cover shall be included on all areas not covered by buildings, structures, parking areas, or access/egress drives.
 - 7. Unified commercial development plans for several commercial uses (such as shopping center) may be permitted subject to the following additional regulations:
 - A. The land shall be in single ownership or under a guaranteed unified management control.
 - B. The total building coverage shall not exceed 25%.
 - 8. Off-street parking is permitted within the front, side and rear yards but must be a minimum of 25 feet from any lot line. If off-street parking is proposed in the front yard in combination with off-street loading, then the off-street parking must be a minimum of 40 feet (the buffer area) from the front lot line. An appropriately landscaped undulating berm, with a landscaping mix consisting of six different plant species (50% of which shall be evergreen), shall be installed in the forty-foot buffer area. **[Amended by Ord. 2017-02, 3/28/2017]**

9. All parking areas and driveways must be paved with a permanent hard surface.
10. Off-street loading is permitted within the front, side and rear yards, if approved by the Board of Supervisors in its sole discretion, but the edge of the loading structure must be located at least 130 feet from the nearest lot line. If off-street loading is proposed in the front yard, then the off-street loading must be located at least 130 feet from the edge of the parking stall nearest to the structure or 170 feet from the front lot line if no parking is proposed in the front yard. An appropriately landscaped undulating berm, with a landscaping mix consisting of six different plant species (50% of which shall be evergreen), shall be installed in the forty-foot buffer area behind the front lot line. **[Amended by Ord. 2017-02, 3/28/2017]**
11. All parking areas and walking areas must be lighted in accordance with the standards in this chapter.
12. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration and deceleration lanes as may be required by the Pennsylvania Department of Transportation or the Township. The developer may be required to prepare a traffic study for this determination whether the site accesses a Township or state highway, as determined by the Township.
13. Any uses proposing shopping carts shall provide definite areas on the site for the storage of said carts. The storage areas shall be clearly marked throughout the parking areas.
14. All organic rubbish shall be in airtight, verminproof containers.
15. Outdoor storage is permitted within 20 feet of a property line and must not be visible from adjacent residentially zoned property or existing residentially used property.

E. Industrial Performance Standards.

§ 27-1421. Applicability. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1421]

The following standards apply to all uses designated as industrial uses in this chapter:

1. Any proposed use proposing to generate water or sewer flows greater than 400 gpd/acre must be connected to public water and public sewer. Any use creating process wastewater must be connected to public sewer.
2. Traffic.
 - A. All industrial uses shall have access and egress directly to a collector or nonresidential local road. Direct access to an arterial road is

permitted only if the Board of Supervisors determines that no other means of access is physically possible and the applicant has performed all traffic upgrades, the Board of Supervisors has determined is necessary.

- B. All vehicle access and egress shall be controlled by the use of a landscape strip constructed parallel to the highway.
 - C. All access and egress points shall be located not less than 200 feet from the intersection of any street or right-of-way lines.
 - D. Access and egress points must be separated from other access and egress points by a two-hundred-foot minimum.
 - E. Outbound traffic control shall be controlled so that vehicles move in defined traffic lanes. Physical barriers to prevent cutting across parking areas may be required by the Township.
- 3. Trash dumpsters shall be contained within locking fences screened from view by adjacent properties by fence type or landscaping and located a minimum of 25 feet from any lot line.
 - 4. Any property lines abutting an existing residential property or residentially zoned land shall be screened by a dense visual barrier of landscaping within the required buffer yard designed by a registered professional landscape architect. This screen must be permanently maintained by the property owner.
 - 5. Landscaping and all-season ground cover shall be included on all areas not covered by buildings, structures, parking areas, or access/egress drives.
 - 6. Off-street parking is permitted within the front, side and rear yards but must be a minimum of 25 feet from any lot line. If off-street parking is proposed in the front yard in combination with off-street loading, then the off-street parking must be a minimum of 40 feet (the buffer area) from the front lot line. An appropriately landscaped undulating berm, with a landscaping mix consisting of six different plant species (50% of which shall be evergreen), shall be installed in the forty-foot buffer area. **[Amended by Ord. 2017-02, 3/28/2017]**
 - 7. All parking areas and driveways must be paved with a permanent hard surface.
 - 8. Off-street loading is permitted within the front, side and rear yards, if approved by the Board of Supervisors in its sole discretion, but the edge of the loading structure must be located at least 130 feet from the nearest lot line. If off-street loading is proposed in the front yard, then the off-street loading must be located at least 130 feet from the edge of the parking stall nearest to the structure or 170 feet from the front lot line if no parking is proposed in the front yard. An appropriately landscaped undulating berm,

with a landscaping mix consisting of six different plant species (50% of which shall be evergreen), shall be installed in the forty-foot buffer area behind the front lot line. **[Amended by Ord. 2017-02, 3/28/2017]**

9. All parking areas and walking areas must be lighted in accordance with the standards in this chapter.
10. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration and deceleration lanes as may be required by the Pennsylvania Department of Transportation or the Township. The developer may be required to prepare a traffic study for this determination whether the site accesses a Township or State highway, as determined by the Township.
11. The applicant for any proposed industrial use must certify that their proposed primary use does not involve the use of hazardous chemicals or materials and that no potential danger, hazard, or nuisance exists for its employees, building occupants, or surrounding areas.
12. Outdoor storage is permitted, subject to:
 - A. No outdoor storage is permitted in the front yard.
 - B. Outdoor storage is permitted in side and rear yards (outside of any required screen) a minimum of 20 feet from any property line.

- C. Outdoor storage shall not be visible from any street, existing residential property, or residential zoning district.
- 13. All organic rubbish shall be in airtight, verminproof containers.
- 14. A written emergency plan of access must be provided by the owner. This plan shall be submitted to the Township at the time of submission for land development plan approval. This plan shall include all MSDS for all proposed materials on site. If any additions or deletions of materials having MSDS from the site are made, the owner of the facility must provide this revised information to the Township within 48 hours.

F. Off-Street Parking and Loading Requirements.

§ 27-1422. Off-Street Parking and Loading Requirements. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1422]

- 1. Off-Street Parking and/or Loading Facilities. Off-street parking and loading facilities including access driveways shall be required in accordance with the provisions of this Article as a condition precedent to the occupancy of such building or use. During the land development review, the standards of this § 1422 are subject to the review and approval of the Board of Supervisors and may be waived by the Board of Supervisors with just cause. Facilities shall be provided for the entire building or use: **[Amended by Ord. 2015-03, 6/11/2015]**
 - 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 and/or loading facilities; and
 - C. Whenever an existing building is altered or enlarged so as to increase the amount of parking and/or loading spaces required under this chapter.
- 2. Continuation of Parking and/or Loading Facilities. All off-street parking and/or loading 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 principal use remains, unless an equivalent number of spaces is provided for such use in another approved location.
- 3. Standards and Definitions. For the purpose of determining off-street parking and loading requirements, definitions and standards shall be as follows:
 - A. Parking Space. An open or enclosed area accessible from a street for parking of motor vehicles of owners, occupants, employees, visitors, 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.

- B. Loading Space. An off-street area not less than 12 feet wide and 55 feet long and having a clear minimum height of 15 feet, exclusive of access drives, for the parking of one vehicle during the loading or unloading of merchandise and/or materials. Such spaces shall not be located on any right-of-way nor upon any required parking lot.
 - C. Floor Area. The total area of all the floors measured from the exterior faces of the building (except the floor area used for storage may be excluded), or, where set forth in the schedule, only the floor area used by a specific use.
 - D. Seat. The number of seating units installed or indicated, or each 24 linear inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be 30 inches on center.
 - E. Required Minimum Parking Spaces. The minimum number of spaces required by applying the schedule to a specific building or group of buildings.
 - F. Parking areas shall be designed to permit each vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
 - G. Required off-street parking shall be on the same lot with the use served; or where this requirement cannot be met, within 300 feet of the same lot.
 - H. Off-street Parking Standard. Except as may be agreed to by the Board of Supervisors during site or land development plan review, the building types and uses listed in Subsection 4 shall have the minimum number of off-street parking spaces shown adjacent to the building type or use per unit of measurement listed. **[Added by Ord. 2015-03, 6/11/2015]**
4. Schedule of Required Off-Street Parking Spaces.

Building or Use

Institutional

Civic and Education: Primary and Secondary School; Library; Places for Public Assembly	1 space for each employee plus 1 space for each 6 seats in assembly rooms plus 1 space for every 3 students permitted to drive to school
Governmental: Municipal Building used for Administrative Functions	1 space for each 200 square feet of office floor area plus 1 space for each 4 seats in assembly rooms

Building or Use

Place of Worship	1 space for each 3 seats in principal assembly rooms
Welfare: Hospital	1 1/2 space per 2 beds plus 1 space for each employee
Health Center	1 space per 150 square feet of floor area
Nursing Home	1 space per 2 beds; 1 space for each staff and visiting Doctor, plus 1 space for each employee on the 2 major shift; 1 space per detached, attached, or multifamily dwelling unit

Residential

All Dwelling Types, including Community/Group Home	2 spaces per dwelling for 3-bedroom units 3 spaces per dwelling for 4-bedroom units
Office Building	
Medical and Dental Offices and Clinics	1 space per 150 square feet of floor area plus 1 space for each doctor or dentist
Other Offices	1 space per 200 square feet of ground floor area, 1 space per 300 square feet of floor areas of upper floors
Motel, Hotel, Boardinghouse, Bed-and-breakfast	1 1/2 spaces per guest room or unit
Funeral Home	1 space per 30 square feet of assembly rooms or 1 space for each 4 seats, whichever requires the greater number, but in no case less than 20 spaces

Retail Business

Retail Stores, Financial Establishment, Day Nursery, Lumber Yard	1 space per 200 square feet of ground floor area; 1 space per 300 square feet of floor area of upper floors
Eating Places, Bars, Taverns, Drive-ins, Indoor Entertainment (unless specifically described herein)	1 space per 500 square feet 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
Indoor Theater	1 space per 4 seats in building
Dance Hall, Skating Rink, Swimming Pool	1 space per 50 square feet of area used for dancing, skating or swimming

Building or Use

Bowling Alley	6 spaces per bowling lane
Automobile Repair	1 space for each 100 square feet of gross floor area, plus 1 per employee
Automobile Sales	1 space for each 200 square feet of gross floor area, plus 1 per employee
Car Wash	1 space for each employee
Commercial School	1 space for each employee and 1 space for each student
Flea Market	1 space per 200 square feet of market area
Outdoor Entertainment	1 space per 200 square feet of entertainment area, or 1 space per 2 seats, whichever is greater
Service Station	1 space for every 300 square feet of gross floor area, or 2 spaces for each service bay, whichever is larger, plus 1 space for each employee

Industrial

Executive offices, sales offices	1 space per 200 square feet of executive and sales office floor area
Service and storage establishments, laboratories, manufacturing plants, contracting	1 space for every employee 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 of measurement of the above schedule deemed to be most similar to the proposed building or use.

5. Schedule of Off-Street Loading Spaces. Each use and/or building established or expanded after the effective date of this chapter that involves the receipt or distribution of materials and/or products shall require loading space(s) in accordance with the following table:

Gross Floor Area (square feet)	Space Required
0 to 10,000	1 space
10,000 to 50,000	1 space plus 1 additional space for each 20,000 square feet
50,001 and over	3 spaces plus 1 additional space for each 40,000 square feet in excess of 50,000 square feet

6. Separate or Combined Use of Facilities. A building containing one use shall provide the off-street and/or loading 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 and/or loading requirements, shall provide spaces for not less than the sum of the spaces required for each use.

7. Access Drives to Parking Areas. 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.
8. Improvements to Parking and Loading Areas. All parking areas, loading areas, and access drives shall have an asphalt, concrete, or other similar hard surface, approved by the Township Supervisors. Surface water shall not be permitted to discharge over the public sidewalks or roadways or onto other premises. The maximum grade of the parking and/or loading area shall not exceed 2% unless specific permission is granted by the Board of Supervisors. Line painting and 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. All curbs and bumper guards shall be constructed in accordance with standards established by the Township Supervisors.
9. 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 of excessive brightness or cause a glare hazardous to pedestrians or drivers.
10. Landscaping and Screening Requirements For Off-Street Parking.
 - A. Landscaped Strip. When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire street line. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from street line. The strips may be located within any other landscaped strip required to be located along a street.

The following lists required width of landscaping strips:

Number of Spaces in Parking Lot Including Joint Facilities	Landscape Strip Width in Feet Measured from Street Right-of- Way Line
Less than 100	15
100 to 250	20
250 or over	25

Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be set back a minimum of 10 feet from all property lines. Such setbacks shall be used for landscape strips.

- B. Interior Landscaping. In any parking lot containing 20 or more parking spaces (except a parking garage), 5% of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows and to break up rows of parking spaces at least every 20 parking spaces. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings shall not constitute interior landscaping. For the purpose of computing the total area of any 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. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved materials shall be provided. This landscaping may be used to satisfy the "general site landscaping" requirements of this chapter. Parked vehicles may not overhang interior landscaped areas more than two feet. Where necessary, wheel stops or curbing shall be provided to ensure no greater overhang. If a parking lot of fewer than 20 spaces is built without interior landscaping, and later additional spaces are added so that the total is 20 or more, the interior landscaping shall be provided for the entire parking lot.
 - C. Screening. When a parking lot is located on property which adjoins land in a residential zone, or which contains an existing residential dwelling, the parking lot shall be screened from the adjoining residential property.
11. Locational Landscaping and Screening Requirements for Off-Street Loading Facilities.
- A. Location. Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including access drives) shall be located within 50 feet of any land within a residential zone. Where possible, off-street loading facilities shall be located on the face of a building not facing any adjoining land in a residential zone, nor public street.
 - B. Separation from Streets, Sidewalks, and Parking Lots. Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.
 - C. Landscaping and Screening Requirements. Unless otherwise indicated, all off-street loading facilities shall be surrounded by a

fifteen-foot-wide landscape strip. All off-street loading facilities shall also be screened from adjoining residentially zoned properties and/or adjoining public streets.

§ 27-1423. Open Space in Residential Developments. [Ord. 2000-03, 9/14/2000, Art. XIV, § 1423]

1. General Open Space. Subdivisions and mobile home park developments shall meet the open space requirements of this chapter. The plan shall contain or be supplemented by such material as required to establish the method by which open space shall be perpetuated, maintained, and administered. The plan and other materials shall be constructed as a contract between the landowner(s) and the Township, and shall be noted on all deeds.
2. Layout of Open Space MHP and R3. The open space shall be laid out in accordance with the best principles of site design. It is intended that the open space shall be as close to all residences as possible, with greenways leading to major recreation spaces. Major recreation areas shall be located to serve all residents. The open space is most needed in areas of highest density. The intent is to provide open areas as close to as many individual units as possible.
3. Open Space Designation. All land held for open space shall be so designated on the plans. The plans shall contain the following statement for lands in Categories A, B, C, and D below: Open space land may not be separately sold, nor shall such land be further developed or subdivided. All subdivision plans shall further designate use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used:
 - A. Lawn. A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.
 - B. Natural Area. An area of natural vegetation undisturbed during construction or replanted. Such areas may contain pathways. Meadows shall be maintained as such and not left to become weed-infested. Maintenance may be minimal, but shall prevent the proliferation of weeds and undesirable plants such as honeysuckle and poison ivy. Litter, dead trees, and brush shall be removed, and streams shall be kept in free-flowing condition.
 - C. Recreation Area. An area designated for a specific recreation use, including but not limited to tennis, swimming, shuffleboard, playfield, and tot lot. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.
 - D. Agricultural Area. An area designated for family vegetable plots or to be leased or sold for an agricultural use as specified in this chapter.

4. Open Space Performance Bond. Designated planting and recreation facilities within the open space areas shall be provided by the developer. A performance bond or other financial security shall be required to cover costs of installation in accordance with provisions of the Subdivision Ordinance [Chapter 22].
5. Conveyance and Maintenance of Open Space. All open space shown on the final development plan, as filed in the office of the Township Secretary of Allen, and subsequently recorded in the office of the Recorder of Deeds of Northampton County, must be conveyed in accordance with one or more of the following methods:
 - A. Dedication of fee-simple to the Township of Allen. The Township may, but shall not be required to, accept any portion or portions of the nonagricultural open space, provided:
 - (1) Such land is freely accessible to, and of benefit to the general public of Allen Township.
 - (2) There is no cost to the Township involved.
 - (3) The Township agrees to and has access to maintain such lands.
 - (4) It must be acceptable with regard to size, shape, location, and improvement.
 - (5) A maintenance fund has been established to provide for maintenance of the land. The amount of the fund shall be \$2,500 for each acre of land dedicated to the Township.
 - B. By conveying title (including beneficial ownership) to a corporation, association, funded community trust, condominium, or other legal entity.
 - (1) The terms of such instrument of conveyance must include provisions suitable to the Township for guaranteeing:
 - (a) The continued use of such land for the designated purpose.
 - (b) Continuity of proper maintenance for those portions of the open space requiring maintenance.
 - (c) The availability of funds required for such maintenance.
 - (d) Adequate insurance protection.
 - (e) Provisions for payment of applicable taxes.
 - (f) Recovery for loss sustained by casualty, condemnation, or otherwise.

- (g) Such other covenants and/or easements that the Township shall deem desirable to fulfill the purposes and intent of this chapter.
 - (2) The following area prerequisites for such a corporation or association:
 - (a) It must be set up before any homes or dwelling units are sold or leased or otherwise conveyed.
 - (b) Membership must be mandatory for each buyer and/or lessee and any successive buyer and/or lessee.
 - (c) It must be responsible for liability insurance, taxes, recovery from loss sustained by casualty, condemnation, or otherwise, and the maintenance of recreational and other facilities.
 - (d) Members or beneficiaries must pay their pro rata share of the costs, and the assessment levied can become a lien on the property.
 - (e) It must be able to adjust the assessment to meet conditions.
 - (f) Such corporation or association shall not be dissolved nor shall it dispose of the open space by sale or otherwise, except to an organization conceived and established to own and maintain the open space. The corporation or association must first offer to dedicate the open space to the Township before any such sale or disposition of the open space.
 - (3) The dedication of open space, streets, or other lands in common ownership of the corporation, association, or other legal entity, or the Township, shall be absolute and not subject to reversion for possible future use for further development.
 - (4) All documents pertaining to the conveyance and maintenance of the open space shall meet the approval of the Township Solicitor as to legal form and effect and to the Planning Commission as to suitability for the proposed use of the open space.
- C. Development Rights, Easement, or Other Device. The state or county under the provisions of Act 442 of 1968, the Conservation and Land Development Act, may acquire and resell any interest in the land for the purpose of agricultural or open space preservation. Subject to Township approval, this may be considered a suitable means of preserving open space.

PART 15
SPECIFIC REGULATIONS

§ 27-1500. Applicability. [Ord. 2017-02, 3/28/2017]

Some uses require specific additional requirements supplemental to those listed elsewhere in this chapter. The requirements of this Part apply to those uses.

§ 27-1501. Agricultural Uses. [Ord. 2017-02, 3/28/2017]

1. Agriculturally Oriented Commercial Establishment: farm retail or manufacturing uses, including but not limited to implement dealers, feed mills and other similar uses.
2. Animal Hospital: hospital for the care of animals and pets.
 - A. All animal boarding buildings that are not wholly enclosed, and any outdoor animal pens, stalls, or runways, shall be located within the rear yard.
 - B. All animal boarding buildings that are not wholly enclosed, and any outdoor animal pens, stalls, or runways, shall be a minimum of 100 feet from all property lines.
 - C. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of 20 feet from all property lines.
3. Animal Husbandry: the raising and keeping of livestock and poultry not classified as intensive agriculture. This includes, but is not limited to, cattle, goats, rabbits, fowl, and sheep.
 - A. The amount of livestock, fowl, etc., cannot exceed the amount defined as an intensive agricultural operation to qualify as "animal husbandry."
 - B. Any building used for the keeping or raising of livestock or poultry shall be situated not less than 200 feet from any street right-of-way line, dwelling, or well other than the owner's dwelling or well, or any property line adjacent to a residential zoning district or existing residential property.
 - C. The raising of garbage-fed animals and rodents is not permitted.
 - D. Riding academies, livery or boarding stables, commercial dog kennels, and the raising of animals for fur or skins are not included in this use.
 - E. Stabling, Shelters, and/or Housing. All stabling, shelters, and/or housing of animals shall be constructed of suitable materials

providing adequate protection of the animal from weather elements, predators, and other similar dangers. The structure shall provide sufficient ventilation and sunlight to the animal(s). The structure shall have a roof, and all materials shall be securely attached to the structural elements of the stable, shelter, or housing. Stable, shelters, or housing made of materials unsupported or unattached will not be permitted.

- F. Animals not tied, leashed, chained, or haltered shall be within a fenced area. The fence is to be of suitable materials, such as wood or metal, providing proper control and constraint of the animal and protection of the public. The fence shall be installed pursuant to the appropriate regulations of this chapter.
 - G. Animal runs, corrals, and yards in which the animals are kept, exercised, and trained shall be maintained in good condition. Ground areas shall be maintained so as to prevent runoff of soil and/or any debris storage to surrounding properties. The areas shall be so graded to prevent accumulation of stormwater runoff. These runs, corrals, and yards shall be at least 200 feet from any property line.
- 4. Aviaries, Hatcheries and Apiaries (complying with all state and federal regulations).
 - 5. Commercial Forestry: the cutting down of greater than 10 trees from a property within a year's time for the purpose of selling the trees. Timber stand improvement is permitted in all existing wooded areas; however, no timber may be cut under 14 inches in diameter measured five feet high from ground except under the following conditions:
 - A. All dead trees may be removed regardless of diameter.
 - B. No more than 20% of the existing tree cover may be removed from the tract, regardless of diameter.
 - C. The planting and harvesting of Christmas trees is permitted.
 - D. An erosion control plan must be approved by the County Conservation District.
 - 6. Commercial Greenhouse/Nursery Retail Sales.
 - A. Cold Frame: a small, temporary structure covered with glass or some other transparent material used to protect plants. A cold frame which remains on the ground more than three months in a calendar year shall be considered a greenhouse pursuant to this chapter.
 - B. Greenhouse: a building, usually made of glass or some other transparent material, used for the cultivation, storage, or protection of

plants. A cold frame which remains on the ground for more than three months in a calendar year shall be considered a greenhouse.

C. Plant Nursery: the outdoor raising of plants, shrubs, and trees for sale and transportation.

- (1) Safe access must be provided to a collector or arterial road in accordance with Township standards. No direct access to a local road is permitted.
- (2) Parking areas and access drives must meet Township standards; however, depending upon their location, the Board of Supervisors may waive the parking lot paving requirement.
- (3) Off-street parking is required at one space per employee plus one space for each 100 square feet of retail area.
- (4) The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed 25% of the total gross display and sales area on the subject property. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
- (5) All outdoor display areas shall be set back at least 25 feet from the street right-of-way line.
- (6) All structural improvements (including parking and loading facilities, but not including a freestanding sign) shall be screened from adjoining residentially zoned properties.
- (7) One freestanding or attached sign may be permitted advertising the business. Such sign shall not exceed 12 square feet in size and must be set back at least 15 feet from all lot lines.

7. Intensive Agricultural Operations.

- A. Agricultural Operations: the management and use of farming resources for the production of crops, livestock, or poultry.
- B. Animal Equivalent Unit (AEU): one thousand pounds; live weight of livestock or poultry animals (as defined by the Pennsylvania Nutrient Management Act⁴), regardless of actual number of individual animals comprising the unit.
- C. Concentrated Animal Operations: those agricultural operations where the animal density exceeds two AEUs per acre on an annualized basis.

⁴Editor's Note: See 3 Pa.C.S.A. § 501 et seq.

- D. Intensive Agricultural Facility: any building or structure used in conjunction with an intensive agricultural operation.
- E. Intensive Agricultural Operations: specialized agricultural activities, including, but not limited to, mushroom, pig, poultry, and dry lot livestock production which, due to the intensity of production, necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes. Any operation meeting the definition of a "concentrated animal operation," as defined by the State Nutrient Management Act,⁵ as may be amended from time to time, is to be considered intensive agriculture.
- (1) The minimum lot size shall be 20 acres.
 - (2) The maximum impervious lot coverage shall be 10%.
 - (3) No intensive livestock facility shall be permitted within 500 feet of any residential zoning district.
 - (4) No intensive livestock facility shall be permitted within 300 feet of any existing residential structure (except a residential structure located on the premises of the facility).
 - (5) No intensive livestock facility shall be permitted within 200 feet of any property line, well, or right-of-way line, as determined by the Board of Supervisors.
 - (6) 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 Board of Supervisors may as a conditional use reduce the above special setback requirements. In no case, however, shall the Board of Supervisors reduce any special setback requirement to less than 100 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.
 - (7) Any subdivision or land development plans prepared for intensive operation shall show the setbacks required.
 - (8) The raising of garbage-fed animals and rodents is not permitted.
 - (9) Stabling, Shelters, and/or Housing. All stabling, shelters, and/or housing of animals shall be constructed of suitable materials providing adequate protection of the animal from weather elements, predators and other similar dangers. The

⁵Editor's Note: See 3 Pa.C.S.A. § 501 et seq.

structure shall provide sufficient ventilation and sunlight to the animal(s). The structure shall have a roof, and all materials shall be securely attached to the structural elements of the stable, shelter, or housing. Stable, shelters, or housing made of materials unsupported or unattached will not be permitted.

- (10) Animals not tied, leashed, chained, or haltered shall be within a fenced area. The fence is to be of suitable material, such as wood or metal, providing proper control and constraint of the animal and protection of the public. The fence shall be installed pursuant to the appropriate regulations of this chapter.
 - (11) Animal runs, corrals, and yards in which the animals are kept, exercised, and trained shall be maintained so as to prevent runoff of soil and/or any debris storage to surrounding properties. The areas shall be so graded to prevent accumulation of stormwater runoff. These runs, corrals, and yards shall be at least 200 feet from any property line or dwelling other than the owner's dwelling.
 - (12) The applicant must show compliance with the Pennsylvania Nutrient Management Act of 1993,⁶ as may be amended from time to time.
8. Kennel or Stable: any lot on which four or more dogs or horses are kept at any point in time, boarded, bred, or trained, for fee or not for fee, whether in special buildings or runways, including, but not limited to, dog and cat kennels, horse stables or riding academies.
- A. A minimum lot area of six acres is required.
 - B. Animals not tied, leashed, chained, or haltered shall be within a fenced area. The fence is to be of suitable material, such as wood or metal, providing proper control and constraint of the animal and protection of the public. The fence shall be installed pursuant to the appropriate regulations of this chapter.
 - C. Stabling, Shelters, and/or Housing. All stabling, shelters, and/or housing of animals shall be constructed of suitable materials providing protection for the animal. Sufficient ventilation and sunlight shall be provided in the structure. The structure shall have a roof, and all materials shall be securely attached to the structural elements of the stable, shelter, or housing. Stable, shelters, or housing made of materials unsupported or unattached will not be permitted. No feed storage shall be in open unprotected areas which will be attractive to varmints or rodents.

⁶Editor's Note: See 3 Pa.C.S.A. § 501 et seq.

- D. Location of stables, shelters, and/or housing, runs, corrals, and exercise yards of animals shall be over a minimum distance of 100 feet from the property line and not within 200 feet of any dwelling other than the owner's dwelling; and further providing that no building or fencing yards used in such connection shall be maintained or established within such distance. All such buildings, fencing, and yards are to be located to the rear of the main structure or dwelling.
9. Plant Nursery: See "Commercial Greenhouse/Nursery Retail Sales."
10. Winery/Vineyard.
- A. Winery: a place where wine is produced, bottled and sold. A winery processes grapes and other fruit or vegetables to produce wine or spirits, but not malt or distilled beverages. Processing includes: crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery, the associated warehouse and wholesale sales of the winery. Any other activities associated with a winery, including but not limited to retail sales, shall be limited as set forth elsewhere in this chapter.
 - B. Vineyard: ground planted with grapevines cultivated for the purpose of producing wine. A vineyard is used exclusively for the production of grapes and other fruit-bearing crops which may be made into wine. The term "vineyard" shall not include a winery, which is a separate use.
 - (1) Retail sales of agricultural commodities other than wine or cider shall meet the limitation of § 27-1420.
 - (2) Retail sales of nonagricultural commodities shall be limited to wine-related items, including, but not limited to, corkscrews, wine glasses, wine carriers, wine gift baskets, and similar items; clothing items, including the name of the winery; and books relating to agricultural activities or wine.
 - (3) Tastings shall be limited to wine and cider produced in the wineries which are offered for sale in accordance with the requirements of this section.
 - (4) Not more than one building in which both retail sales and tastings are conducted shall be permitted on any lot. Any building erected after the effective date of this section for retail sales and tastings shall not be located on prime agricultural soils.
 - (5) Maximum Floor Area for Retail Accessory Uses. The maximum floor area of a building which may be devoted to serving the customers shall be 3,000 square feet. Floor area devoted to

serving the customer shall include any area for customer access and circulation, for the display of products, including floor area devoted to counters, tables, display cases, preparing products for customers and similar purposes. Floor area not included in the area devoted to serving the customer would include display areas outside the building or structure as well as inside floor area for storage and processing of wine where customer access is restricted, except for instructional tours related to the winemaking process.

- (6) Off-street parking meeting the requirements of Part 19 shall be provided for any retail use accessory to a winery. Off-street parking areas shall not be located on more than 1/2 acre of prime agricultural soils.
- (7) A separate zoning permit shall be required for a retail use accessory to a winery. The applicant desiring to establish a retail use accessory to a winery shall submit an application meeting all requirements of § 27-1801.
- (8) Guided tours of the winery and vineyard may be conducted. Off-street parking for tours of the winery and vineyard shall be in addition to the off-street parking for retail sales accessory to a winery.

§ 27-1502. Residential Uses. [Ord. 2017-02, 3/28/2017]

1. Assisted-Living Facility.

- A. Assisted-Living Facility or Residence: a residential facility operated by a legal entity holding a certificate of compliance (license) issued by the Commonwealth permitting the operation of the personal-care home according to appropriate program licensure or approval regulations, in which food, shelter, and personal assistance or supervision are provided for a period of at least 14 days for four or more aged adults who do not require hospitalization or skilled or intermediate nursing care, or the services in or of a Commonwealth-licensed long-term-care facility, but who may or may not, because of their advanced age, require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration. Assisted-living facilities and personal-care homes shall not be considered abused person shelters or drug or other treatment centers as defined by this chapter.

- (1) The minimum site area required for an assisted-living facility shall be five acres.

- (2) The dwelling unit density shall not exceed 12 dwelling units per acre.
- (3) Off-street parking shall be provided at the rate of one parking space for each staff person on peak shift, plus one parking space for each dwelling unit, plus one parking space for each 10 dwelling units to be designated for visitor parking.
- (4) Common outdoor open space shall be provided on the site to accommodate the leisure and recreational needs of the residents. These areas shall be adequately buffered from any commercial uses on adjoining properties.
- (5) The facility shall be designed to maximize accessibility by firefighting and emergency vehicles.
- (6) The facility shall be designed to provide a protected off-street area for dropping off and picking up residents.
- (7) An assisted-living facility shall include a common dining area and common leisure and/or recreational areas.
- (8) Supporting Uses.
 - (a) An assisted-living facility may include one or more of the following supporting uses, subject to approval by the Board of Supervisors as part of the application for the use by condition:
 - [1] Postal station.
 - [2] Banking facility.
 - [3] Pharmacy and/or medical offices.
 - [4] Personal services, such as beauty shop, barbershop, dry cleaner's valet, and common laundry.
 - [5] Ice cream parlor and/or flower or gift shop.
 - [6] Taxi, van or similar transportation service.
 - (b) The foregoing uses shall be restricted to use by the residents and staff only and shall be located within the principal building or buildings which contain the dwelling units. There shall be no exterior signs or other evidence of the uses visible from the outside of the residential buildings.

2. Boardinghouse (and associated definitions).

- A. Roomer, Boarder, or Lodger: a person occupying any room or group of rooms forming a single, habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classified for purposes of this chapter not as a roomer, boarder, or lodger, but as a guest of a commercial lodging establishment (motel, hotel, tourist home).
- B. Boardinghouse: any dwelling with fewer than 20 sleeping rooms in which more than three persons, either individually or as families, are commercially housed or lodged, with or without meals. A rooming house or a furnished rooming house shall be deemed a boardinghouse.
- (1) All requirements of § 27-1502, Subsection 3 (Conversion), shall apply to boardinghouses, either newly constructed or conversions.
3. Conversion: the conversion of an existing building to a number of dwelling units.

- A. Table of Dimensional Requirements.

Type of Dwelling Unit	Minimum Unit Size (square feet)	Lot Area For Dwelling Unit (square feet)	Parking Spaces per Dwelling Unit
Efficiency	300	12,000	2.00
1 bedroom	400	16,000	2.00
2 bedrooms	500	20,000	2.00
3 bedrooms	600	24,000	2.00
4 bedroom	700	28,000	2.25

- B. The minimum lot area per dwelling unit shall be in addition to any other lot area requirements. The minimum lot area for any use requiring the use of an on-lot sewage disposal shall be one acre.
- C. The average size of the dwelling units in the converted structure shall not be less than 400 square feet.
- D. Stairways leading to the second or any higher floor shall be located within the walls of the building wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.

- E. Except as may be necessary for purposes of safety in accordance with the preceding subsection, there shall be no major structural change in the exterior of the building in connection with the conversion, and after conversion the building shall retain substantially the same structural appearance it had before such conversion.
 - F. Yard dimensions shall be as specified in the particular zone for single-family detached uses.
 - G. All septic systems for conversions must be approved by the Department of Environmental Protection.
 - H. An approved alternate on-lot disposal area must be tested and reserved on site for conversions using on-lot sewage.
4. Continuing Care Facility: a form of residential use designed and operated for individuals requiring medical and nonmedical support facilities and services to provide progress care, from independent living through extended care. A continuing care facility is subject to the following provisions:
- A. Dimensional Requirements.
 - (1) Minimum lot area: five acres.
 - (2) Minimum front yard: 75 feet.
 - (3) Minimum side yards: 50 feet.
 - (4) Minimum rear yard: 50 feet.
 - (5) Minimum lot width: 250 feet.
 - B. Maximum Density. The maximum density for a continuing care facility shall be the highest density permitted in § 27-804, Area, Yard and Height Regulations, for the applicable district. In High Density zoning districts, the maximum density shall be four dwelling units per acre.
 - C. Maximum impervious surface ratio: 35%.
 - D. Support Facilities and Services. A continuing care facility may include some or all of the following medical and nonmedical support facilities and services, provided that they are clearly incidental to the primary continuing care facility use.
 - E. Retail facilities, such as those described in the assisted living use regulations contained within this chapter, shall be for use of residents and their guests only.

- F. Life-Care Nursing Facility: a health-care facility designed for the temporary and long-term care of the residents of the life-care facility. Nursing beds shall not exceed one bed per three dwelling units.
 - G. Social Services. Residents of the continuing care facility may be provided with social services, including, but not limited to, homemaker, personal care and financial management services.
 - H. Other support facilities may include, but are not limited to, lounge areas, reading rooms, craft rooms, common dining facilities, exercise rooms and recreational rooms.
 - I. Open Space and Passive Recreational Area. At least 50% of the site area must be maintained as open space, which shall not include detention basins, parking lots, accessory buildings or any impervious surfaces except those used for recreational purposes. At least 20% of the site, which may be considered part of the open space, shall be developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks. No outdoor sitting areas shall be located on land subject to flooding or on slopes in excess of 5%.
 - J. Off-Street Parking. There must be 0.85 off-street parking space per bedroom in addition to one off-street parking space for each employee on the largest shift.
 - K. Fire Protection. All rooms in the life-care facility shall be provided with sprinkler systems for fire protection and shall contain and be served by wet, charged standpipes to the top floor.
 - L. The developer of a life-care facility shall submit to the municipality a transportation plan which shall outline a transportation service for the residents of the life-care facility, to be provided by the owner or manager, providing access to these services at reasonable intervals. This plan must be approved by the municipality as a condition for approval of use.
5. Dwelling in Combination: a dwelling in combination with an existing or proposed nonresidential use within the same building. Within the Neighborhood Commercial District, dwellings in combination are allowed, subject to conditional use approval. During its review of the conditional use request, the Township shall consider:
- A. The requirements of § 27-1406, Subsection F, are modified as follows: "The proposed uses within the structure must be allowed in the district. The minimum lot area for this use is calculated using the lot area requirements in § 27-1502, Subsection 3 (Conversion) plus 20,000 square feet per nonresidential use proposed. It is not required to locate the uses to allow future subdivision."

- B. The parking requirements of § 27-1502, Subsection 3 (Conversion), and Part 14 must be met.
 - C. The minimum lot area where on-lot sewer is proposed is one acre.
 - D. Adequate testing of an alternate on-lot sewer disposal area is required where on-lot disposal is proposed.
6. Housing for Older Persons: a residential development that is age-qualified in accordance with federal regulations as provided in this section, and which involves a unified development operated under common rules with internal streets, landscaped areas along public streets, and on-site recreation facilities. Any housing for older persons development shall meet the following requirements:
- A. Purposes. To provide housing and related private recreational facilities for older persons as that term is defined in the Federal Fair Housing Act,⁷ as amended in regulations promulgated (or to be promulgated) thereunder.
 - B. The following dwelling types shall be allowed within housing for older persons development: single-family detached dwellings, single-family semidetached dwellings and single-family attached dwellings. A minimum of 25% of the total dwelling units shall be single-family detached dwellings. A maximum of 33% of the total dwelling units shall be townhouses.
 - C. Housing for older persons shall require a condominium association or homeowners' association to maintain commonly owned areas, private streets and other common facilities. All residents of the development shall be required to pay necessary fees to the condominium association or homeowners' association, with a proper enforcement mechanism as provided by state law. The Township Solicitor shall review and approve the association document.
 - D. Although the developer may choose to provide private internal streets, this does not relieve the developer of meeting the requirements of providing for the connection to and/or extension of public roads to properties adjacent to the development (Allen Township Subdivision and Land Development reference, including, but not limited to, §§ 22-405E and 22-407, Subsection 3, and any such private streets shall be constructed to Allen Township standards and criteria.
 - E. Each dwelling unit may be owned as a unit within a condominium, cooperative or homeowners' association without the requirement of individual lot lines.

⁷Editor's Note: See 42 U.S.C. § 3601 et seq.

- F. Each dwelling unit shall be served by public water and public sewage services.
- G. The minimum base site area shall be 20 acres, which shall be controlled by a single entity at the time of the subdivision and land development application.
- H. Perimeter Planting Areas. The perimeter of housing for an older persons development tract adjacent to the ultimate right-of-way of public streets shall have a landscape planting and lawn area with a minimum width of 20 feet along the length of such public street. This planting area shall be outside of any required future/ultimate street right-of-way but may overlap a required setback. No buildings shall be permitted in the planting area. This planting area shall follow a planting plan that is submitted to the Township for approval. This planting area shall be maintained by the condominium association or homeowners' association, who shall replace dead or diseased plantings within six months of their death.
- I. Density: the maximum density shall be five units per acre.
- J. Maximum lot coverage: 50% of base site area.
- K. Each dwelling unit in a housing for older persons development shall be limited by deed restriction, by condition of subdivision and land development approval, and shall be expressly intended for older persons as defined in the Federal Fair Housing Act, as amended in regulations promulgated (or to be promulgated) thereunder.
- L. Declaration of Age Restriction. At the time of subdivision and land development, as a prerequisite to recording of any final plan approved, the developer shall record a declaration against the entire tract, in a form acceptable to the Township, binding all properties and owners to the restriction which shall require the permanent residents of an age-qualified community residing in individual dwelling units within the Age-Qualified (Overlay) District to the age 55 or older, and shall require that with the exception of full-time caregivers, any resident of an individual dwelling unit within the age-qualified community under the age of 19 shall not reside in that unit for more than three months in any calendar year.
- M. Each dwelling unit shall have a minimum setback of a) 30 feet from the ultimate/future right-of-way of any public street, and b) 25 feet from the edge of the cartway of any private street. The following minimum separation distances shall apply between the walls of buildings: a) 15 feet between sides of buildings, b) 25 feet between the rear and the side of a building, and c) 40 feet between the rears of buildings.

- N. Common recreation area(s) shall be improved by the developer with private recreation facilities for the residents of the development and their occasional invited guests. Unless otherwise approved by the Board of Supervisors during subdivision and/or land development plan review, these recreation areas shall include, at a minimum, an indoor community center, an outdoor swimming pool and an accessory outdoor recreation area, such as facilities for games for seniors. The community center shall include a minimum of 25 square feet of interior building space per dwelling unit. The community center, at a minimum, shall include indoor exercise/fitness facilities, a multipurpose room, a kitchen, restrooms and areas for crafts and activities. These private recreation facilities shall not be in place of public recreation land dedication or recreation fees required by the Township Subdivision and Land Development Ordinance [Chapter 22]. The subdivision or land development plan shall include a detailed description and design of the types and locations of recreational facilities that will be constructed. The recreation facilities shall be privately owned by and privately maintained by the condominium association or housing association and shall not be dedicated to the Township.
- O. All driveways from dwellings shall enter onto an internal street or parking court system within the development. No new driveway for a dwelling shall enter directly onto an existing public street, unless otherwise approved by the Board of Supervisors during review of the subdivision or land development plan.
- P. The maximum building height shall be 2.5 stories or 35 feet, whichever is more restrictive.
- Q. Preliminary architectural renderings of typical dwelling units and photographs of the site shall be provided at the time of submission of the conditional use application.
- R. A minimum of four off-street parking spaces shall be provided for each dwelling unit. Two of these spaces may be located in garages, while two additional spaces may be located on driveways. Additional off-street parking spaces/lots shall be provided in common areas. The total number of these extra spaces in the project shall be a minimum of 0.2 spaces per unit in the entire project (counting all units, even if outside of Allen Township).
- S. Fire hydrants are required and must be placed as specified in the Allen Township Subdivision and Land Development Ordinance [Chapter 22]. The subdivision and land development plans are subject to the review of the Township Fire Company. Hydrants shall be maintained and paid for by the condominium and/or homeowners' association.

- T. Street lighting shall be provided at the locations specified in the Allen Township Subdivision and Land Development Ordinance [Chapter 22] for all public and private streets. The lights shall be owned, maintained and paid for by the condominium and/or homeowners' association.
- U. Accessory Uses. The following accessory uses shall be permitted in the active adult residential community:
 - (1) Clubhouses, community centers, and private outdoor and indoor recreation facilities, areas, and amenities, provided such uses are for the exclusive use of the residents of the adult residential community and their guests, and excluding retail or commercial uses except retail sales to residents or their guests incidental to a clubhouse, social hall, or similar use within the community, provided that sufficient on-site parking exists to support such accessory uses pursuant to all Zoning Ordinance subsections.
 - (2) No-impact home-based business.
 - (3) Administrative offices used for the management of the community.
 - (4) Uses that are customarily incidental and are subordinate to a dwelling unit permitted in an adult residential community, provided that sufficient off-site parking exists to support such uses pursuant to any Zoning Ordinance subsection.
- 7. Mobile Home Park (see Part 9): a parcel of land under single ownership which has been planned and improved entirely for placement of mobile homes for nontransient use, consisting of two or more mobile home lots for sale or rent.
 - A. Mobile Home: a transportable single-family dwelling unit intended for permanent occupancy, an office or a place of assembly, contained in one or more sections, designed to be joined into one integral unit capable of again being separated for repeat towing, built on a permanent chassis, 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. The term does not include recreational vehicles or travel trailers; however, for floodplain management purposes, the term "mobile home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
 - B. Mobile Home Lot: a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances

necessary for the erection thereon of a single mobile home, if said parcel is leased or rented by the park owner to the occupants of the mobile home erected on the lot.

- C. Modular Home: a transportable single-family dwelling intended for permanent occupancy, contained in two or more units and designed for use with a permanent foundation.
8. Personal Care Home: a residence in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, and who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living (ADLs) or instrumental activities of daily living (IADLs).
- A. No building shall be erected nearer than 30 feet from any side or rear lot line within a residential district.
 - B. Buffer yards shall be required. (See § 27-1406.)
 - C. The maximum permitted density shall not exceed 25 beds per acre.
 - D. The facility shall have obtained any and all licenses and permits required by the federal, state, or local government which may be relevant to the facility.
 - E. A minimum of 20% of the site shall be suitable and developed for outdoor passive recreation uses. The passive recreation areas may include, but shall not be limited to, sitting areas and pedestrian walks.
 - F. In a residential zoning district, personal care homes shall be permitted only on arterial or collector roads.
 - G. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design and building placement.
 - H. In a residential zoning district, personal care homes are limited to a maximum of 30 beds.
9. Single-Family Cluster Development (SFCD).
- A. Minimum Tract Area. A tract may be eligible for approval for a single-family cluster option if the total area of the tract is a minimum of 75 contiguous acres in common ownership in the R District.

(NOTE: For the purpose of this section, the term "total area of the tract" shall mean the total lot area or the total lot area of contiguous lots in common ownership, but not including areas within the existing and future rights-of-way of existing streets, but including the rights-of-way of any new future streets proposed within the tract and any proposed open space.)

- B. Unified. The SFCD shall be designed as a unified, coordinated residential development and shall be submitted within a development plan controlled by a single developer. After final subdivision approval and recording of the approved plan and development agreement, a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring compliance with the approved development plan.
- C. Uses. Uses within an SFCD shall be limited to single-family detached dwellings and their appropriate accessory uses as would normally be permitted in an R District.
- D. Coordinated Reviews. The conditional use review should be coordinated with either the sketch and/or preliminary plan review process contained in the Subdivision and Land Development Ordinance [Chapter 22]. If a sketch plan is utilized, the plan must contain sufficient information to determine compliance with all requirements of this section.
 - (1) Design Sketches. As an additional submission criteria, the applicant shall submit preliminary general architectural sketches of proposed building styles. The intention of this section is to encourage a well-designed and complementary variety of architectural styles.
- E. Utilities. All dwellings in an SFCD shall be served by both public sewage and public water service via extensions of existing public water and existing public sewer systems only.
- F. The maximum density of the SFCD shall be one dwelling unit per total area of the tract.
- G. Minimum Area, Yard, and Height Regulations.

Requirement

Minimum Lot Area	12,000 square feet
Minimum Lot Width	90 feet
Maximum Lot Coverage	25%
Front Yard	25 feet
Side Yard	

Requirement

One Side	10 feet
Both Sides	20 feet
Rear Yard	25 feet
Maximum Building Height	35 feet

H. Open Space. An SFCD shall provide for open space as permanent deed-restricted common open space in a minimum amount of 50% of the original total area of the tract. Any such proposed open space shall be reviewed by the Planning Commission and approved by the Board of Supervisors.

- (1) The open space provided under this section shall be in addition to any recreational land required to be dedicated or fees in lieu of recreation land that may be required under § 22-412 of the Township Subdivision and Land Development Ordinance [Chapter 22].
- (2) Approval of Ownership. The location, method of ownership, and preservation of the required open space shall be determined prior to conditional use approval. The Township shall be given right of first refusal at the time of the conditional use review to accept proposed open space as public open space. The Board of Supervisors shall only approve an SFCD if such Board determines that there will be an acceptable method to ensure permanent preservation of the required open space. The Board of Supervisors may approve alternate methods of ownership and maintenance within the provisions of the Allen Township Subdivision and Land Development Ordinance [Chapter 22], as amended.
- (3) Homeowners' Association. If the common open space is to be dedicated to a homeowners' association, there shall be assurance of adequate provision for perpetual maintenance of said open space by inclusion of covenants running with the land in the deeds or other instrument of conveyance, delineating such open area in accordance with the following:
 - (a) Obligating purchasers to participate in the proper operation and maintenance of all open spaces and community facilities secured by an appropriate organization with legal responsibility for the same. The organization may be a condominium, cooperative, homeowners' association, trust or other appropriate nonprofit organization of the dwelling unit owners, organized in a manner found by the Township to be

legally effective and able to carry out its maintenance and operating responsibilities.

- (b) Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recording in the County Recorder of Deeds office of a declaration providing for adequate perpetual maintenance of the open areas, as prescribed hereinabove, and identifying the tracts and lots therein. The declaration shall be referenced in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, providing that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.
 - (c) All documents obligating the organization must be approved by the Township Solicitor and the Board of Supervisors.
- (4) Additional Requirements. In addition to the specific requirements of this section, an SFCD shall only be approved as a conditional use if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:
- (a) Public Purposes. The applicant shall prove that the SFCD would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purpose(s) at a minimum shall include two or more of the following:
 - [1] The permanent preservation through deed restrictions of a substantial concentration of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features or large tracts of land clearly suitable as farmland or for active or passive recreation. Such open spaces may also involve the creation of new wooded areas, based upon a landscaping/reforestation plan.
 - [2] The dedication of public parkland at a site along a perennial waterway or that is adjacent to existing public parkland or where a proposed park is recommended by the Township's Park and Recreation Plan or that is otherwise deemed by

the Board of Supervisors to be clearly suitable for active or passive recreation.

- (b) The clustering of homes in a location that will be substantially buffered from highly noxious nuisance-generating uses, such as an expressway or arterial highway.
 - (c) The development of a pedestrian-oriented type of development.
 - (d) The clustering of dwellings into identifiable neighborhoods, with such clusters of homes separated by the open space, and with the dwellings arranged to maximize views onto and pedestrian access onto the open space, and with pedestrian and bicycle paths connecting the dwellings to the open space.
- (5) Natural Features. The applicant shall prove that the SFCD has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands. Areas along creeks shall be preserved in their natural state, pursuant to riparian buffer standards contained within the Allen Township Code and commonwealth standards governing buffer setbacks and minimum size criteria, except for landscaping, erosion control improvements and essential utility, street and driveway crossings.
- (6) Improvements to Open Spaces. The applicant shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated to make it suitable for its intended purpose.
 - (a) Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
 - (b) Examples of such improvements for areas intended for active recreation include final grading and seeding of land to create land suitable for free-play fields for youth and to include adequate provisions for traffic management and parking.
 - (c) All proposed open spaces shall be cleared of construction debris, materials from illegal dumping and any rocks

that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.

- (d) All common open spaces shall be landscaped following a plan sealed by a registered landscape architect, except for areas of preserved woods, pursuant to Chapter 22, Part 2, § 27-203, and Part 4, § 27-412, of the Code of Allen Township.
 - (7) Paths. All common open spaces shall include a pathway system connecting the dwellings with the open space and connecting the development with any nearby schools, shopping areas, parks, places of worship, other existing or proposed trails and other significant nearby pedestrian connections. The materials of the paths shall be approved by the Board of Supervisors.
 - (8) Phasing. The development may include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this section would be met after the completion of any one phase and that the development could properly function without the construction of additional phases.
- 10. Temporary Residential Shelters: a facility providing temporary lodging, with or without meals, for persons of limited income with no ordinary or regular residence or to persons who need such shelter to avoid an abusive situation or because of a sudden event, such as fire, flood, domestic violence, condemnation, or court-ordered conviction. Types of temporary residential shelters may include:
 - A. Abused Person Shelter: a nonprofit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe permanent living arrangement can be obtained.
 - B. Domestic Violence Shelter: a residence providing food, shelter, medical care, legal assistance, personal guidance, or other services to persons who have been victims of domestic violence, including any children of such victims, and who temporarily require shelter and assistance in order to protect their physical or psychological welfare.
 - C. All temporary residential shelters shall comply with the following criteria:
 - (1) The site shall have direct access to an arterial street or collector street, as defined by this chapter.

- (2) No group care facility, personal care boarding home or transitional dwelling shall be located within 1,000 feet of any other existing or proposed group care facility, personal care boarding home or transitional dwelling.
- (3) A facility of this type shall be subject to the bulk and dimensional requirements for single-family dwellings in the zoning district where permitted by this chapter.
- (4) The minimum lot area per resident for group care facilities, personal care boarding homes and transitional dwellings shall be 2,000 square feet of lot area per resident.
- (5) The minimum habitable floor area per resident shall be 300 square feet, exclusive of the floor area devoted to nonhabitable areas of the dwelling, such as basements, attics and garages.
- (6) Adequate provisions shall be made for access by emergency medical and fire vehicles.
- (7) Twenty-four-hour supervision shall be provided by staff qualified by the sponsoring agency, as defined by the Pennsylvania Department of Human Services.
- (8) Adequate open space opportunities for outdoor recreation shall be provided on the lot for the residents consistent with their needs, and the area shall be secured by a fence with a self-latching gate. A minimum of 75 square feet of outdoor recreation of the overall area of the lot area shall be provided for each resident based on the maximum licensed occupancy for the facility.
- (9) Where applicable, certification or licensing by the sponsoring agency, as defined by the Pennsylvania Department of Human Services, shall be prerequisite to obtaining an occupancy permit, and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer or his authorized representative in January of each year.
- (10) Residents of temporary residence shelters may reside in the facility for a maximum of 120 days.

§ 27-1503. Institutional and Recreational Uses. [Ord. 2017-02, 3/28/2017]

1. Campground: a lot, tract, or parcel of land upon which operates a business where two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.
 - A. Minimum lot area: 20 acres.

- B. Setbacks. All campsites shall be located at least 75 feet from any side or rear property line and at least 100 feet from any street line.
- C. Each campsite shall be at least 3,000 square feet in size and shall either provide parking space for one automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.
- D. A paved internal road system shall be provided. The pavement width of one-way access drives shall be at least 14 feet, and the pavement width of two-way access drives shall be at least 24 feet. On-drive parallel parking shall not be permitted.
- E. All outdoor play areas shall be set back 1,000 feet from any property line and screened from adjoining residentially zoned properties or existing residential properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- F. All campsites, except those proposed for use by tents only, shall be served by centralized sanitary and garbage collection facilities. Treatment facilities that shall be set back a minimum of 100 feet from any property line. Such facilities shall be screened from adjoining residentially zoned properties or existing residential properties.
- G. 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. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned parcels or existing residences.
- H. All campgrounds containing more than 100 campsites shall have vehicular access to an arterial or collector street as identified on the Township Official Map.
- I. A campground may construct one freestanding or attached sign containing no more than 32 square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least 10 feet from the street right-of-way line, and at least 25 feet from adjoining lot lines.
- J. A minimum of 20% of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreational area shall be with the landowner. Should the landowner neglect to maintain the recreation area, the

Board of Supervisors may then maintain the area and shall assess the landowner for any costs incurred.

- K. Every campground shall have an office in which shall be located the office of the person responsible for operation of the campground.
 - L. All water facilities, sewage disposal systems, restrooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the Pennsylvania Department of Environmental Protection.
 - M. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.
 - N. Campground tenants are permitted to camp/stay in the campground a maximum of three consecutive weeks. Each stay in the campground must be separated by a minimum of two weeks.
- 2. Cemetery: a burial place or graveyard, including mausoleum, crematory or columbarium.
 - 3. Church or Place of Worship: a church, meeting house, spiritual center, synagogue, temple, mosque or other facility that is used for prayer by persons of similar beliefs; a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis. Accessory uses may include such places as schools, meeting halls, recreational facilities, day care, counseling, homeless shelters and kitchens capable of feeding large quantities of people.
 - 4. Clinic: an establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients require a stay of less than 24 hours. This definition does not include a drug treatment facility.
 - 5. Crematorium: a furnace or establishment for the incineration of human or animal corpses.
 - A. A crematorium as a principal use shall be set back a minimum of 200 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
 - 6. Educational Institutions and Schools.
 - A. Commercial School: a trade, professional, music or dancing school.
 - (1) Public sewer and public water are required.

- (2) A traffic study is required following the requirements of § 27-1409 for daytime activities, as well as extracurricular or nighttime activities proposed on the site.
- (3) Any proposed outdoor recreation area shall be screened pursuant to the requirements of § 27-1406, Subsection F, from any residentially zoned property or any existing residential properties.
- (4) The Township Fire Department shall review the land development plans and provide recommendations for any revisions it feels are necessary to the plans for efficient firefighting purposes.
- (5) The owner/operator shall assess the requirements for adequate police protection. Police protection may be provided by municipal police service agreement satisfactory to Allen Township or by court appointment of school police as provided for by the Pennsylvania Public School Code. The public police service must be acceptable, as determined solely by the Board of Supervisors.
- (6) The owner/operator of the educational institution shall provide a pedestrian circulation plan for any student proposed to walk to the educational institution. In lieu of this, the owner/operator shall provide for motorized transportation, which shall be accounted for in the traffic study in Subsection 6A(2) above.
- (7) The owner/operator of the educational institution shall assess the compatibility of the proposed educational institution with respect to any existing uses located within 2,500 feet of the proposed educational institution's property.
- (8) Dormitory: an accessory building for the residency of students, religious orders, teachers, or others engaged in the primary activity of the institution where individuals need to live on the site. The dormitory shall be considered accessory to the uses further defined within the "Educational Institutions and Schools" use category.
 - (a) These requirements apply to the construction of accessory buildings for the residency of students, religious orders, teachers, or others engaged in the primary activity of the institution where individuals need to live on the site. The density in such areas shall be based on persons per acre, since dormitories are not family dwellings. The following standards shall apply:

- [1] No more than 25% of any institutional tract may be devoted to dormitory use, that is, dormitories and associated yards as per Subsection 6A(8)(a)[3] and [4] below.
 - [2] Parking requirements shall be established by the Board of Supervisors.
 - [3] Each dormitory resident shall have a minimum of 180 square feet of space within the building.
 - [4] No more than 25% of land devoted to dormitory use shall be covered by impervious surfaces.
 - [5] The net density of any institutional site shall not exceed 12 residents per acre.
 - [6] The net density of the dormitory area shall not exceed 64 persons per acre.
- B. Private Educational Institutions and Schools: any state-accredited elementary, middle, junior high or senior high school operated by other than a public body and any nursery school operated by other than a public body. "Private school" includes parochial school and includes any nursery school or other private school operated by any church or religious organization. "Private school" does not include religious meetings and/or educational facilities that may be used by any one group or class on a weekly or biweekly basis, when such facilities are accessory to a church or other place of worship.
- C. Public-Owned Educational Institutions: any state-accredited elementary, middle, junior high or senior high school that primarily provides state-required or state-funded educational programs.
7. Commercial Swimming Pool: commercial pools are any pools that do not meet the definition of a residential pool. Residential pools are pools that serve no more than two dwelling units.
8. Country Club: see "Golf Course and Country Club" (existing definition and specific regulations).
9. Day Care: a day nursery, nursery school, kindergarten, or other agency giving day care to children or adults or elderly persons.
- A. Family Day Care: a facility in which care is provided for one or more but fewer than seven children at any one time where the child-care areas are being used as a family business. The time of daily operation shall be limited to the hours of 6:00 a.m. to 6:00 p.m.

- (1) An outdoor recreation area shall be provided with a minimum area of 100 square feet for each person in care. This outdoor play area shall be located to the side or the rear of the lot and shall not include any parking areas. The outdoor play area shall be fully enclosed by a four-foot-high fence and shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbance.
 - (2) Sufficient facilities for passenger loading and unloading shall be provided.
 - (3) This use may be permitted as accessory to a permitted nonresidential use.
 - (4) A license from the Pennsylvania Department of Public Welfare shall be required, if applicable.
 - (5) Parking: one off-street parking space for each teacher, administrator, and maintenance employee, plus one space per six persons in care.
10. Fitness and Exercise Center or Club: an establishment which provides facilities and instructional programming for aerobic and meditative exercises, such as cardiovascular training equipment, weight training, game courts, swimming facilities, yoga studios and associated sauna/shower/eating facilities and shops.
11. Golf Course and Country Club.
 - A. Golf Course: a tract of land laid out for at least nine holes for the playing of the game of golf which may include a clubhouse, dining and snack areas, golf equipment sales and practice facilities.
 - B. Country Club: land, area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.
 - (1) Golf courses do not include miniature golf courses, but may include uses clearly accessory, such as driving ranges, restaurants, clubhouses, etc.
 - (2) A minimum lot area of 60 acres is required.
 - (3) Buildings and parking areas shall be set back a minimum of 200 feet from any property line/right-of-way line.
 - (4) Buffers are required around side and rear property lines where the property abuts land currently in residential use or zoned residential.

- (5) Parking requirements are three spaces for each hole. Accessory uses require additional parking stipulated in § 27-1423.
 - (6) Any proposed golf route crossing of any existing or proposed public road is not permitted to be an at-grade crossing.
 - (7) Any drainage improvements along existing roads required as a result of the proposed golf course must be performed by the applicant in coordination with this site work.
- 12. Health Facility: an establishment primarily engaged in providing services for human health maintenance, including medical and dental clinics and hospitals, whether publicly or privately operated.
- 13. Horse Riding Academy.
 - A. Horse Riding Academies: an establishment that includes a stable, as defined herein, and where instruction in riding, jumping and showing is offered for a fee and where horses may be hired for riding.
 - B. Horse Riding Academy, Commercial: a riding academy where instruction is provided to owners who do not board their horses on the premises and/or where invitational shows and/or competitions are held.
 - C. Horse Riding Academy, Noncommercial: a riding academy where instruction is provided using only horses that are kept or boarded on the premises and where horses that are hired for riding are limited to the horses that are kept or boarded on the premises.
 - (1) Minimum lot area: five acres.
 - (2) Any building or structure used for the training of horses and education of riders and/or handlers shall be situated not less than 100 feet from any street line or property line.
 - (3) Silos shall be situated not less than 1 1/4 times the height of the silo from any street line or property line.
 - (4) Maximum impervious surface ratio: 3%.
 - (5) One single-family detached dwelling shall be permitted on the same tract with this principal use, provided that the yard and setback requirements for the single-family detached dwelling for the applicable zoning district shall be met.
 - (6) Shows and/or competitions shall meet the requirements of the Mass Gathering Ordinance,⁸ when applicable.

⁸Editor's Note: See Ch. 13, Part 4.

- (7) Retail sales of related items shall be limited to a maximum floor area of 750 square feet.
 - (8) No area for the storage or processing of animal waste shall be situated less than 200 feet from any street line or property line.
 - (9) No more than two horses per acre shall be permitted.
 - (10) Parking: one off-street parking space for every three persons present at such facilities when they are filled to capacity plus one additional off-street parking space for each full-time employee.
14. Hospital: an establishment, licensed by the American Hospital Association and by the Pennsylvania Department of Health as a hospital, and which involves the diagnosis and treatment of human ailments, which provides health services primarily for inpatient medical or surgical care of the sick or injured, including such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices as an integral part of the establishment.
- A. Public water and public sewer are required.
 - B. A minimum lot size of 10 acres is required.
 - C. All buildings and parking areas shall be set back a minimum of 100 feet from all property lines and right-of-way lines.
 - D. The hospital must directly access a collector or arterial highway.
15. Rifle, Shooting and Target Ranges; Shooting Preserves: a parcel of land used for the purpose of discharging firearms at fixed and/or moving targets or flying targets (i.e., clay pigeons).
- A. Operational hours for outdoor facilities shall be limited to between the hours of 9:00 a.m. and 6:00 p.m. and limited to three days a week.
 - B. The minimum lot size requirements shall be 50 acres.
 - C. No structure associated with a range shall be located closer than 200 feet to any lot line.
 - D. No permit shall be issued for a shooting target range until the applicant has furnished evidence that the proposed development meets all regulations specified by federal, state, and local laws and rules.
 - E. In the consideration of an application for a permit, the Township shall take into account both safety and noise factors, and may prescribe additional conditions with respect thereto.

- F. There shall be no discharge in the direction of any residential area, and all activity on the premises relating to the outdoor discharge of firearms shall be located no less than 500 feet from any existing property boundary line.
 - G. A site development plan must be submitted to and approved by the Planning Commission which, at a minimum, incorporates nationally accepted standards for target range construction.
 - H. No firing shall be toward or over any bodies of water or population center located within 1/2 mile.
 - I. The range shall be clearly identified from all directions with conspicuous "Danger: Shooting Range" signs.
 - J. As to rifle/pistol range, there shall be a barrier, impenetrable to any missile fired on the range, which shall extend a distance above and to each side of the targets equal to one foot for each 25 yards to the most remote shooting stand, but in no case less than four feet.
 - K. Parking: two off-street parking spaces for each five persons of total capacity, or at least one off-street parking space for each shooter's station and/or range shooter station plus one additional space for each additional full-time employee.
 - L. All requirements for rifle shooting and target ranges as may be specified by the National Rifle Association shall be followed.
 - M. If the use contemplated in this section remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the range within six months of notice to do so issued by Allen Township. Further, the owner or operator shall post financial security, in a form acceptable to the municipality favoring the Township in an amount to cover the range removal and site cleanup. The security shall be utilized by the Township in the event that the owner or operator of the range fails to remove or dismantle the range within six months of notification by the Township.
16. **Massage Establishment:** any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the commonwealth. This definition does not include an athletic club, health club, school gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
17. **Medical Center:** a building or part thereof used for medical, psychiatric, obstetrical or surgical care. The term "medical center" shall include facilities

- similar to general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any other such facility which provides care, whether or not on a twenty-four-hour basis, but does not provide services or care for overnight stays.
18. Nursing Home: a building or part thereof used for the lodging, boarding and nursing care, on a twenty-four-hour basis, of four or more persons. The term "nursing home" shall only include those nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, and infirmaries contained within homes for the aged which are licensed by the commonwealth.
- A. Connection to public water and public sewer is required.
 - B. No more than 80 residents per structure shall be accommodated.
 - C. The maximum density of residents shall be 25 residents per acre of base site area. In no case shall the lot area be less than that required for the zoning district containing the nursing home.
 - D. A nursing home facility may be an integrated community consisting of a progressive or life-care style of residences and care. Any such use would require the approval of the overall site development plan by the Board of Supervisors. The internal roadways, whether public or privately owned, must meet the requirements for the appropriately classified public roadway, including curbing and sidewalk. The following regulations apply to any of the appropriate uses found on the site.
 - (1) Single, Detached Residential Units. These units may include those being sold by way of fee simple sale (with reversion rights to the facility owner) or those being leased and all of the land being retained by an owner. Each lot must meet the following standards:
 - (a) Minimum lot area: 7,000 square feet.
 - (b) Minimum front yard: 25 feet.
 - (c) Minimum rear yard: 25 feet.
 - (d) Minimum side yard:
 - [1] Ten feet (one side).
 - [2] Twenty feet (both sides).
 - (e) Minimum lot width: 70 feet.

- (2) Single, Attached Residential Units and Multifamily Units. These units may include those being sold by way of fee-simple sale (with reversion rights to the facility owner) or those being leased and all of the land being retained by an owner. Each lot must meet the following standards:
- (a) Duplex:
 - [1] Minimum lot area: 4,500 square feet.
 - [2] Minimum front yard: 25 feet.
 - [3] Minimum rear yard: 25 feet.
 - [4] Minimum side yard: 10 feet (one side).
 - [5] Minimum lot width: 45 feet.
 - (b) Townhouse:
 - [1] Minimum lot area: 3,000 square feet.
 - [2] Minimum front yard: 30 feet.
 - [3] Minimum rear yard: 25 feet.
 - [4] Minimum side yard: 20 feet (end unit only).
 - [5] Minimum lot width: 22 feet.
 - (c) All requirements for attached residential units and multifamily units found in § 27-803, Table 2 footnotes, must be followed.
- (3) Personal or Intermediate Care Facilities: premises or a portion thereof, with services which could include in which food, shelter, and licensed personal assistance or supervision are provided for residents requiring supervision and assistance in such matters as dressing, bathing, diet or medication prescribed for self-administration but not requiring hospitalization or skilled nursing care. Facilities shall include a living/sleeping area and a private powder room, although a shared bath will be permitted.
- (4) Skilled Care Facilities: premises or a portion thereof used to house and care for persons requiring continuous intermediate or skilled nursing care.
- (5) Offices incidental to administration, management and health care; activity areas, craft, woodworking and hobby shops, recreation facilities, gift shops, personal services facilities,

dining facilities, health-care facilities, maintenance facilities, bank, library, snack bar, village store, pharmacy, chapel and similar uses designed to be exclusively for the use of residents and their guests as well as any other buildings or uses incidental to the main or principal uses.

- E. Any buildings on the site must be set back from property lines and separated from other buildings by an amount at least equal to the building height. The following additional requirements apply to the overall facility and facility tract boundary lines:
- (1) Minimum lot area: two acres plus 1,000 square feet per resident.
 - (2) Minimum front yard: 100 feet.
 - (3) Minimum rear yard: 50 feet.
 - (4) Minimum side yard:
 - (a) Fifty feet (one side).
 - (b) One hundred feet (both sides).
 - (5) Minimum lot width: 200 feet.
 - (6) Maximum impervious cover: 35%.
 - (7) Maximum structure height: 35 feet.
 - (8) Buffer: treated as "multifamily" in § 27-1406.
- F. The proposed use shall primarily serve the needs of retirement-age persons. At the time of owner occupancy, at least one resident of each household in Subsection 18(D)(1) and (2) shall be at least 50 years old, or possesses some handicap that can be treated within a setting like the retirement community.
- G. The proposed use shall achieve a balanced residential/medical campus which cannot be achieved through the use of conventional zoning techniques.
- H. Residences shall be functionally, physically, and architecturally integrated with medical service and recreational activity centers.
- I. Commercial, medical and recreational uses shall be grouped together and located near the populations being served.
- J. The site shall front on and have direct access onto a collector or arterial road as identified on the Official Map.

- K. All buildings or structures containing nonresidential uses, off-street parking lots and loading areas shall be set back at least 75 feet from all adjoining residentially zoned land or existing residences, and 50 feet from all lot lines of the subject property.
- L. All building structures used solely for residential purposes shall be set back at least 50 feet from all lot lines of the campus property, 20 feet from any public or private street right-of-way or parking lot, and a distance equal to their height from any other on-site residence.
- M. Each off-street parking lot shall provide at least 20% of the total parking spaces as those designed for the physically handicapped (see § 311.8⁹ for design regulations). Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required.
- N. The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency responsible for ambulance service in the site's vicinity. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use, and any suggestions that might enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.
- O. Open Space and Passive Recreational Area. At least 50% of the site area must be maintained as open space which shall not include detention basins, parking lots, accessory buildings or any impervious surfaces except those used for recreational purposes. At least 20% of the site, which may be considered part of the open space, shall be developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks. No outdoor sitting areas shall be located on land subject to flooding or on slopes in excess of 5%. Open space ownership and maintenance is governed by the requirements of § 27-1423.
- P. Location to Service.
 - (1) Due to the dependence of the elderly on alternate means of transportation and the need for acquiring access to primary services, a nursing home facility with individual dwellings in Subsection 18D(1) and (2) must be located within a quarter of a mile to the following services:
 - (a) Post office.

⁹Editor's Note: So in original.

- (b) Drugstore.
 - (c) Regional shopping center.
 - (d) Grocery store.
 - (e) Dry cleaner.
 - (f) Restaurant.
 - (g) Beauty parlor.
 - (h) Barbershop.
 - (i) House of worship.
 - (j) Public transportation.
 - (k) Movie house.
 - (l) Bank.
 - (m) Library.
- (2) If this is not possible, the developer of the facility shall submit to the Township a transportation plan which shall outline a transportation service for the residents of the facility, to be provided by the owner or manager, provided access to these services at reasonable intervals. This plan must be approved by the Township as a condition for approval of use.
19. Private Club: land and buildings containing private or semiprivate recreation facilities, social quarters, restaurants, meeting rooms, banquet facilities, bars, taprooms, and similar uses, for the exclusive use of members and their guests.
20. Public Conservation Areas: undeveloped and undisturbed areas, set aside for the preservation and/or continuation of the natural environment, to promote recreational use, agricultural use and retention of open space and undeveloped floodplain areas and to provide areas of wildlife habitat.
21. Public Municipal Building and Facilities, Including Libraries (Public Facility): a government building, operating facility (such as a police station, Highway Department yard, etc.), recreational facility or park owned or operated by the municipality or other governmental agency. This use category shall include the library use which is further defined as a facility, open to the public or connected with a permitted educational institutions and schools use, and not conducted as a private gainful business.
22. Treatment Center:

- A. A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling, on a lot in excess of 10 acres, involving any one or a combination of the following:
 - (1) A current addiction to any form of a controlled substance or alcohol; and/or
 - (2) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- B. A treatment center may be classified as a drug treatment facility, which shall be further defined as an establishment where patients are admitted and treated on a temporary outpatient basis for addiction to certain prescription or nonprescription drugs. This includes a residential or nonresidential methadone treatment facility, which shall be defined as a facility licensed by the Pennsylvania Department of Health, other than a hospital, to use the drug methadone in the treatment, maintenance or detoxification of persons.
- C. All treatment centers shall comply with the following criteria:
 - (1) A treatment center shall not be located within 800 feet of an existing treatment center.
 - (2) Proof of adequate supervision by people qualified by training and experience in the field for which the facility is intended shall be provided.
 - (3) The facility must comply with all applicable Fire, Housing, Building, Property Maintenance, and Health Codes, and all regulations pertaining to transient occupancy with respect to emergency lighting, smoke detectors, exit lights, and other safety devices.
 - (4) Any food preparation, service, or distribution shall be provided in compliance with the Pennsylvania Department of Health licensing requirements.
 - (5) All services provided on site shall be contained within the structure and operated by a nonprofit, charitable, or for-profit organization.
 - (6) The applicant for these facilities shall submit with its application a plan outlining in detail the management of the facility. This shall include information on personnel, supervision, hours of operation, services provided, rules and regulations, and any other information pertinent to the operation of the facility. All requirements of federal law,

including reasonable accommodation for applicants with a proven disability, shall be provided by the applicant.

- (7) Adequate on-site supervision and security measures to protect public safety shall be required. If any applicable county, state, federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
23. Vehicular Track or Course: a recreational facility that provides a motor-powered vehicle to a patron, for a fee, to drive on a track or course that is located on the premises. For the purposes of this use, a motor-powered vehicle is a motorcycle, all-terrain vehicle (three- or four-wheeled), go-cart, or other vehicle with two, three, or four wheels of a similar nature. These vehicles are usually designed to accommodate only one person.
- A. Minimum lot area: 10 acres.
 - B. The property shall front on and take access from an arterial or collector highway.
 - C. Only one person shall ride on a vehicle at a time.
 - D. The track or course and all areas used by the vehicles shall be paved.
 - E. There shall be no racing on the course or track; however, vehicles may be timed.
 - F. A fence shall be placed around the entire course or track. It shall be a minimum of four feet in height.
 - G. The noise level at the recreational facility shall not exceed the noise limits specified in this chapter. The application for such a use shall be accompanied by a certification from the manufacturer or a qualified operator of a noise meter stating the noise level of the motor that will power the vehicle. It shall be the responsibility of the applicant to demonstrate in advance that when the track is in full use by the usual number of vehicles at the usual r.p.m., the noise levels of this chapter will not be exceeded at the property line.
 - H. Such use shall only be operated between the hours of 10:00 a.m. and 10:00 p.m.
 - I. Fuel for the vehicles shall not be stored within the enclosed track area. The fueling point shall be equipped with firefighting equipment. Approval shall be secured from the Pennsylvania State Fire Marshal for the underground storage of fuel.
 - J. Public address systems shall be provided.

- K. Parking: one off-street parking space for every three persons of total capacity, plus one space for every employee.

§ 27-1504. Office Uses. [Ord. 2017-02, 3/28/2017]

1. Medical Office: an office or clinic for medical or dental examinations or treatment of persons as outpatients, including laboratories incidental thereto.
2. Office: a business, professional, or government office.

§ 27-1505. Retail and Consumer Uses. [Ord. 2017-02, 3/28/2017]

1. Automobile Repair and Service Stations.
 - A. Automobile Repair: an automobile repair garage, including paint spraying and body and fender work or a car-washing facility, provided that all repair and paint work is performed within an enclosed building.
 - B. Service Station: an establishment for the sale of vehicular fuels and the sale and installation of lubricants, tires, batteries, and similar automotive accessories.
 - (1) The subject property shall be set back at least 300 feet from any lot containing a school, day-care facility, playground, library, hospital, or nursing, rest or retirement home.
 - (2) The storage of any particular motor vehicles (whether capable of movement or not) for more than one-week period is prohibited.
 - (3) Any parts removed from repaired vehicles shall not remain on the site longer than 48 hours.
 - (4) All structures (including gasoline pump islands but not permitted signs) shall be set back at least 30 feet from any street right-of-way line.
 - (5) No outdoor storage of auto parts shall be permitted.
 - (6) All access drives shall be a maximum of 30 feet wide and separated by 75 feet from one another if located along the same frontage as measured from edge to edge.
 - (7) All ventilation equipment associated with fuel storage tanks shall be set back 100 feet and oriented away from any adjoining residentially zoned or existing residential properties.

- (8) All work, other than fueling of vehicles, must be performed within a completely enclosed building.
2. Automotive Sales: sales of automobiles by a new car dealership; used car sales; and car, pickup truck, van, trailer, cycle and boat rental.
 - A. Display areas are permitted within the 50% portion of any required yard furthest from the ultimate right-of-way or property line.
 - B. Automobile storage spaces must be a minimum of nine feet by 18 feet.
 - C. Automobile storage areas must be paved and the spaces delineated by painted lines, but are not subject to the additional requirements of a parking lot in § 27-1422, Subsections 9 and 10.
3. Banquet Facility: an establishment that is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries and other similar celebrations. Such use may or may not include kitchen facilities for the preparation or catering of food; the sale of alcoholic beverages for on-premises consumption only during scheduled events not open to the public; and outdoor gardens or reception facilities.
4. Bed-and-Breakfast: the use and occupancy of a single-family detached dwelling for accommodating transient guests for rent.
 - A. No more than six guest rooms may be provided.
 - B. In no case shall the lot area be less than that required for single-family detached dwellings in the zoning district in which the proposed bed-and-breakfast is located.
 - C. Parking. One off-street parking space shall be provided for each guest room, plus one space for each employee and two spaces for the owners of the property. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway by a five-foot fence or plant material of equal height. Such plant material shall be permanently maintained, and any plant material which does not live shall be replaced within one year.
 - D. At least one bathroom shall be provided for each two guest rooms.
 - E. External alterations, additions or changes to the exterior structure shall be minimized except where required by any governmental agency for safety reasons.
 - F. The use shall be carried on by members of the immediate family who must reside on the premises.
 - G. There shall be no separate kitchen or cooking facilities in any guest room.

- H. The maximum uninterrupted length of stay at a bed-and-breakfast shall be seven days.
 - I. The use of any amenities provided by the guesthouse, such as a swimming pool or tennis courts, shall be restricted in use to guests of the establishment. The serving of meals shall be restricted to the guests of the establishment.
 - J. There shall be no use of show windows or displays or advertising visible outside the premises to attract guests other than a single, nonilluminated sign which may not exceed the area permitted within the district in which the use is located.
 - K. If the facility is served by an on-lot water and/or sewage disposal system, the applicant shall demonstrate to satisfaction of the Township Sewage Enforcement Officer (for sewage aspects) and the Board of Supervisors (for both water and sewage aspects) that these on-lot facilities are adequate to serve the maximum number of guests which could be housed at the facility at any one time.
 - L. A buffer yard of 50 feet in width shall be provided from adjacent property and street lines. No structure may be located within the buffer yard. The buffer yard may be included within the required front, side or rear yards.
 - M. The use may not be established until the applicant has submitted a site plan to the Township which demonstrates compliance with this chapter. The bed-and-breakfast may be periodically inspected by Township or county officials for compliance with all Township requirements and safety standards.
5. B.Y.O.B. Club: any business facility, such as a dance hall, club or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons 21 years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises; also commonly referred to as "bring your own bottle" clubs; provided that a facility which is rented for a limited period of time, not to exceed six hours, by individuals or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a B.Y.O.B. club under the terms of this chapter. "B.Y.O.B. club" shall not include a restaurant as defined in this section. Additionally, conditional use consideration may be: 1) limitation on hours of operation and minimum setbacks from residential districts; 2) A B.Y.O.B. club that is open after 2:00 a.m. is also effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes¹⁰) or any subsequent Pennsylvania statute; and 3) A

¹⁰Editor's Note: See 18 Pa.C.S.A. § 7327.

B.Y.O.B. club shall only be allowed in a zoning district where such use is specifically listed in this Zoning Ordinance as being allowed.

- A. A forty-foot buffer yard shall completely separate the structure and all off-street parking areas from any lot line of any residential use or any undeveloped residentially zoned lot.
 - B. If any type of entertainment offered at such a facility at any time is adult entertainment, the requirements of an adult entertainment facility must be met.
 - C. Any such use shall be separated from any school, church or similar facility, from property line to property line, a minimum of 500 feet.
 - D. The hours of operation for such a facility shall be limited from 12:00 noon to 11:00 p.m., Monday through Saturday.
 - E. For purposes of enforcing this Part and other applicable ordinances, inspections of said premises may be conducted at any time by both law enforcement and code enforcement personnel.
 - F. Any such establishment shall have a minimum lot size of one acre.
 - G. The structure of a B.Y.O.B. establishment with a capacity of 300 or more persons shall be set back a minimum of 300 feet from the lot line of any residential use or residential zoning district. Said measurement shall be from property line to property line.
 - H. Security must be provided on site during all operating hours.
6. Car Wash: a facility for washing automobiles.
- A. These regulations apply to any primary car wash use or any car wash accessory to another use, such as a service station or automobile sales.
 - B. An automated car wash shall have on-lot designated areas for prewash stacking to accommodate a minimum of four cars per 25 linear feet of automated train.
 - C. A self-service car wash shall have on-lot designated areas for prewash stacking to accommodate a minimum of two cars per bay.
 - D. Stacking spaces should be no closer than 20 feet from the public road right-of-way.
 - E. The applicant must demonstrate that no noise from any vacuum facilities present will be audible by any existing residences or residentially zoned land.
 - F. Car washes must include a water recycling facility.

7. Convenience Store: a retail establishment of up to 5,000 square feet selling prepackaged food products, household items, newspapers and magazines, candy, and beverages, a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption, self-service fuel or other goods commonly associated with the same.
- A. All commercial establishment uses must be connected to a public sewage treatment facility.
 - B. All commercial establishment uses must be connected to a public or centralized water supply system.
 - C. Commercial/retail uses shall be permitted, subject to the following conditions:
 - (1) All commercial establishments shall be business establishments which deal directly with a retail customer.
 - (2) All permitted and accessory uses, except for off-street loading and parking, and signs, shall be conducted within completely enclosed buildings except for sale of planting and nursery stock.
 - D. Traffic Control. All commercial uses shall have access and egress directly to an arterial or collector road as designated in the Official Township Map.
 - (1) All parking, loading, service areas, and parallel access roads used by motor vehicles shall be physically separated from all roads, streets, and highways by a landscaped strip so that vehicle access and egress is controlled.
 - (2) Access points or driveways to commercial uses shall be held to an absolute minimum.
 - (3) All access and/or egress points, roads, or driveways shall be located not less than 100 feet from the intersection of any street right-of-way lines.
 - (4) Access and egress from a commercial lot using a common driveway shall be separated by a raised mountable concrete island. The island shall have a minimum width of five feet and a minimum height of six inches above the finished driveway surface.
 - (5) Access and/or egress roads, driveways or points shall be separated by at least 200 feet, except as described in this section.

- (6) Commercial uses shall not be permitted to have direct access to any local street so designated in Allen Township's Official Map, unless specifically approved by the Board of Supervisors.
 - E. Internal traffic flows within any lot used for commercial purposes shall be so controlled that vehicles move in traffic lanes with definite access and egress points.
 - (1) Access and egress points to internal traffic lanes shall be held to an absolute minimum.
 - (2) Traffic lanes shall be separated from each other and from parking areas by barriers, buffer strips, or by similar means.
 - (3) Motor vehicles being able to "cut across" parking areas or traffic lanes shall be controlled by the use of barriers, buffer strips, or other means.
 - F. Relation to Allen Township's Subdivision Regulations. Standards and provisions contained in Chapter 22, Subdivision and Land Development, shall also apply to commercial developments.
 - G. Site Plan Review. Site plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all commercial uses.
8. Family Farm Support Business: a business that is customarily an accessory to an on-site principal agricultural use which meets all of the following additional requirements:
- A. The business is conducted on property which is located in the Agricultural Zoning District, on property that continues to be utilized for principal agricultural purposes.
 - B. The property is principally owned and operated by at least one of the owners or lessees of such property or a member of the immediate family of such owner or lessee, and the owner and operator or lessee and operator of the family farm support business resides on the property.
 - C. Within the Rural and Agricultural Zoning Districts, one farm occupation is permitted by right as an accessory use to a principal agricultural or horticultural use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this chapter.
 - D. No subdivision of the farm occupation shall be permitted.
 - E. A family farm support business may only be conducted on actively farmed parcels containing at least 10 acres. For the purposes of this

section, a "farm" shall be considered to include an area of land operated as a single economic agricultural enterprise, regardless of the number of contiguous parcels, plots, or tracts comprising such an enterprise.

- F. No more than two acres of land shall be devoted to such use, including areas used for structures, parking, storage, display, setbacks, landscaping, etc. However, any land serving the family farm support business and a home and/or farm contained upon the same lot shall not be included as lot area devoted to the family farm support business.
- G. No more than 50% of the area devoted to a family farm support business shall be covered by buildings, parking lots or any other impervious surface.
- H. At least one owner of the family farm support business must live on the property on which the use is conducted.
- I. No farm business shall be located within 300 feet of any property used principally for residential purposes (except for dwellings located upon the same parcel as the farm occupation), nor any lands within the Rural or Agricultural Zoning District. Such distances shall be measured as a straight line between the closest points of the property containing the farm occupation and the residentially used or zoned properties.
- J. All family farm support businesses shall be conducted upon the same lot as an actively farmed parcel.
- K. The use must be conducted within one completely enclosed building. In no case shall such use occupy more than 4,000 square feet of gross floor area.
- L. Any outbuilding used for such family farm support business shall be located behind the principal farm residence on the site or, as an alternative, at least 300 feet from the street right-of-way.
- M. Any outdoor storage of supplies, materials or products shall be located behind the building in which the family farm support business is located. Such outdoor storage shall also be screened from adjoining roads and properties.
- N. Any activities that produce noxious dust, odor, light, or noise perceptible at the property line are prohibited.
- O. No manufactured home shall be used for a family farm support business.

- P. The applicant shall submit written evidence from the Sewage Enforcement Officer that the proposed use has an approved means of sewage disposal.
 - Q. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with state and federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Northampton County, which have been contracted to dispose of the materials and wastes used or generated on site, or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the family farm support business change in the future, such that the materials used, or wastes generated, change significantly, either in type or amount, the owner of the farm occupation shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
 - R. The applicant shall submit and abide the following signed and notarized statement: "I understand that this use has prescribed limitations that are imposed to protect the rural character of Allen Township. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitations occur, I will be required to find another, more suitable, location with the appropriate zoning."
- 9. Farmer's Market: the seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar nonanimal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.
 - A. The number of off-street parking and loading spaces shall be provided as defined by § 27-1422 of this chapter.
 - B. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
 - C. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.
 - 10. Financial Establishment: a bank, savings and loan association, credit union, or other financial establishment.

11. Flea Market, Indoor:

- A. Any occasional sales activity conducted entirely in an enclosed building where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This use shall be considered a retail business for purposes of this chapter. Occasional sales activity shall mean three days per week or less.
- B. Within the Agricultural, Rural, Neighborhood Commercial and Highway Commercial Zoning Districts, farmers and/or flea markets are permitted by conditional use or by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this chapter, including but not limited to those general criteria contained within § 27-1420 and the following specific criteria:
 - (1) The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/or outdoor areas as listed above;
 - (2) The retail sales area shall be set back at least 20 feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
 - (3) Off-street parking shall be provided at the rate of one space per each 200 square feet of retail sales area, and shall be designed and used in accordance with § 27-1422 of this chapter;
 - (4) Off-street loading shall be provided at the rate similar to that imposed on retail sales as listed in § 27-1422 of this chapter. Again, the retail sales area, as described above, shall be used to calculate needed loading space(s);
 - (5) All outdoor display and sale of merchandise shall commence no earlier than one hour after official sunrise and cease no later than one hour prior to official sunset;
 - (6) Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties, and the applicant shall demonstrate compliance with § 27-1407, Subsection 2E, of this chapter;

- (7) The applicant must demonstrate that the proposed lighting will comply with § 27-1407, Subsection 2H, of this chapter;
- (8) Trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter; and
- (9) Sewer, water and stormwater regulations applicable to this use shall be in accordance with the Code of Allen Township.

12. Flea Market, Outdoor:

- A. Any occasional sales activity conducted in the open air or under any pavilion or other building, tent or structure which is not fully enclosed, where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. Occasional sales activity shall mean three days per week or less.
- B. The same criteria as in the Flea Market, Indoor subsection shall apply to this use. All applicable provisions of the Uniform Construction Code shall apply to all applications for this use.

13. Funeral Home: a building or part thereof used for human or animal funeral services. (A crematorium is a separate regulated use.) Such building may contain space and facilities for any of the following:

- A. Embalming and the performance of other services used in preparation of the dead for burial.
- B. The performance of autopsies and other surgical procedures.
- C. The storage of caskets, funeral urns, and other related funeral supplies.
- D. The storage of funeral vehicles.

14. Indoor Entertainment: an entertainment or recreational facility operated as a gainful business and taking place within a building, including a bowling alley, skating rink, billiard hall, movie theater, theater or other similar use.

15. Large Retail Stores: stores having more than 10,000 square feet of floor area, such as supermarkets or department stores selling commodities and goods to the ultimate consumer.

16. Lumber Yard: a lumber yard where lumber products are sold, excluding a planing mill.
17. Microbrewery/Nanobrewery/Microdistillery.
 - A. Microbrewery: a brewing facility that produces less than 15,000 barrels of beer per year with 75% of its beer sold off site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carry-out or on-site taproom or restaurant sales.
 - B. Microdistillery: a facility that produces alcoholic beverages in quantities not to exceed 15,000 gallons per year and includes an accessory tasting room, which allows customers to taste samples of the products manufactured on site and purchase related sales items. Sales of alcohol manufactured outside the facility are prohibited.
 - (1) The use shall comply with all performance standards specified in this chapter.
 - (2) Required off-street parking for any restaurant or tavern associated with the microbrewery/nanobrewery/microdistillery use shall be clearly designated and shall be located within 300 feet of the entrance to the restaurant.
 - (3) Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
 - (4) Outdoor storage of materials shall not be permitted.
 - (5) A delivery plan for the use shall be submitted for Township approval.
 - (6) A microbrewery shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
 - (7) A microbrewery's hours of operation and activities must be appropriately scheduled to protect surrounding residential neighborhoods from detrimental noise, disturbance or interruption.
 - (8) The owner(s) and operator(s) of the restaurant or tavern associated with the microbrewery/nanobrewery/microdistillery use shall be responsible for the conduct and safety of the patrons.

- C. Nanobrewery: a brewing facility which produces beer, regardless of the percentage of alcohol by volume, in quantities not to exceed 1,250 barrels per month. A nanobrewery may be an accessory to a standard restaurant or tavern use as defined within this chapter.
18. Mini-mall: the multiple use of a single property for a planned group of nonresidential uses, including retail operations, personal services, offices, financial institutions, medical and dental clinics, restaurants, taverns, and similar planned uses as determined by the Zoning Officer, where the uses are less than a cumulative total of 30,000 square feet of gross floor area and are owned and maintained by an individual, corporation, partnership or organization. All mini-malls shall be planned and designed as an integrated unit or converted as such, with common off-street parking facilities and stormwater management facilities.
- A. Mini-malls shall contain less than 20,000 square feet of cumulative gross floor area.
 - B. A minimum of three acres of contiguous net land area shall be required to accommodate the uses and facilities for a mini-mall. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the mini-mall is located, shall apply.
 - C. The following design standards and specifications shall apply to mini-malls:
 - (1) The cumulative gross floor area for a mini-mall shall not exceed 20,000 square feet. For commercial applications exceeding this size, the provisions for a retail business/large-scale development shall apply.
 - (2) The permitted uses within a mini-mall shall be limited to: retail business establishments; personal business or service establishments; professional offices; banks or financial institutions; medical, dental, vision, counseling and health-care uses; religious uses; educational uses; municipal or governmental uses; restaurants; taverns; and other similar uses.
 - (3) The maximum number of uses within a mini-mall shall be limited to 20 independent uses. All proposed uses shall be designed as self-contained structures without common facilities, which comply with all requirements of Allen Township Zoning Ordinance.
 - (4) All uses within a mini-mall shall be harmoniously planned as attached units within a single building. As part of the land development plan application, the applicant shall identify the

planned uses within the mini-mall and demonstrate how these uses can be amicably planned during all hours of operation.

- (5) Unless otherwise permitted by Allen Township, planned out parcels, pad sites or detached buildings shall not be considered as part of the design.
- (6) The mini-mall shall be serviced by public sanitary sewer facilities, which shall be planned in accordance with the most recent update to Allen Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended)¹¹ as well as any ordinances adopted by the Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Allen Township and the Pennsylvania Department of Environmental Protection.
- (7) The mini-mall shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Allen Township.
- (8) All other utility provisions serving the mini-mall shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- (9) All means of ingress and/or egress shall be located at least 150 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Allen Township.
- (10) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- (11) The off-street parking spaces shall be designed to comply with the provisions specified under this chapter.
- (12) All proposed signs for the mini-mall shall comply with the provisions specified under this chapter.

¹¹Editor's Note: See 35 P.S. § 750.1 et seq.

- (13) The side and rear lot lines of the property shall be adequately screened with a twenty-foot-wide landscaped buffer yard.
 - (14) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 20 feet from any property line or street right-of-way line.
- D. The ownership of any mini-malls shall be under single ownership, partnership, corporation, or under a guaranteed unified management control. The mini-mall must have at least one on-site manager or a designated individual whose office is located within 100 miles of Allen Township. The owner shall provide Allen Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of the mini-mall.
 - E. The owner or manager shall provide Allen Township with a complete list of tenants located within the mini-mall on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
 - F. As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by Allen Township. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the Allen Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
 - G. As part of the land development plan, Allen Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.
- 19. Mini-market: a retail store which sells both convenience food items and gasoline, and may provide certain services as an accessory use, which may include a drive-through service component. A mini-mart is not a convenience store. Retail, service, drive-through and food service uses are permitted as accessory uses within the same structure, provided that adequate parking

facilities be provided in the proper amount based upon the proposed cumulative amount of seating and square footage of retail area.

- A. All commercial establishment uses must be connected to a public sewage treatment facility.
- B. All commercial establishment uses must be connected to a public or centralized water supply system.
- C. Commercial/retail uses shall be permitted subject to the following conditions:
 - (1) All commercial establishments shall be business establishments which deal directly with a retail customer.
 - (2) All permitted and accessory uses, except for off-street loading and parking, and signs, shall be conducted within completely enclosed buildings except for the sale of planting and nursery stock.
- D. Traffic Control. All commercial uses shall have access and egress directly to an arterial or collector road as designated in the Official Township Map.
 - (1) All parking, loading, service areas, and parallel access roads used by motor vehicles shall be physically separated from all roads, streets, and highways by a landscaped strip so that vehicle access and egress is controlled.
 - (2) Access points or driveways to commercial uses shall be held to an absolute minimum.
 - (3) All access and/or egress points, roads, or driveways shall be located not less than 100 feet from the intersection of any street right-of-way lines.
 - (4) Access and egress from a commercial lot using a common driveway shall be separated by a raised mountable concrete island. The island shall have a minimum width of five feet and a minimum height of six inches above the finished driveway surface.
 - (5) Access and/or egress roads, driveways or points shall be separated by at least 200 feet, except as described in this chapter.
 - (6) Commercial uses shall not be permitted to have direct access to any local street so designated in Allen Township's Official Map.

- E. Internal traffic flows within any lot used for commercial purposes shall be so controlled that vehicles move in traffic lanes with definite access and egress points.
- (1) Access and egress points to internal traffic lanes shall be held to an absolute minimum.
 - (2) Traffic lanes shall be separated from each other and from parking areas by barriers, buffer strips, or by similar means.
 - (3) Motor vehicles being able to "cut across" parking areas or traffic lanes shall be controlled by the use of barriers, buffer strips, or other means.
- F. The maximum number of fueling pumps (One pump shall serve a maximum of two fueling positions only.) shall be permitted based upon the size of the building housing the mini-market, which shall be specified as follows:

Mini-Market Gross Floor Area	Maximum Number of Fuel Pumps	Maximum Number of Fueling Positions
Less than 4,000 square feet	4	8
4,000 square feet to 5,000 square feet	5	10
5,000 square feet to 6,000 square feet	6	12
6,000 square feet to 8,000 square feet	7	14
8,000 square feet to 10,000 square feet	8	16

- (1) As part of the land development plan application, Allen Township may require a reduction of the total number of fuel pumps if, in its evaluation of the applicant's traffic study, it determines that safe and convenient vehicular circulation cannot be accommodated on the site.
- (2) The canopy covering the fuel pumps shall not exceed 20 feet from ground level at its highest point. Allen Township may permit a greater canopy height up to 30 feet if the design of the canopy is considered as an architectural enhancement in the opinion of the Board of Supervisors.
- (3) The canopy shall not exceed in area (as measured in square feet) the gross floor area of the mini-market building. However, the canopy shall not exceed 7,000 square feet in total area.

- (4) The mini-market shall be constructed with brick, stone and stucco, or such combination thereof as is approved by Allen Township, facing on all four sides of the building from the ground level to the roof.
- G. The following provisions for exterior lighting shall apply to all proposed mini-markets:
 - (1) All gasoline pump dispensers shall be covered by a canopy and shall be illuminated by overhead lighting during nondaylight hours. Canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling.
 - (2) Drop lens fixtures are prohibited. Up-lens lighting fixtures mounted on the canopy structure above the level of gas pumps are permitted if they have the effect of reducing glare from the lighting fixtures mounted on the canopy ceiling. Outdoor canopies include, but are not limited to, fuel island canopies associated with service stations and convenience stores and exterior canopies above storefronts. In no event shall any other lighting fixtures be located on or otherwise attached to or used to light a canopy or any area of the property adjacent to the canopy. Canopy lighting over fuel dispensing positions shall not exceed an average of 20.0 maintained footcandles.
 - (3) Lighting for parking areas shall provide an illumination level utilizing the currently recommended standards of the Illuminating Engineering Society of North America, unless a more stringent standard is imposed as a condition of approval granted by the Board of Supervisors under the circumstances of each application. Exterior lighting of the building is precluded, except as determined necessary for security or for code compliance.
 - (4) In no case shall illumination exceed 0.5 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is ordered by the Board under the circumstances of each application.
- H. All designated points of ingress and egress to and from the lot shall be designed to promote safe and convenient access, as finally approved by Allen Township Engineer and Zoning Officer.
- I. The internal vehicular circulation pattern of any lot upon which a convenience store with gasoline sales is proposed shall be designed so as to prevent vehicles waiting for such gasoline service from stacking

onto public streets. In addition to the required minimum parking spaces, there shall be a minimum of one vehicular stacking space for each fueling position.

- J. Hand equipment intended to be utilized for the washing of windows of motor vehicles, as well as places for the storage of such equipment, may be permitted as an accessory feature.
 - K. The applicant shall submit a traffic study with the land development plan application demonstrating the adequacy of existing or proposed streets to accommodate any increase in traffic from the proposed use and the adequacy of the proposed vehicular interior circulation on the lot.
 - L. A traffic impact study shall be conducted in order to assess transportation conditions and needs. The traffic impact study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The traffic impact study shall be submitted to Allen Township as part of the land development plan application.
 - M. An environmental impact assessment report shall be conducted in order to assess existing and proposed site conditions. The environmental impact assessment report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The environmental impact assessment report shall be submitted to Allen Township as part of the land development plan application.
 - N. The off-street parking and loading spaces shall be designed to comply with the provisions specified under this chapter.
 - O. All proposed signs shall comply with the provisions specified under this chapter.
20. Nightclub: an establishment that meets all of the following standards: 1) offers amplified music after 12:00 midnight; 2) sells alcoholic beverages primarily for on-site consumption; 3) includes hours open to patrons after 12:00 midnight; 4) has a building capacity of over 150 persons; and 5) has less than 20% of its total sales in food and nonalcoholic beverages.
- A. A forty-foot buffer yard shall completely separate the structure and all off-street parking areas from any lot line of any residential use or undeveloped residentially zoned lot.
 - B. Nightclubs shall have a minimum lot size of one acre for each 150 seats or a one-hundred-fifty-person capacity.

- C. The structure of a nightclub with a capacity of 300 or more persons shall be set back a minimum of 300 feet from the lot line of any residential use or residential district.
 - D. All such uses shall maintain a setback of at least 500 feet from any school, church or similar facility. Said setback shall be measured from property line to property line.
 - E. For purposes of enforcing this chapter and other applicable ordinances, inspections of said premises may be conducted at any time by both law enforcement and code enforcement personnel.
 - F. Security must be provided on site during all operating hours.
- 21. Motel or Hotel: a building or group of buildings for the accommodations of transient guests, chiefly motorists, containing guest rooms for rent.
 - 22. Outdoor Entertainment: an outdoor entertainment or recreational facility, including miniature golf and golf driving ranges, operated as a gainful business and not including an outdoor motion picture establishment or vehicular track or course.
 - A. Recreation areas shall be set back at least 100 feet from any lot line if adjacent land is zoned for or is in residential use and 25 feet from other uses.
 - B. Recreation areas shall be sufficiently screened and isolated so as to protect the neighborhood from inappropriate noise and other disturbance.
 - 23. Outdoor Recreational Facility, Commercial: a commercial activity conducted entirely outside which is designed to amuse, entertain, or otherwise provide for the recreation of persons, other than the conductors of the activity, and which requires a fee or charge in order for a person to partake in the activity and includes, but is not limited to, tennis, swimming, baseball, basketball, etc. The phrase "outdoor recreational facility" shall specifically be construed to indicate that all activity (recreation) shall occur out of doors. The term "recreation facility" shall not be construed to include amusement parks, or off-track betting parlors, adult bookstores, adult entertainment facilities or theaters.
 - 24. Parking Lot or Garage: a lot of record upon which the parking or storing of automotive vehicles is the primary use.
 - 25. Repair Shop: a repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, or small business machines, but not including motor vehicles, motorcycles, trucks, and heavy equipment.
 - 26. Restaurants.

- A. Restaurant, Drive-In: an establishment where patrons are served food, soft drinks, ice cream and similar confections for consumption off the premises or in automobiles parked upon the premises, regardless of whether or not in addition thereto seats or accommodations are provided for the patrons.
- B. Restaurant, Fast-Food:
- (1) An establishment that sells ready-to-consume food or drink that routinely involves the consumption of at least a portion of such food on the premises and that does not meet the definition of a "standard restaurant." This term shall also include a use that primarily involves off-premises delivery of ready-to-eat food, other than a catering business.
 - (2) A fast-food restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern must be met.
 - (3) If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than 250 persons for such entertainment, the requirements for a nightclub shall be met.
- C. Restaurant, Standard:
- (1) An establishment that serves ready-to-consume food or drink for compensation, in which the clear majority of sales involve the following: the customers order their food while seated inside a building from a server and then the food is delivered to their table for consumption.
 - (2) A standard restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern must be met.
 - (3) If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than 250 persons for such entertainment, the requirements for a nightclub shall be met.
- D. Drive-Through and/or Fast-Food Restaurants:
- (1) Drive-through and/or fast-food restaurants are permitted-by-right uses, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this chapter, including but not limited to

those general criteria contained within § 27-1420 and specifically as follows:

- (a) The subject property shall have vehicular access onto an arterial or collector road;
- (b) Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;
- (c) All drive-through window lanes shall be separated from the parking lot's interior driveways;
- (d) Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties;
- (e) All exterior play/activity areas shall be completely enclosed by a three-foot-high fence. Uses providing outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate visual and/or audible impacts on adjoining properties;
- (f) Outdoor seating areas for patrons shall comply with the following:
 - 1) Such seating shall be situated and designed so as not to be adversely impacted by potential nearby agricultural activities, nor to adversely impact nearby residences and shall comply with all setback requirements imposed upon buildings within the respective zone;
 - 2) Such seating shall be accessory to the principal interior seating accommodations;
 - 3) During use, such seating shall be continuously supervised by an employee or owner of the use;
 - 4) Any lighting or music systems serving such seating shall be designed and operated so as not to constitute a nuisance to adjoining properties; and
 - 5) The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating;

- (g) Ventilation exhausts shall meet all applicable state and federal air quality standards. Ventilation outlets must be set back at least 50 feet from all property lines or be directed skyward; in no case shall any such exhaust outlet be directed toward adjoining residences/properties;
 - (h) Where a drive-in window is proposed, a stacking lane shall be provided to serve a minimum of eight cars. The stacking lane shall not be used for parking lot circulation aisles, nor shall it in any way conflict with through circulation or parking.
- (2) All restaurants uses shall be located on an approved lot, which complies with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the restaurant is located or by the appropriate development requirements specified by this Zoning Ordinance.
 - (3) The following standards and specifications shall be required for restaurants:
 - (a) The restaurant shall be serviced by public sanitary sewer facilities, which shall be planned in accordance with the most recent update to Allen Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended),¹² as well as any ordinances adopted by the Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Allen Township and the Pennsylvania Department of Environmental Protection.
 - (b) The use shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Allen Township.
 - (c) All other utility provisions serving the restaurant shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
 - (d) A restaurant may contain an accessory area or use devoted to outdoor eating, retail sales, social quarters, meeting rooms, bars, taverns, taprooms, and similar

¹²Editor's Note: See 35 P.S. § 750.1 et seq.

uses, provided the cumulative total area of the accessory use does not exceed 50% of the cumulative gross floor area of the restaurant.

- (e) All means of ingress and/or egress shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Allen Township.
 - (f) The provisions for landscaping, lighting and other supplemental requirements shall be considered and designed to comply with the applicable provisions of this chapter.
 - (g) The off-street parking, loading spaces and interior access lanes shall be designed to comply with the provisions specified in this chapter.
 - (h) All proposed signs shall comply with the provisions specified in this chapter.
 - (i) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by Allen Township. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with Allen Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
27. Retail Store: retail shops and stores with a gross floor area of 10,000 square feet or less selling apparel, books, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, luggage, sporting goods, pets, floor covering, fabrics, or garden supplies. Also included within this use shall be the sale of soft drinks and alcoholic beverages in sealed containers not for consumption on the premises.
28. Large-scale Retail/Commercial Development: an individual freestanding building or multiple-building development in which the combined total of all structures and outdoor sales areas within the development (regardless of diverse lotting, use or tenancy) combine to total more than 10,000 square

feet of gross floor area, used for conference centers; hotels; motels; commercial recreation facilities; restaurants; retail businesses; service establishments; taverns; theaters; or similar patron-based uses; but not including camps/retreats, country clubs, and resorts; also referred to as a "shopping center" or "shopping mall." Retail business/large-scale development shall be subject to the following design standards and specifications:

- A. Retail business/large-scale development shall have a minimum of 10 acres of contiguous land area, which shall comply with the minimum and maximum dimensional requirements of this Zoning Ordinance.
- B. The cumulative gross floor area of the shopping center or shopping mall may exceed 20,000 square feet.
- C. The permitted uses within the shopping center or shopping mall shall be limited to: retail business establishments; personal business or service establishments; professional offices; banks or financial institutions; medical or dental offices; family entertainment complexes; movie theaters; recreational uses; municipal or governmental uses; religious uses; educational uses; restaurants; taverns; nightclubs; and other similar uses.
- D. The maximum number of uses within the shopping center or shopping mall shall be unlimited, provided that each use is designed as part of a common facility or as self-contained structures which comply with all requirements of Allen Township Zoning Ordinance.
- E. The following minimum and maximum dimensional requirements shall apply to the shopping center or shopping mall:
 - (1) The minimum lot width shall be 300 feet.
 - (2) All principal and accessory buildings shall be located at least 50 feet from all property lines or street right-of-way lines.
 - (3) The minimum separation distance of buildings shall be 50 feet.
 - (4) The maximum height of all buildings and structures shall be determined by the standards for the zoning district of the proposed use.
 - (5) Off-street parking areas shall be located at least 20 feet from all property lines or street right-of-way lines.
 - (6) The maximum building coverage shall not exceed 40% of the lot area.
 - (7) The maximum lot coverage shall not exceed 60% of the lot area.

- F. All uses within the retail business/large-scale development shall be harmoniously planned within a single building or within groups of buildings. As part of the land development plan application, the applicant or developer shall identify the planned uses within the large-scale commercial development and demonstrate how these uses can be amicably planned during all hours of operation.
- G. Each planned-out parcel, pad site or detached building located within a separate lot shall meet the required minimum dimensional requirements of the zoning district where proposed.
- H. Gasoline, diesel or kerosene sales shall be prohibited as part of the large-scale commercial development.
- I. The use shall be serviced by public sanitary sewer facilities, which shall be planned in accordance with the most recent update to Allen Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended),¹³ as well as any ordinances adopted by the Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Allen Township and the Pennsylvania Department of Environmental Protection.
- J. The use shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Allen Township.
- K. All other utility provisions serving the shopping center or shopping mall shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- L. All means of ingress and/or egress shall be located at least 200 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Allen Township.
- M. A minimum of two separate points of vehicular ingress and egress shall be established for shopping centers or shopping malls. The points of ingress and egress shall be separated by at least 500 linear feet of road frontage. All points of ingress and egress shall be designed to provide direct access onto a collector or arterial road.

¹³Editor's Note: See 35 P.S. § 750.1 et seq.

- N. Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- O. The off-street parking spaces shall be designed to comply with the provisions specified pursuant to § 27-1422.
- P. All proposed signs for the shopping center or shopping mall shall comply with the provisions specified under this chapter.
- Q. The side and rear lot lines of the property shall be adequately screened with a thirty-foot-wide landscaped buffer yard.
- R. Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 100 feet from any property line or street right-of-way line.
- S. The ownership of any large-scale commercial development shall be under single ownership, partnership, corporation, or under a guaranteed unified management control. The shopping center must have at least one on-site manager or a designated individual whose office is located within 100 miles of Allen Township. The owner shall provide Allen Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of the mini-mall, shopping center or shopping mall.
- T. The owner or manager shall provide Allen Township with a complete list of tenants located within the shopping center or shopping mall on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
- U. As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by Allen Township. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the Allen Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.

- V. As part of the land development plan, Allen Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.
29. Retail Home Heating Fuel Distribution or Fuel Distribution: any facility which stores home heating fuel products in bulk for distribution by delivery truck, including, but not limited to: coal, kerosene, home heating oil, diesel fuel, gasoline, or propane, stored in large-volume tanks for distribution to residential, retail or wholesale establishments.
30. Service Business: a business enterprise which primarily engages in the provision of service, such as hair cutting, shoe repair, photographer, travel agency, photocopy center, dry cleaning, tailoring, sewing, etc.
- A. Parking: one off-street parking space for every 100 square feet of gross floor area used or intended to be used for servicing customers, plus one space for each employee.
- B. Where a drive-in window is proposed, a stacking lane shall be provided to serve a minimum of eight cars. The stacking lane shall not be used for parking lot circulation aisles, nor shall it in any way conflict with through circulation or parking.
31. Service Station: an establishment for the sale of vehicular fuels and the sale and installation of lubricants, tires, batteries, and similar automotive accessories.
32. Shopping Center: five or more retail stores that are separated primarily by vertical walls and are in a complex designed as an integrated unit served by common parking and service facilities, and which has architectural and landscape unity. Such use may include offices, restaurants and personal service uses.
33. Tavern:
- A. An establishment that serves ready-to-consume food or drink for compensation in which the clear majority of sales involve the following: the customers order their food while seated inside a building from a server and then the food is delivered to their table for consumption.
- B. A standard restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern must be met.
- C. If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than

250 persons for such entertainment, the requirements for a nightclub shall be met.

34. Truck Sales: truck and heavy equipment repair and sales.
35. Veterinary: the office of a veterinarian with an accessory animal kennel. In no event shall animal kennels be allowed as a primary use.

§ 27-1506. Specialty/Neighborhood Shopping Facilities. [Ord. 2017-02, 3/28/2017]

1. Adult-Oriented Establishments.
 - A. Adult Entertainment:
 - (1) An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - (2) A live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered customers.
 - B. Adult-Oriented Establishment: The term includes, without limitation, the following establishments when operated for profit, whether direct or indirect:
 - (1) Adult Bookstore: an establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes offers for sale, books, films, video cassettes or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and, in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons.
 - (2) Adult Motion-Picture Theater: an enclosed building with a capacity of 50 or more persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

- (3) Adult Mini Motion-Picture Theater: an enclosed building with a capacity of less than 50 persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.
- (4) Massage Establishment:
 - (a) Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member.
 - (b) An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
- (5) Sexual Activities: The term does not include any of the following:
 - (a) Any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.
 - (b) Any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news.
 - (c) Any publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or seminudity is indigenous to the populations.
- (6) Specified Anatomical Areas:
 - (a) Less than completely and opaquely covered:
 - [1] Human genitals or pubic region;

- [2] Buttocks;
 - [3] Female breasts below a point immediately above the top of the areola; or
 - [4] Human male genitals in a discernible turgid state, even if completely opaquely covered.
- (7) Specified Sexual Activities: The term includes any of the following:
- (a) Human genitals in a state of sexual stimulation or arousal.
 - (b) Acts of human masturbation, sexual intercourse or sodomy.
 - (c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
- (8) The Township has determined that the establishment and operation of adult-oriented establishments will cause various secondary effects which may have an impact on the health, safety, and general welfare of the Township and its citizens. Said secondary effects include, inter alia, an increase in law enforcement activity, an increase in municipal maintenance and trash collection, possible deleterious effects on local business and residential property values, an increase in crime and/or prostitution, and the potential for the relocation of residents and businesses.
- (9) As a result of the aforementioned concerns, Allen Township has determined that adult-oriented establishments shall be permitted by conditional use only in the Industrial District (I). Nothing contained herein is intended to effect or suppress any activities which may be protected by the First Amendment to the United States Constitution. It is the intent of Allen Township, by adopting this chapter, to address the above-mentioned secondary effects associated with adult-oriented establishments.
- (10) An adult-oriented establishment shall not be permitted to be located within 1,000 feet of any other adult-oriented establishment.
- (11) No adult-oriented establishment shall be located within 600 feet of any residentially zoned land or existing residence.

- (12) No adult-oriented establishment shall be located within 600 feet of any parcel of land which contains any one or more of the following specified land uses:
- (a) Outdoor recreation facility.
 - (b) Campground.
 - (c) Day nursery or family day care.
 - (d) Church or other similar religious facility.
 - (e) Public facility.
 - (f) Museum.
 - (g) Park.
 - (h) Playground.
 - (i) School.
 - (j) Other lands where minors congregate.
 - (k) Eating and drinking establishment.
- (13) The distance between any two adult-oriented establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.
- (14) No materials, merchandise, or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- (15) Any building or structure used and occupied as an adult-oriented establishment shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
- (16) No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, or film offered therein.

- (17) Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter therein and warning all other persons that may be offended upon entry.
- (18) No adult-oriented establishment may change to another adult-oriented establishment, except upon approval of an additional conditional use.
- (19) The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- (20) No unlawful sexual activity or conduct shall be permitted.
- (21) No more than one adult-related facility may be located within one building or shopping center.
- (22) A minimum lot size of three acres is required.
- (23) Display of the following specified anatomical areas is prohibited:
 - (a) Less than completely and opaquely covered human genitals, public region, buttock or female breast below a point immediately above the top of the areola.
 - (b) Human male genitals in a discernibly rigid state even if completely and opaquely covered.
- (24) The following specified sexual activities are prohibited:
 - (a) Human genitals in a state of sexual stimulation or arousal.
 - (b) Acts of human masturbation, sexual intercourse, or sodomy.
 - (c) Fondling or other erotic touching of human genitals, public region, buttock, or female breast.
- (25) No such use shall be used for any purpose that violates any federal, state or Township law.
- (26) The use shall not include the sale or display of obscene materials, as defined by state law, as may be amended by applicable court decisions.
- (27) For public health reasons, private or semiprivate viewing booths of any kinds are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude

dancers. No room of any kind accessible to customers shall include less than 150 square feet.

- (28) No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers.
 - (29) Unless the Zoning Officer agrees in advance to send such notices, the applicant shall provide a written affidavit stating that he/she has mailed or delivered a written notice of the proposed hearing date to all property owners of record within 500 feet of the subject property at least 10 days prior to the hearing date.
 - (30) Any application for such use shall state the names, home addresses and home phone numbers of all individuals intended to have more than 5% ownership in such use or in a corporation owning such use and an on-site manager responsible to ensure compliance with this chapter. Such information shall be updated twice a year in writing to the Zoning Officer.
2. Airport: any area of land or water which is used, or is intended to be used, for the landing or takeoff of aircraft and any appurtenant areas which are used, or are intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all facilities thereon; in this case, the Lehigh Valley International Airport (ABE). As used herein, the term "airport" includes public airports, but excludes private airports or heliports.
3. Commercial Communications Towers and Antennas.
- A. Commercial Communications Antenna: any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private-residence-mounted satellite dishes or television antennas, or amateur radio equipment, including without limitation ham or citizen-band radio antennas.
 - B. Commercial Communications Tower: a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support commercial communications antennas.
 - C. Fall Zone: the area on the ground within a prescribed radius from the base of a commercial communications tower. The fall zone is the area within which there is a potential hazard from falling debris or the collapsing of the commercial communications tower. The fall zone

shall be determined by the applicant's engineer and reviewed by the Township Engineer.

- D. Commercial communications towers and/or antennas attached to the ground shall be set back a minimum distance of 100 feet or the distance equal to the commercial communications tower fall zone, whichever is greater, from any property line (not lease line) and existing street right-of-way line. For the purposes of determining the fall zone, the applicant's registered professional engineer shall submit a determination of the same to the Township which shall be subject to review by the Township Engineer. Any building constructed in conjunction with the tower must comply with the standard building setbacks of the zone in which it is located.
- E. Commercial communications towers and/or antennas attached to existing structures shall not extend in height beyond 20 feet above the height of the existing structures that they are attached to, and shall be set back a minimum distance, exactly equal to their identified fall zone, from the property lot lines (not lease lines) and existing street right-of-way lines.
- F. The base of a commercial communications tower shall be surrounded by a secure fence with a minimum height of eight feet.
- G. The following landscaping shall be required in addition to that which may be required by any other applicable section of this chapter in order to screen the fence referred to in Subsection 3F above and any other ground-level features, buildings, or structures. Alternative forms of screening may be permitted in lieu of the following landscaping if approved by the Township Zoning Officer during zoning permit review, or the Board of Supervisors during the conditional use process.
- H. An evergreen screen shall be required to surround the site of the proposed commercial communications tower. The screen shall be either a hedge (planted three feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum six feet at planting and shall grow to a minimum of 15 feet at maturity.
- I. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
- J. Commercial communications towers shall be no closer to an existing residential dwelling or residential zoning district boundary line than 250 feet or the distance equal to the fall zone, whichever is greater, provided that this restriction shall not apply to a residential dwelling located on the same property as the tower.

- K. A minimum of two off-street parking spaces shall be provided for a commercial communications tower or antenna.
- L. For any commercial communications tower or antenna higher than 50 feet, the applicant shall provide certification from a Pennsylvania registered professional engineer stating that the commercial communications tower or antenna meets the wind resistance, structural integrity and all other applicable requirements of the BOCA National Building Code, as amended, and the Structural Standards for Steel Antenna Towers and Antenna Support Structures published by the Electrical Industry Association/Telecommunications Industry Association.
- M. Documentation from the Federal Aviation Administration (FAA) shall be submitted by an applicant for any commercial communications tower or antenna exceeding 200 feet in height, stating that the same has been approved by the FAA. Commercial communications towers or antennas of less than 200 feet in height shall meet the requirements of 14 CFR § 77.13(a), as amended. The requirements of airport zoning performance standards of this chapter must be met.
- N. No signs or lights shall be mounted on a commercial communications tower or antenna except as may be required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or any other governmental agency having jurisdiction over the same. Safety beacons may be required by the Township.
- O. Any applicant for a proposed commercial communications tower or antenna located within a radius of five aerial miles of the Lehigh Valley International Airport (LVIA) shall notify LVIA, in writing, of its intent to construct a commercial communications tower or antenna prior to construction of the same.
- P. Documentation that the applicant for the commercial communications tower or antenna is currently and properly licensed by the Federal Communications Commission (FCC) shall be provided.
- Q. Documentation of FCC approval for any proposed commercial communications tower or antenna shall be provided by the applicant. The documentation shall also demonstrate that the proposed commercial communications tower or antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
- R. The applicant shall demonstrate, utilizing the most current technological evidence available, that the commercial communications tower or antenna must be constructed where it is proposed in order to

satisfy its function pursuant to the communication industry's technological requirements.

- S. The applicant shall demonstrate that it has made reasonable effort to locate the commercial communications tower or antenna on an existing structure within a reasonable distance from the proposed site.
 - T. The tower and any buildings must be provided with a paved access drive from a public road unless waived in writing by the Allen Township Board of Supervisors.
 - U. The applicant shall agree, in writing, to permit co-location on its tower, at reasonable market rates, of additional antennas by another cellular or wireless communications provider, provided that said co-location does not disrupt the applicant's service.
 - V. If a commercial communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the tower and/or antenna within six months of notice to do such by the Township. Further, the owner or operator of the tower and/or antenna shall post security, in a form acceptable to the Township, at the time of issuance of the zoning permit favoring the Township in an amount to cover tower and/or antenna removal and site cleanup. The security shall be utilized by the Township in the event that the owner or operator of the tower and/or antenna fails to remove the tower and/or antenna within six months of notification by the Township.
4. Heliport: an area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate commonwealth agency and approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.
- A. A heliport, as a conditional use in the Industrial (I) or Rural (R) Zoning District, shall meet the following criteria:
 - (1) Minimum lot area: five acres.
 - (2) All portions of the heliport shall be a minimum of 1,000 feet from the lot line of any abutting residential use or district.
 - (3) The applicant shall provide evidence that:
 - (a) The parcel on which the heliport is to be located and the design of the heliport have been approved by the Pennsylvania Bureau of Aviation and the Federal Aviation Administration; and

- (b) The heliport has received any and all required licenses from applicable state and federal government agencies, including, but not limited to, licenses from the Pennsylvania Department of Transportation (AV-4 and AV-6 licenses).
- B. The heliport shall be designed and operated in compliance with all applicable state and federal laws and regulations.
- C. The landing surface of the heliport shall conform to the following:
 - (1) The landing surface shall be paved and level and shall be at least 60 square feet or, in the case of a circle, shall be at least 60 feet in diameter. Except for rooftop pads, a secondary thirty-foot perimeter area shall contain a gravel or grass cover.
 - (2) Both the landing surface and secondary perimeter shall be well maintained and shall be kept dirt-free to preclude blowing dust or debris caused by rotor downwash and shall contain no structures or other obstacles other than those required for safety purposes.
 - (3) The landing surface of the heliport shall be enclosed by a barrier to control access into the helipad area. The barrier shall consist of a chain-link fence six feet in height above grade on the side that faces away from the helipad. The barrier may also include a building wall that affects the performance criteria listed within this subsection. The maximum mesh size shall be 2.25 inches square. The maximum clearance between grade and the bottom of the barrier shall be two inches. Access gates shall be self-closing and equipped with a self-latching device.
- D. The proposed flight paths shall be over open areas and along major transportation corridors to the extent possible, and shall be designed to minimize noise hazards to existing residences and/or residential developments. These requirements shall not apply to helicopters operated by the following:
 - (1) A health-care network and/or hospital to respond to a medical emergency;
 - (2) Law enforcement; and/or
 - (3) Public utility providers.
- E. A maximum of 500 gallons of fuel for helicopters may be stored at any heliport.
- F. The heliport shall be limited to use between the hours of 7:00 a.m. and 9:00 p.m., except for situations where the helicopter and/or heliport is

operated by: A) a health-care network and/or hospital (i.e., MedEvac, Life Lion, PennSTAR) and is used for the medical transport of acutely ill and/or critical care patients; and/or B) law enforcement.

- G. The heliport shall have at least 1.0 off-street parking space for each employee (including, but not limited to, independent contractors and pilots) on the largest shift, 3.0 off-street parking spaces for each helicopter flight per day that the heliport can accommodate and 1.0 off-street parking space for every 200 square feet of floor area open to the public; provided, however, that the minimum number of off-street parking spaces at a heliport shall be 6.0 spaces. All other parking requirements of § 12.38¹⁴ shall be met.
- H. Permits for establishing and maintaining a heliport shall be issued to the owner, lessee and/or operator of a heliport by the Zoning Officer. An administrative permit for a heliport shall be valid for a period of three years; after such time, an applicant must apply for a new permit from the Zoning Officer.
- I. The permit shall be deemed automatically revoked if:
 - (1) The Pennsylvania Bureau of Aviation, the Federal Aviation Administration and/or any other state or federal agency regulating the use, construction, operation and maintenance of a heliport revokes or suspends any license required to use, construct, operate or maintain a heliport;
 - (2) Thirty days after the Zoning Officer has notified the permit holder in writing that the site is no longer in compliance with the requirements set forth herein for the initial granting of the permit, provided the alleged defect has not been cured within said thirty-day period; or
 - (3) The Township receives notice that the heliport is being operated in violation of state or federal law.
- J. A helipad, as a conditional use in the Industrial (I) and Rural (R) Zoning District, shall meet the following criteria:
 - (1) Minimum lot area: five acres.
 - (2) All portions of the helipad shall be a minimum of 1,000 feet from the lot line of any abutting residential use or district.
 - (3) The applicant shall provide evidence that:
 - (a) The parcel on which the helipad is to be located and the design of the helipad have been approved by the

¹⁴Editor's Note: So in original.

Pennsylvania Bureau of Aviation and the Federal Aviation Administration; and

- (b) The helipad has received any and all required licenses from applicable state and federal government agencies, including, but not limited to, licenses from the Pennsylvania Department of Transportation (AV-4 and AV-6 licenses).
- K. The helipad shall be designed and operated in compliance with all applicable state and federal laws and regulations.
- L. The landing surface of the helipad shall conform to the following:
 - (1) The landing surface shall be paved and level and shall be at least 60 square feet or, in the case of a circle, shall be at least 60 feet in diameter. Except for rooftop pads, a secondary thirty-foot perimeter area shall contain a gravel or grass cover.
 - (2) Both the landing surface and secondary perimeter shall be well maintained and shall be kept dirt-free to preclude blowing dust or debris caused by rotor downwash and shall contain no structures or other obstacles other than those required for safety purposes.
 - (3) The landing surface of the helipad shall be enclosed by a barrier to control access into the helipad area. The barrier shall consist of a chain-link fence six feet in height above grade on the side that faces away from the helipad. The barrier may also include a building wall that affects the performance criteria listed within this subsection. The maximum mesh size shall be 2.25 inches square. The maximum clearance between grade and the bottom of the barrier shall be two inches. Access gates shall be self-closing and equipped with a self-latching device.
 - (4) No helicopter shall be stored and/or parked at a helipad. No helicopter shall remain at a helipad for longer than 72 hours.
 - (5) The proposed flight paths shall be over open areas and along major transportation corridors to the extent possible, and shall be designed to minimize noise hazards to existing residences and/or residential developments. These requirements shall not apply to helicopters operated by the following:
 - (a) A health-care network and/or hospital to respond to a medical emergency;
 - (b) Law enforcement; and/or
 - (c) Public utility providers.

- M. A maximum of 200 gallons of fuel for helicopters may be stored at any helipad.
- N. The helipad shall be limited to use between the hours of 7:00 a.m. and 5:00 p.m., except for situations where the helicopter and/or helipad is operated by: A) a health-care network and/or hospital (i.e., MedEvac, Life Lion, PennSTAR) and is used for the medical transport of acutely ill and/or critical care patients; and/or B) law enforcement.
- O. Permits for establishing and maintaining a helipad shall be issued to the owner, lessee and/or operator of a helipad by the Zoning Officer. A permit for a helipad shall be valid for a period of three years; after such time, an applicant must apply for a new permit from the Zoning Officer.
- P. The permit shall be deemed automatically revoked if:
 - (1) The Pennsylvania Bureau of Aviation, the Federal Aviation Administration and/or any other state or federal agency regulating the use, construction, operation and maintenance of a helipad revokes or suspends any license required to use, construct, operate or maintain a helipad;
 - (2) Thirty days after the Zoning Officer has notified the permit holder in writing that the site is no longer in compliance with the requirements set forth herein for the initial granting of the permit, provided the alleged defect has not been cured within said thirty-day period; or
 - (3) The Township receives notice that the helipad is being operated in violation of state or federal law.
- 5. Solar Energy Collectors: a device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.
- 6. Wind Turbine: a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.
 - A. Wind turbines shall be set back from the nearest occupied building upon the subject property a distance not less than 1.1 times the turbine height. The setback distance shall be measured from the center of the wind turbine base (as measured from the unaltered original grade of the land) to the nearest point on the occupied building.
 - B. Wind turbines shall be set back from the nearest adjoining property a distance not less than 1.5 times the turbine height. The setback

distance shall be measured from the center of the wind turbine base to the nearest point of the adjoining property.

- C. All wind turbines shall be set back from the nearest public road a distance of not less than 1.5 times the turbine height, as measured from the nearest right-of-way line of the public road to the center of the wind turbine base. This section shall not be interpreted to permit the location of a wind turbine in the front yard if such structure is not permitted in the front yard within its respective zone.
- D. The minimum height of a wind turbine shall be such that there shall be maintained a minimum of 15 feet ground clearance, as measured between the closest ground surface to the tip of the blade at its lowest turning movement.
- E. The maximum height of a wind turbine shall be 50 feet, as measured from the ground surface to the tip of the blade at its highest turning movement.
- F. All wind turbines and wind energy facilities shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- G. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by nonauthorized persons.

§ 27-1507. Industrial Uses. [Ord. 2017-02, 3/28/2017]

- 1. Contracting: contractor offices and shops, such as building, cement, electrical, heating, plumbing, masonry, painting, roofing, fencing, landscaping, and excavating.
- 2. Crafts: carpentry shop, cabinetmaking, furniture making, and similar crafts.
- 3. Distribution Center/Customer Fulfillment Center:
 - A. A facility from which wholesale and retail orders are filled for redistribution to retailers, to wholesalers, or directly to consumers, whether those customers are external or internal company departments and functions. Additionally a distribution and/or customer fulfillment center may typically provide such services as transportation of goods, cross-docking, sorting and routing of packages to/from similar centers, order fulfillment, labeling and packaging along with whatever services are necessary to complete the order

cycle, including order processing, order preparation, shipping, receiving, transportation of goods, returned goods management and processing and performance measurement. This use may include light manufacturing integral to the facility operation in up to 50% of the total floor space.

B. A distribution center, cargo facility, warehousing area and/or freight terminal shall be a permitted conditional use, subject to the following express standards and criteria:

- (1) The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- (2) An additional 10 feet of yard setback with landscape buffering a minimum of six feet in height for off-street parking and loading areas shall be provided as defined by §§ 27-1406 and 27-1422 of this chapter to protect the surrounding neighborhood from inappropriate light and other disturbances.
- (3) Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in § 27-1421.
- (4) A distribution center, cargo facility, warehousing area or freight terminal shall have of ingress and egress to an arterial or collector street. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular). All means of ingress and/or egress shall be located at least 150 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Allen Township.
- (5) Where overnight parking is permitted, the trucks or commercial vehicles utilizing the facilities shall not be kept running or idling for a period of time exceeding 30 consecutive minutes or 90 cumulative minutes within any twenty-four-hour time period.
 - (a) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of dirt, mud, grit or other such substances on public roads.

- (b) All trucks, trailers and commercial vehicles stored on the property shall be arranged so as to permit access to emergency management equipment. The off-street parking and loading spaces shall be designed and constructed to comply with the provisions that are specified under this chapter.
 - (c) Parking areas shall provide additional layover parking spaces for a minimum of 10% of the proposed daily truck trips as identified in the ITE standards. Signage shall be provided specifying the purpose of these designated spaces, which shall be enforced by the property owner.
 - (d) Snow truck (cab and body) scrapers shall be installed on site.
- (6) No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.
 - (7) The owner(s) and operator(s) of such facilities shall be responsible for the conduct and safety of employees or visitors and shall be available to respond to inquiries and promptly quell any disturbances caused by employees and visitors.
 - (8) The height of proposed buildings and structures shall be subject to the requirements of the Airport Zone Overlay District.
 - (9) In addition to the above criteria, buildings in the Industrial and Industrial/Commercial Zoning Districts shall meet the following prescriptive architectural design criteria:
 - (a) The primary building facade shall incorporate wall plane projections or recesses with a wall plane offset as follows:
 - [1] The wall plane offset dimension shall be equal to 1% of the length of the facade but is not required to exceed a dimension of three feet zero inches.
 - [2] The collective length of wall plane offsets shall be a minimum of 50 feet and no greater than 200 feet in length.
 - [3] If the facade is at the corner of a building, the wall plane offset shall not exceed 100 feet as measured from said building corner.
 - [4] The uninterrupted length of any wall plane segment shall not exceed 225 feet zero inches.

- (b) The intent of the above prescriptive architectural design criteria is to provide an aesthetically attractive building design that enhances the Township's built environment.
- (c) Applicants may submit an alternate architectural design for Allen Township consideration during the land development approvals as follows:
 - [1] An applicate may submit an alternate architectural design that deviates from but clearly meets the spirit of the prescriptive design criteria.
 - [2] In lieu of complying with the prescriptive architectural design criteria, an applicant may submit an alternate compliance method that visually buffers the public view of the building by proposing increased building setbacks, additional landscape buffers and berm elements to the satisfaction of and at the discretion of the Board of Supervisors above and beyond the zoning ordinance requirements.
 - [3] Allen Township is the final decisionmaker regarding acceptance/rejection of an applicant's alternate design. To receive Allen Township Board of Supervisors approval, the alternate design must clearly demonstrate to the satisfaction of and at the discretion of the Board of Supervisors the intent described in Subsection 3B(9)(b) above.
- (10) This use shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street trailer parking spaces available for pre- and post- loading and unloading activities.
- (11) This use shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street tractor-trailer parking spaces available for tractor-trailers arriving during nonbusiness hours to prevent tractor-trailers from parking on public streets while waiting for access to the facility.
- (12) This use shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street queueing space available at facility entrances to prevent vehicles from queueing on public streets while waiting for access to the facility.

- (13) This use requires the submission of written plans, checklists or other measures to deal with the outdoor storage of hazardous materials, either in trailers or other containers, for review and recommendation as deemed appropriate by the Board of Supervisors.

4. Extractive Operation:

- A. Extractive operations for sand, clay, shale, gravel, topsoil, or similar operations, including borrow pits (excavations for removing material for filling operations).
- B. Sand, clay, shale, grave, topsoil, or similar extractive operations, including borrow pits (excavations for removing material for filling operations).
- C. When applying for a zoning permit or change of zoning, the applicant shall provide the following plans and information:

(1) Plans Required:

- (a) Plan of general area (within a one-mile radius of the site) at a scale of 1,000 feet to the inch or less with a twenty-foot contour interval or less to show.

[1] Existing Data.

- [a] Location of proposed site.
- [b] Land use pattern, including building locations and historical sites and buildings.
- [c] Roads, indicating major roads and showing width, weight loads, types of surfaces, and traffic data.

[2] Proposed Data.

- [a] Subdivision.
- [b] Parks, schools, and churches.
- [c] Highways (new and reconstructed).
- [d] Other uses pertinent to the proposal.

- (b) Plan of proposed site at a scale of 100 feet to the inch or less with a five-foot contour interval or less to show:

[1] Basic Data.

- [a] Soils and geology.
 - [b] Groundwater data and watercourses.
 - [c] Vegetation, with dominant species.
 - [d] Wind data, directions and percentage of time.
- [2] Proposed Data.
 - [a] Final grading by contours.
 - [b] Interior road pattern, its relation to operation yard, and points of ingress and egress to state and Township roads.
 - [c] Estimated amount and description of aggregate and overburden to be removed.
 - [d] Ultimate use and ownership of site after completion of operation.
 - [e] Source of water if final plan shows use of water.
 - [f] Plan of operation showing:
 - [i] Proposed tree screen locations.
 - [ii] Soil embankment for noise, dust, and visual barriers and heights of sand mounds.
 - [iii] Method of disposition of excess water during operation.
 - [iv] Location and typical schedule of blasting.
 - [v] Machinery: type and noise levels.
 - [vi] Safety measures; monitoring of complaints.
 - [g]
- D. Performance Standards.
 - (1) Operations. Extractive operations shall meet all standards of Part 14.

- (2) Setbacks. No excavation, quarry well, storage or area in which processing is conducted shall be located within 50 feet of any lot line, 125 feet from any street right-of-way, nor within 200 feet of any residential district boundary line.
- (3) Grading. All excavations, except stone quarries over 25 feet in depth, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
 - (a) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of materials approved by the Department of Environmental Protection for backfilling use.
 - (b) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such material, or 45° in angle, whichever is less.
 - (c) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven feet horizontal to one foot vertical, beginning at least 50 feet from the edge of the water and maintained into the water to a depth of five feet.
 - (d) Drainage shall be provided either naturally or artificially so that disturbed areas shall not collect or permit stagnant water to remain.
- E. Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
- F. Planting. When the planting of vegetation is the final use of the land, all dry land shall be covered with a sufficient amount of arable soils to support said growth. A planting plan shall be prepared for the entire finished tract using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with vegetative cover in keeping with the requirements of the ultimate buildings' purposes.
- G. Stone Quarry. Stone quarries whose ultimate depth shall be more than 25 feet shall provide the following:

- (1) A screen planting within the setback area required by Subsection 4D(2) above shall be required. Such a screen shall be no less than 25 feet in width and set back from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction.
 - (2) A chain-link fence at least 10 feet high and with an extra slanted section on top strung with barbed wire shall be placed at either the inner or outer edge of planting.
 - (3) Warning signs shall be placed on the fence at intervals of not more than 100 feet completely surrounding the area.
 - H. Parking: one off-street parking space for each employee in the largest shift.
5. Flex Space or Building: a flex building is a building or series of buildings which is part of a planned development wherein the building or buildings will be occupied by a variety of industrial, office and commercial uses, subject to the following provisions:
- A. Area and Dimensional Requirements.
 - (1) Minimum site area: three acres.
 - (2) Minimum frontage at street line-site: 150 feet.
 - (3) Minimum setback from street lines-site: 25 feet.
 - (4) Minimum setback from property lines-site: 25 feet.
 - (5) Minimum building spacing: 50 feet.
 - (6) Maximum impervious surface ratio: 0.60.
 - (7) Maximum building coverage: 0.40.
 - (8) Maximum floor area ratio: 0.40.
 - B. Permitted Uses. Office, medical office, financial establishment, repair shop, indoor entertainment, athletic facility (excluding outdoor facilities, health clubs, and swimming pools), manufacturing, wholesale business, wholesale storage, printing, and contracting, subject to the specific regulations for each defined use.
 - C. Each proposed building may be occupied by a maximum of six tenants, and any tenant space must have a minimum of 2,000 square feet.
 - D. No more than 50% of the total gross floor area of any one building or group of buildings within a planned development may be occupied by use office and/or use medical office or any combination thereof.

- E. Parking: Each facility must have a minimum allocation pursuant to § 27-1422 of this chapter. Prior to the initial occupancy or to the change of occupancy of any space in a building, the Allen Township Zoning Officer shall review and approve an application for certificate of occupancy, which application shall show, among other things, the proposed use, the overall parking requirements for the subject property, the parking requirements for each of the buildings, and the parking requirements for each of the existing tenants, and shall demonstrate that the required parking is available for the use for which occupancy is sought. If the parking required for the proposed use under this chapter cannot be met, the Zoning Officer shall deny the use and occupancy certificate.
 - F. All tenants shall take access to and from a building by way of an interior driveway. Access to and from the interior driveway shall be from an arterial or collector highway, unless otherwise approved by the Board of Supervisors.
 - G. Parking facilities shall be located no closer than five feet from the front, rear or side of any building. All loading facilities shall be located to the side or rear of buildings, but in no case shall any loading facility be located between the front of a building and any street line.
 - H. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
 - I. All commonly owned elements shall be owned and maintained in accordance with the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq., or other ownership arrangement approved by the municipality.
 - J. The applicant shall submit a plan for the overall design and improvements of each flex building project.
6. Junkyard: an area of land, with or without buildings, used for the storage of used or discarded materials, including, but not limited to, wastepaper, glass, rags, metal, building materials, house furnishings, machinery, tires, vehicles, or parts thereof. The deposit or storage of two or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of two or more wrecked or broken vehicles, or the major parts of two or more such vehicles, shall only be stored in a licensed junkyard.
- A. No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes.

- B. The boundaries of any junkyard shall at all times be clearly delineated.
 - C. All paper, rags, cloth, and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
 - D. All junkyard materials and activities must be set back a minimum distance of 100 feet from all property lines. The area between the setback lines and the property lines shall be at all times kept clear and vacant, except for the required planting screen. All junkyard materials and activities not within fully enclosed buildings shall, at the setback lines, be surrounded by an opaque fence at least eight feet in height, and maintained in good condition. Any gate in such fence shall be similarly constructed and maintained, and shall be kept locked at all times when the junkyard is not in operation. Adjacent to the fence, between the fence and the property line, a twenty-five-foot-wide planting strip of evergreen trees shall be provided at a minimum height of five feet with a minimum spacing of 12 feet. These trees shall be maintained, and dead trees shall be promptly replaced by the property owner.
 - E. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, rising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.
 - F. No burning shall be carried on in any junkyard. Fire hazards shall be prevented by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained) by the provision of adequate aisles (at least 15 feet) for escape and firefighting, and by other necessary measures.
 - G. Stacking of material shall not exceed eight feet in height.
 - H. Land area shall not exceed 10 acres.
 - I. Parking: one off-street parking space for each employee in the largest shift.
 - J. The junkyard must be licensed and meet all other aspects of the Township's Junkyard Ordinance.¹⁵
7. Manufacturing: manufacturing, including the assembling, production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs,

¹⁵Editor's Note: See Ch. 13, Part 1.

and products. If the function of warehouse, distribution center or wholesaling comprises more than 20% of the floor space of the total facility, then the criteria of those uses shall apply to the entire facility. The twenty-percent allocation to these uses may be subject to adjustment at the discretion of the Board of Supervisors.

8. Mill: a mill where grain, lumber, and similar products are processed.
9. Self-Storage Facility: a structure containing separate storage spaces which are leased to the general public for the purpose of storing items generally stored in residential structures.
 - A. Such use shall be surrounded by a physical barrier, such as a fence, measuring at least six feet in height and by a buffer strip at least 15 feet in width. The buffer strip shall be planted outside of the fence or other barrier and shall consist of plants which will hide the fence from view from the street or other properties. The buffer strip shall be maintained at all times so that dead or diseased plants are replaced.
 - B. The minimum driveway width between buildings shall be 24 feet.
 - C. No business activity other than leasing of storage units shall be permitted.
 - D. All storage shall be within enclosed buildings, except that no more than 40% of the total storage area may be devoted to outdoor parking spaces for boats, cars, recreational vehicles, or other commercial vehicles.
 - E. Explosive, radioactive, or highly flammable materials and chemicals shall not be permitted.
 - F. Parking: one space for each full-time employee or caretaker.
 - G. Structure sidewall height is restricted to 14 feet.
10. Municipal Waste Landfill: a facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of the operation, including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of, or incidental to, the operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge. (Pa. Code Title 25, Environmental Protection, Part I, § 271.1, as amended.
 - A. Minimum lot area: 50 acres.

- B. The municipal waste landfill operation shall be set back from any property line or street right-of-way line at least 300 feet.
- C. Direct access to an arterial road shall be required for the operation of a municipal waste landfill.
- D. A traffic impact study shall be required.
- E. Operation of any municipal landfill shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection and all provisions of this chapter and all other applicable ordinances. In the event that any of the provisions of this chapter are less restrictive than any present or future rules or regulations of the Department, the more-restrictive Department rules or regulations shall supersede and control in the operation of such municipal waste landfill.
- F. Suitable measures shall be taken to prevent fires by means and devices mutually agreeable to the Department of Environmental Protection and the municipality.
- G. Municipal waste shall not be burned at a municipal waste landfill.
- H. A municipal waste landfill operation shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate a landfill.
- I. Measures shall be provided to control dust, and a working plan for cleanup of litter shall be submitted to the Township. To control blowing paper, there shall be erected a fence having a minimum height of six feet, with openings not more than three inches by three inches, 20 feet inside all boundaries. The entire area shall be kept clean and orderly. Cracks in, depressions in or erosion of cover shall be repaired daily.
- J. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every municipal waste landfill shall be protected by locked barricades, fences, gates, or other positive means designed to deny access to the area at unauthorized times or locations.
- K. Unloading of waste shall be continuously supervised.
- L. Hazardous materials, as listed on the Federal Hazardous Waste List promulgated under the Resource Conservation and Recovery Act as defined in 40 CFR Chapter 1, Part 261, Subpart D, dated July 1, 1984, as amended, shall not be disposed of in a municipal waste landfill.

- M. The disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a municipal waste landfill.
- N. Litter control shall be exercised to confine blowing litter to the work area, and a working plan of cleanup of litter shall be accomplished.
- O. Salvaging shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightliness or health hazards. The storage of salvage shall be controlled in a manner that will not permit the inhabitation or reproduction of disease-transmitting organisms.
- P. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling onto the fill, and to prevent the collection of standing water. The operator shall comply with the requirements of Chapters 75¹⁶ and 102 of Title 25, Pennsylvania Code, as amended, and applicable municipal ordinances so that there is no adverse off-site impact from the drainage of surface water.
- Q. Operation of a municipal waste landfill shall at all times be in full compliance with the Pennsylvania Clean Streams Law, Act 157 of 1980, as amended.¹⁷
- R. A dense evergreen buffer shall be provided outside of the fenced area. Evergreens shall be four to five feet in height and shall be planted in two rows 10 feet apart on ten-foot staggered centers. In addition, the buffer requirements of this chapter shall be met.
- S. A zoning permit shall be obtained on an annual basis, with application made by January 15 of each year. The permit shall be issued only after certification to or inspection by the Zoning Officer to certify that this use meets all provisions of this chapter and other ordinances.
- T. A final inspection of the entire site shall be made by the Department of Environmental Protection and the Township and their authorized representatives to determine compliance with applicable Department of Environmental Protection Rules and Regulations, Title 25, Chapter 273, as amended, and approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the municipal waste landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the first two years following completion of the municipal waste

¹⁶Editor's Note: Chapter 75 of the Pennsylvania Code is now a reserved chapter.

¹⁷Editor's Note: See 35 P.S. § 691.1 et seq.

landfill. A bond shall be posted to ensure that all corrective work is completed.

- U. A certificate of pollution insurance in compliance with all applicable sections of the Pennsylvania Municipalities Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988), as amended,¹⁸ shall be required on an annual basis.
11. Planing Mill: where wood products are sold and processed into finished items, such as molding, trim, etc.
 12. Printing: printing, publishing, and binding.
 13. Research: research, testing, or experimental laboratory.
 14. Resource Recovery Facility: a facility or land that is used for any one or a combination of the following: composting, incineration, material separation, recycling, or trash transfer as defined below. Municipal waste landfill operations are not included under this use, and open burning of any materials shall specifically be prohibited.
 - A. Related Definitions.
 - (1) Composting Facility: a facility for the composting of the organic matter in municipal waste.
 - (2) Incinerator: an enclosed device using controlled combustion with a primary purpose of thermally breaking down municipal waste and which is equipped with a flue.
 - (3) Material Separation and/or Refuse Derived Fuel (RDF) Facility: the extraction of materials from municipal waste for recycling or for use as refuse derived fuel (RDF).
 - (4) Recycling Facility: a business that accumulates source-separated, recyclable material such as paper, glass, aluminum and/or plastic that is no longer useful for its intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product.
 - (5) Transfer Station: a facility where municipal waste is delivered for the purpose of transferring and/or compacting the material into larger vehicles for transport to a final disposal site or processing facility. A transfer station may include the separation and collection of material for the purpose of recycling.

- B. Minimum lot area: 10 acres.

¹⁸Editor's Note: See 53 P.S. § 4000.101 et seq.

- C. Any such use shall be a minimum of 200 feet from any public road as measured from the ultimate right-of-way of the road and 200 feet from any property line. Additionally, any resource recovery facility shall be a minimum of 300 feet from any residential zoning district or occupied residential dwelling unit.
- D. Parking areas, vehicle storage, maintenance or accessory buildings shall be a minimum of 100 feet from any property line.
- E. Operation of a resource-recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection (PADEP) and all provisions of this chapter and all other applicable ordinances. In the event that any of the provisions of this chapter are less restrictive than any present or future rules or regulations of the PADEP, the more-restrictive PADEP regulations shall supersede and control.
- F. Litter control shall be exercised to confine blowing litter to the work area, and a working plan for cleanup of litter shall be submitted to the Township. To control blowing paper, there shall be erected a fence having a minimum height of six feet with openings not more than three inches by three inches, 20 feet, inside all boundaries. The entire area shall be kept clean and orderly.
- G. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every resource recovery facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at least six feet high and shall be kept in good repair and neatly painted in a uniform color. This limitation of access may be waived by the Board of Supervisors for recycling dropoff stations where public access is essential for the operation.
- H. Unloading of municipal waste shall be continuously supervised by a facility operator.
- I. Hazardous waste, as included on the list of hazardous waste as maintained by the Department of Environmental Protection, shall not be disposed of in a resource recovery facility.
- J. All parts of the process, unloading, handling and storage of municipal waste shall occur within a building. However, certain separated, nonputrescible, recyclable materials like glass, aluminum, and other materials may be unloaded, handled or stored outdoors when authorized by the Board of Supervisors. All outdoor storage shall meet the standards of Subsection 14C and I hereof.

- K. Paper shall be stored within an enclosure.
- L. Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or properties.
- M. No material shall be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
- N. No municipal waste shall be processed or stored at a recycling facility. For types of resource recovery facilities other than a recycling facility, municipal waste shall not be stored on the site for more than 72 hours.
- O. A contingency plan for disposal of municipal waste during a plant shutdown must be submitted to the Township and approved by the Board of Supervisors.
- P. Leachate from the municipal waste and water used to wash vehicles or any part of the operation shall be disposed of in a manner in compliance with Pennsylvania Department of Environmental Protection's regulations. If the leachate is to be discharged into a municipal sewage treatment plant, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall the leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Pennsylvania Department of Environmental Protection's regulations.
- Q. Waste from the resource recovery facility process (such as, but not limited to, ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. Such residual waste shall be located at least 200 feet from any property line and stored in leadproof and vectorproof containers. Such residual processed waste shall be disposed of in a sanitary landfill approved by PADEP or in another manner approved by PADEP.
- R. A dense evergreen buffer shall be maintained as a permanent visual screen outside of the fenced area. The visual screen shall begin at the ground and extend to the height of the fence. Evergreens shall be four to five feet in height and shall be planted in two rows 10 feet apart on ten-foot staggered centers. The lower branches of mature trees shall not be removed. In addition, the buffer requirements of this chapter shall be met.
- S. Municipal waste landfill operations are not included under this use, and open burning of any materials shall specifically be prohibited.
- T. A traffic impact study and a water impact study shall be required and prepared by a recognized professional.

- U. A zoning permit shall be obtained on an annual basis, with application made by January 15 of each year. The permit shall be issued only after an inspection by the Zoning Officer to certify that this use meets all provisions of this chapter and other ordinances.
 - V. A certificate of pollution insurance in compliance with all applicable sections of the Pennsylvania Municipalities Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988), as amended,¹⁹ shall be required on an annual basis.
15. Truck Terminal: the use of land and/or structures for the storage of trucks and for the transfer of freight from one truck to another; a business-to-business use for the movement of bulk goods with an insignificant breakdown (less than 10% of overall goods moved through facility in any thirty-day period) of incoming and outgoing bulk goods.
16. Water Extraction and Bottling: any use which involves the pumping or removal for water from groundwater sources, with or without bottling, for retail or wholesale sale. All water extraction and bottling operations as defined by this chapter must provide the Township Board of Supervisors with evidence of any approved construction/operation permit from the appropriate Commonwealth permitting agencies.
- A. Commercial water resource uses shall be limited to: groundwater extraction and exportation operations; surface water extraction and exportation operations; bottling and distribution facilities; and other similar uses, as determined by the Township Zoning Officer.
 - B. The following design standards and specifications shall apply to the uses contained within commercial water resource uses:
 - (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the operational facilities within a commercial water resource use.
 - (2) Commercial water resource uses shall be serviced by public, private or on-lot sanitary sewer facilities.
 - (3) Commercial water resource uses shall be serviced by public, private or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by Allen Township. All water supply facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Allen Township and the Pennsylvania Department of Environmental Protection.

¹⁹Editor's Note: See 53 P.S. § 4000.101 et seq.

- (4) All other utility provisions serving commercial water resource use shall be planned and installed in accordance with the specifications of the public utility provider supplying service.
- (5) The commercial water resource use shall be approved and permitted by the appropriate local, state and federal regulatory agencies.
- (6) The principal and accessory building located on the site of the commercial water resource use shall be located at least 200 feet from all property lines and street right-of-way lines.
- (7) Unless otherwise permitted by Allen Township and the Pennsylvania Department of Environmental Resources, all facility operations, uses, intake devices, wells, pumps, storage tanks and principal buildings associated with the commercial water resource use shall be located at least 200 feet from all property lines and street right-of-way lines.
- (8) All facility operations, uses, intake devices, wells, pumps, storage tanks and principal buildings associated with the commercial water resource use shall be located at least 2,000 feet from all existing production wells or intake devices utilized for public water supply.
- (9) The perimeter of the property shall be completely enclosed by a security fence, which may be a minimum of eight feet in height.
- (10) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Allen Township.
- (11) All designated points of ingress and egress for truck traffic shall be designed to consider traffic volumes on existing streets, limitations associated with turning movements and adjacent residential uses.
- (12) The off-street parking and loading spaces shall be designed to comply with the provisions specified within this chapter.
- (13) All proposed signs for the commercial water resource use shall comply with the provisions specified within this chapter.
- (14) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All

containers shall be enclosed and verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 100 feet from any property line or street right-of-way line.

C. The applicant or developer shall submit the following information for review and consideration:

- (1) A complete hydrological report, analysis and impact plan of the surface water and groundwater conditions shall be prepared by a professional hydrogeologist, which meets the following objectives and requirements:
 - (a) The professional hydrogeologist preparing the report shall certify that the commercial water resource use shall be supplied by a continuous safe daily yield, which will not adversely affect the quantity or quality of the surface water and groundwater table within 2,000 feet of the source of extraction.
 - (b) If appropriate, a dynamic recovery rate and draw-down tests shall be conducted by the professional hydrogeologist preparing the report to determine the maximum safe daily yield of the commercial water resource operations.
 - (c) All such applications for the commercial water resource use shall demonstrate that the adjacent public and private water supply sources will not adversely be affected by discontinued use, contamination, loss of supply, or the ability to properly recharge over time.
 - (d) The professional hydrogeologist preparing the report shall consult with the Allen Township Engineer and Zoning Officer prior to commencement of the background studies to determine if other conditions should be analyzed as part of the report.
 - (e) The hydrological report, analysis and impact plan shall be subject to the review of the Allen Township Engineer, Zoning Officer, or other professional consultant(s) qualified to render an opinion of the information submitted on behalf of the applicant.
- (2) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.

- (3) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
 - (4) A preliminary grading plan shall be developed identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities, and other natural or man-made features of the site.
 - (5) A traffic impact study shall be conducted in order to assess transportation conditions and needs. The traffic impact study should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. The traffic impact study shall be submitted with the special exception application.
 - (6) An environmental impact assessment report shall be conducted in order to assess existing and proposed site conditions. The environmental impact assessment report should identify how potential environmental or ecological impacts will be mitigated and/or prevented. The environmental impact assessment report shall be submitted to Allen Township.
17. Warehouse: a facility primarily devoted to the storage of materials.
- A. This use may include light manufacturing integral to the facility operations in up to 50% of the total floor space.
 - B. A minimum of two acres of contiguous net land area shall be required to accommodate the warehouse and freight terminal. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the use is located, shall apply.
 - C. The following design standards and specifications shall apply to a warehouse and freight terminals:
 - (1) The warehouse shall be serviced by public sanitary sewer facilities, which shall be planned in accordance with the most recent update to Allen Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended),²⁰ as well as any ordinances adopted by Allen Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review and approval of Allen Township and the Pennsylvania Department of Environmental Protection.
 - (2) Where public sanitary sewage disposal facilities and/or public water supply facilities are not planned within a defined service

²⁰Editor's Note: See 35 P.S. § 750.1 et seq.

area, the use of on-lot sewer and water facilities may be considered, provided that they are consistent with all relevant plans and ordinances adopted by Allen Township.

- (3) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- (4) All means of ingress and/or egress shall be located at least 150 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Allen Township.
- (5) Where overnight parking is permitted, the trucks or commercial vehicles utilizing the facilities shall not be kept running or idling for a period of time exceeding 30 consecutive minutes or 90 cumulative minutes within any twenty-four-hour time period.
- (6) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of mining products, dirt, mud or other such substances on public roads.
- (7) All trucks, trailers and commercial vehicles stored on the property shall be arranged so as to permit access to emergency management equipment. The off-street parking and loading spaces shall be designed and constructed to comply with the provisions that are specified under this chapter.
- (8) All proposed signs shall comply with the provisions that are specified under this chapter.
- (9) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed and verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 20 feet from any property line or street right-of-way line.

- (10) This use shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street trailer parking spaces available for pre- and post-loading and unloading activities.
- (11) This use shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street tractor-trailer parking spaces available for tractor-trailers arriving during nonbusiness hours to prevent tractor-trailers from parking on public streets while waiting for access to the facility.
- (12) This use shall require the submission of evidence that the proposed new use or expansion of the existing use provides sufficient off-street queuing space available at facility entrances to prevent vehicles from queuing on public streets while waiting for access to the facility.
- (13) This use requires the submission of written plans, checklists or other measures to deal with the outdoor storage of hazardous materials, either in trailers or other containers, for review and recommendation as deemed appropriate by the Board of Supervisors.
- (14) Snow truck (cab and body) scrapers shall be installed on site.
- (15) No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.
- (16) The owner(s) and operator(s) of such facilities shall be responsible for the conduct and safety of employees or visitors and shall be available to respond to inquiries and promptly quell any disturbances caused by employees and visitors.
- (17) The height of proposed buildings and structures shall be subject to the requirements of the Airport Zone Overlay District.
- (18) In addition to the above criteria, buildings in the Industrial and Industrial/Commercial Zoning Districts shall meet the following prescriptive architectural design criteria:
 - (a) The primary building facade shall incorporate wall plane projections or recesses with a wall plane offset as follows:
 - [1] The wall plane offset dimension shall be equal to 1% of the length of the facade but is not required to exceed a dimension of three feet zero inches.

- [2] The collective length of wall plane offsets shall be a minimum of 50 feet and no greater than 200 feet in length.
 - [3] If the facade is at the corner of a building, the wall plane offset shall not exceed 100 feet as measured from said building corner.
 - [4] The uninterrupted length of any wall plane segment shall not exceed 225 feet zero inches.
- (b) The intent of the above prescriptive architectural design criteria is to provide an aesthetically attractive building design that enhances the Township's built environment.
- (c) Applicants may submit an alternate architectural design for Allen Township's consideration during the land development approvals as follows:
 - [1] An applicant may submit an alternate architectural design that deviates from but clearly meets the spirit of the prescriptive design criteria.
 - [2] In lieu of complying with the prescriptive architectural design criteria, an applicant may submit an alternate compliance method that visually buffers the public view of the building by proposing increased building setbacks, additional landscape buffers and berm elements to the satisfaction of and at the discretion of the Board of Supervisors above and beyond the Zoning Ordinance requirements.
 - [3] Allen Township is the final decisionmaker regarding acceptance/rejection of an applicant's alternate design. To receive Allen Township Board of Supervisors approval, the alternate design must clearly demonstrate to the satisfaction of, and at the discretion of, the Board of Supervisors the intent described in Subsection 17C(18)(b) above.
- D. As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by Allen Township. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the Allen Township Engineer and Zoning Officer to initially discuss the

supplemental documentation that may be required as part of the application. Such supplemental documentation shall be submitted by the applicant at the request of and at the sole discretion of the Allen Township Board of Supervisors.

- E. As part of the land development plan, Allen Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.
- F. In addition to the above criteria, distribution centers, warehousing, and wholesaling in the IC Zoning District must meet the following criteria:
 - (1) Distribution centers, warehousing, and wholesaling must be accessory to the primary permitted use.
 - (2) Not more than 1/3 of any development site may be devoted to any buildings principally housing distribution activities.
- G. In addition to the above criteria, buildings in the Industrial and Industrial/Commercial Zoning Districts shall meet the following prescriptive architectural design criteria:
 - (1) The primary building facade shall incorporate wall plane projections or recesses with a wall plane offset as follows:
 - (a) The wall plane offset dimension shall be equal to 1% of the length of the facade but is not required to exceed a dimension of three feet zero inches.
 - (b) The collective length of wall plane offsets shall be a minimum of 50 feet and no greater than 200 feet in length.
 - (c) If the facade is at the corner of a building, the wall plane offset shall not exceed 100 feet as measured from said building corner.
 - (d) The uninterrupted length of any wall plane segment shall not exceed 225 feet zero inches.
 - (2) The intent of the above prescriptive architectural design criteria is to provide an aesthetically attractive building design that enhances the Township's built environment.

- (3) Applicants may submit an alternate architectural design for Allen Township's consideration during the land development approvals as follows:
 - (a) An applicant may submit an alternate architectural design that deviates from but clearly meets the spirit of the prescriptive design criteria.
 - (b) In lieu of complying with the prescriptive architectural design criteria, an applicant may submit an alternate compliance method that visually buffers the public view of the building by proposing increased building setbacks, additional landscape buffers and berm elements to the satisfaction of and at the discretion of the Board of Supervisor above and beyond the Zoning Ordinance requirements.
 - (c) Allen Township is the final decisionmaker regarding acceptance/rejection of an applicant's alternate design. To receive Allen Township Board of Supervisors approval, the alternate design must clearly demonstrate to the satisfaction of, and at the discretion of, the Board of Supervisors the intent described in Subsection 17G(2) above.
- 18. Wholesale Business/Wholesale Storage: an establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers rather than to the general public or acting as a broker for such merchandise sales. This use may include light manufacturing integral to the facility operations in up to 50% of the total floorspace.
 - A. A minimum of two acres of contiguous net land area shall be required to accommodate the wholesale business/wholesale storage facility. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the use is located, shall apply.
 - B. The following design standards and specifications shall apply to a wholesale business/wholesale storage facility.
 - (1) The warehouse shall be serviced by public sanitary sewer facilities, which shall be planned in accordance with the most recent update to Allen Township Sewage Facilities Plan, as adopted to comply with Pennsylvania Sewage Facilities Act (PA Act 537, as amended),²¹ as well as any ordinances adopted by Allen Township. All sewage disposal facilities shall be designed with sufficient capacities, which shall be subject to the review

²¹Editor's Note: See 35 P.S. § 750.1 et seq.

and approval of Allen Township and the Pennsylvania Department of Environmental Protection.

- (2) The wholesale business/wholesale storage facility shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Allen Township.
- (3) Where public sanitary sewage disposal facilities and/or public water supply facilities are not planned within a defined service area, the use of on-lot sewer and water facilities may be considered, provided that they are consistent with all relevant plans and ordinances adopted by Allen Township.
- (4) All other utility provisions serving the use shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
- (5) Retail sales of items commonly distributed as part of the wholesale operation may be permitted, provided that the accessory retail use does not exceed 2,000 square feet in gross floor area.
- (6) All means of ingress and/or egress shall be located at least 150 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Allen Township.
- (7) Where overnight parking is permitted, the trucks or commercial vehicles utilizing the facilities shall not be kept running or idling for a period of time exceeding 30 consecutive minutes or 90 cumulative minutes within any twenty-four-hour time period.
- (8) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of mining products, dirt, mud or other such substances on public roads.
- (9) All trucks, trailers and commercial vehicles stored on the property shall be arranged so as to permit access to emergency management equipment. The off-street parking and loading

spaces shall be designed and constructed to comply with the provisions that are specified under this chapter.

- (10) All signs shall comply with the provisions that are specified under this chapter.
- (11) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed and verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area for trash and rubbish shall be permitted within 20 feet from any property line or street right-of-way line.
- (12) In addition to the above criteria, buildings in the Industrial and Industrial/Commercial Zoning Districts shall meet the following prescriptive architectural design criteria:
 - (a) The primary building facade shall incorporate wall plane projections or recesses with a wall plane offset as follows:
 - [1] The wall plane offset dimension shall be equal to 1% of the length of the facade but is not required to exceed a dimension of three feet zero inches.
 - [2] The collective length of wall plane offsets shall be a minimum of 50 feet and no greater than 200 feet in length.
 - [3] If the facade is at the corner of a building, the wall plane offset shall not exceed 100 feet as measured from said building corner.
 - [4] The uninterrupted length of any wall plane segment shall not exceed 225 feet zero inches.
 - (b) The intent of the above prescriptive architectural design criteria is to provide an aesthetically attractive building design that enhances the Township's built environment.
 - (c) Applicants may submit an alternate architectural design for Allen Township's consideration during the land development approvals as follows:
 - 1) An applicant may submit an alternate architectural design that deviates from but clearly meets the spirit of the prescriptive design criteria.
 - 2) In lieu of complying with the prescriptive architectural design criteria, an applicant may

submit an alternate compliance method that visually buffers the public view of the building by proposing increased building setbacks, additional landscape buffers and berm elements to the satisfaction of and at the discretion of the Board of Supervisors above and beyond the Zoning Ordinance requirements.

- 3) Allen Township is the final decisionmaker regarding acceptance/rejection of an applicant's alternate design. To receive Allen Township Board of Supervisors approval, the alternate design must clearly demonstrate to the satisfaction of, and at the discretion of, the Board of Supervisors the intent described in Subsection 18B(12)(b) above.
- (13) As part of the land development plan, the applicant shall provide evidence that the use or activities shall comply with the provisions established by Allen Township. This may include the submission of a grading plan, utility plan, landscaping plan, lighting plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the Allen Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application. Such supplemental documentation shall be submitted by the applicant at the request of and at the sole discretion of the Allen Township Board of Supervisors.
- (14) As part of the land development plan, Allen Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the land development plan and/or zoning permit.

§ 27-1508. Accessory Uses. [Ord. 2017-02, 3/28/2017]

1. Customary Accessory Uses and Buildings Incidental to any of the Permitted Uses: see § 27-1411.
2. 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.

No-impact home-based businesses are permitted in any residence subject to conformance with the following regulations. Any no-impact home-based business must satisfy the following requirements:

- A. The no-impact home-based business shall be carried on wholly indoors and within a dwelling or other structure accessory thereto and shall be clearly secondary to the use of the property as a residence.
 - B. The no-impact home-based business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - C. The no-impact home-based business shall be operated by members of the immediate family residing in the dwelling with a maximum of two nonresident employees.
 - D. There shall be no outside appearance of a business use, including, but not limited to, parking or lights.
 - E. The no-impact home-based 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 no-impact home-based 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 no-impact home-based business may not involve any illegal activity.
3. Home Occupation: an activity for gain customarily carried on in a dwelling, or in a building or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes.
 - A. Home occupations are permitted in any residence, subject to conformance with the following regulations. Any customary home occupation or avocation shall conform to the following regulations:
 - (1) The home occupation shall be carried on wholly indoors and within a dwelling or other structure accessory thereto and shall be clearly secondary to the use of the property as a residence.
 - (2) There shall be no use of show windows or display or advertising visible outside the premises to attract customers or clients other than home occupation announcement sign as permitted in § 27-1703, Subsection 1.

- (3) There shall be no exterior storage of materials.
 - (4) No articles shall be sold or offered on premises for sale except such as may be produced on the premises.
 - (5) Frequent and repetitive servicing by commercial vehicles for supplies and materials shall not be permitted.
 - (6) The home occupation shall be operated by members of the immediate family residing in the dwelling, with a maximum of two nonresident employees.
 - (7) The floor area devoted to a home occupation shall not be more than 25% of the ground floor area of the principal residential structure, excluding the garage.
- B. Home occupations shall include, but shall not be limited to, the following: art studio teaching, not more than four pupils simultaneously or, in the case of musical instruction, not more than a single pupil at a time; seamstress, handicrafts, or other like activity; barbershop and beauty parlor limited to serving one patron at a time; realtor, insurance salesman, physician, lawyer, or other professionals, family day care.
- C. Home occupations shall not include the following: animal hospital; commercial stables and kennels; funeral parlors or undertaking establishments; antique shops; tourist homes; restaurants; and rooming houses, boardinghouses, or lodging houses.
- D. Parking: two off-street parking spaces in addition to spaces otherwise required.
- E. No manufacturing, repairing or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference, or smoke shall be noticeable at or beyond the property line.
- F. Family day cares must conform to the following specific regulations:
- (1) A minimum outside recreation area of 2,000 square feet of contiguous area shall be provided.
 - (2) If the family day care is located adjacent to a nonresidential use, parking lot, or a collector or arterial street, the outdoor recreation area must be enclosed by a four-foot-high fence.
- G. All requirements of § 27-1502, Subsection 3 (Conversion), shall apply to boardinghouses, either newly constructed or conversions.

4. Secondary Residential Unit: an accessory family suite or unit used in conjunction with a single-family detached or attached dwelling. By example, a secondary residential unit may be proposed to address specific types of structures to address needs for a unit for care of a relative or multigenerational coresidence arrangements as adjusted in relation to changing housing market needs and trends.
 - A. The secondary residential unit may not exceed 40% of the total square feet of floor area and may or may not be attached to the primary residence.
 - B. The total lot coverage for the principal dwelling, any existing accessory structures, the secondary residential unit, and impervious surfaces together shall not exceed the maximum requirement for the zone in which the secondary residential unit is located.
 - C. The secondary residential unit shall be occupied by a family member related to the occupants of the principal dwelling.
 - D. The conversion of the secondary residential unit to a nonfamily rental shall be prohibited.
 - E. Utilities.
 - (1) For public sewer and water supply and all other utilities, the secondary residential unit shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and
 - (2) If on-site sewer or water systems are to be used, the applicant shall submit evidence to Allen Township showing that the total number of occupants in both the principal dwelling and the secondary residential unit will not exceed the maximum capacities for which the original septic systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted.
 - F. A minimum of one off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the secondary residential unit, in addition to that required for the principal dwelling.
 - G. The secondary residential unit shall not be permitted in the required front yard setback and shall adhere to all side and rear yard setback requirements for principal uses.
 - H. The secondary residential unit shall be removed from the property or reestablished as a use permitted in the district in compliance with the

Subdivision and Land Development Ordinance²² to the extent necessary, within 24 months after it is no longer occupied by a person who qualifies for the use.

- I. Upon the proper installation of the secondary residential unit, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every 12 months.
 - J. Subject to compliance with the above criteria, a secondary residential unit shall be considered an accessory use and shall not require submission of a land development plan.
5. Special Event Center - Accessory Use: an accessory use to a single-family dwelling or farming use, on a lot in excess of 10 acres; rental of an accessory structure for purposes of weddings, family gatherings, reunions, or other similar events, subject to the additional regulations contained herein. The following standards shall apply to this use:
- A. The use shall be accessory to an owner-occupied residential dwelling or farm, and the use shall be owned and operated by the residential dwelling owner(s).
 - B. The use shall require a minimum lot of 10 acres, and no portion of the event shall take place within 100 feet of the boundaries of the lot.
 - C. The use shall operate only May through October, on Friday, Saturday and/or Sunday between 9:00 a.m. and 10:00 p.m.
 - D. The events held at the venue shall be private family or social events, for which fees may be charged, and shall not be open to the public.
 - E. The event may be conducted in buildings on the residential lot and in the outdoor areas of the lot, and the owner or his/her designated representative shall be present at all times during any event.
 - F. The venue shall not host more than 150 persons.
 - G. Catered food, drinks (including beer and wine), and related event services may be provided by the owner or by providers retained by the owner. Alcoholic beverages shall not be permitted outside of the venue. All federal, state and local laws and regulations shall be complied with by the owner and any providers in connection with such services.
 - H. Lighting, sound and music equipment and/or musicians may be provided at the venue, provided no sound or artificial light shall be permitted to leave the boundaries of the lot.

²²Editor's Note: See Ch. 22.

- I. Parking for a minimum of 90 full-size parking spaces shall be provided for patrons of the event, and no parking by patrons shall be permitted on any public road. The owner(s) shall ensure that ingress and egress during the event to the venue does not cause congestion on any public road.
- J. The owner(s) shall be responsible to provide:
 - (1) Sanitation (municipal waste and recycling) facilities at the event commensurate with the number of patrons attending;
 - (2) Sanitary sewer facilities at the event commensurate with the number of patrons attending; and
 - (3) Medical, fire, or security services are not required.
- K. No public liability or property insurance shall be required for this use.
- L. The operation of the use shall at all times comply with all federal, state and local laws and regulations.
- M. This use shall be subject to the submission of a site plan for review and approval by the Township Zoning Officer, pursuant to § 27-1802.

PART 16
NONCONFORMITIES

§ 27-1600. Definitions. [Ord. 2000-03, 9/14/2000, Art. XVI, § 1600]

1. "Nonconforming use" means a use, whether of land or structure, which does not comply with applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the application of this chapter or amendment to its location by reason of annexation.
2. "Nonconforming structure or lot" means a structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

§ 27-1601. Registration of Nonconforming Uses and Structures. [Ord. 2000-03, 9/14/2000, Art. XVI, § 1601]

The Zoning Officer shall, upon adoption of this chapter or amendment, thereof, identify and register all nonconforming uses and structures. Upon identifying the nonconformity, the Zoning Officer shall mail registration forms to the owner of record. The owner of record shall sign the forms, pay such fee as set forth in the Township's Fee Schedule, and return the original and one copy to the Zoning Officer within 60 days.

§ 27-1602. Continuation. [Ord. 2000-03, 9/14/2000, Art. XVI, § 1602]

The lawful use of a building or structure, or the lawful use of any land as existing and lawful at the time of the enactment of this chapter, or in the case of an amendment to this chapter, then at the time of such amendment, may be continued except as hereinafter provided, although such use does not conform to the provisions of this chapter or subsequent amendments.

§ 27-1603. Extension or Alteration. [Ord. 2000-03, 9/14/2000, Art. XVI, § 1603; as amended by Ord. 2007-04, 11/8/2007]

1. Nonconforming structures may be altered, extended, reconstructed, or enlarged provided that such alteration, extension, reconstruction, or enlargement does not increase the floor area of the existing structure by more than 25% of the floor area in existence as of the effective date of the Allen Township Zoning Ordinance of 2000.
 - A. An alteration, extension, reconstruction, or enlargement of a nonconforming structure which would increase the floor area by more

than 25%, but less than 50% of the floor area in existence as of the effective date of the 2000 Zoning Ordinance shall be permitted only by a conditional use, provided that said conditional use is granted by the Board of Supervisors.

- B. In any event, no alteration, extension, reconstruction, or enlargement of a nonconforming structure may be made into any required yard area. In addition, any nonconforming structure which does not comply with the front, side, or rear yard requirements or lot width or maximum height in the district in which it is located, may be altered, extended, reconstructed or enlarged as provided in this section, provided said alteration, extension, reconstruction, or enlargement does not increase the front, side, or rear yard, or lot width or height nonconformity beyond its existing nonconformity.
 - C. In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension, reconstruction, or enlargement shall also meet the requirements of Subsection 3 of this section.
- 2. Nonconforming lots are subject to the applicable provisions of § 27-1417, Exceptions to Minimum Lot Size.
 - 3. Nonconforming uses shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:
 - A. Such alterations, reconstruction, extension, or enlargement may only be upon the same lot as in existence that the date the use becomes nonconforming, and shall be prohibited from encroaching of another parcel of land subsequently added to the original parcel.
 - B. A nonconforming use may be altered, extended, reconstructed, or enlarged provided that said alteration, extension, reconstruction or enlargement does not increase the land area, of the existing use by more than 15% of the land area, in existence as of the effective date of the 2000 Zoning Ordinance.
 - C. An alteration, extension, reconstruction, or enlargement of a nonconforming use which would increase the land area, by more than 15%, but less than 30% of the land area, in existence as of the effective date of 2000 Zoning Ordinance shall be permitted only by conditional use, provided that said conditional use is granted by the Board of Supervisors.
 - D. In the case of nonconforming use which also consists of a nonconforming structure, such alteration, extension, reconstruction, or enlargement shall also meet the requirements of Subsection 1 of this section.

4. Nonconforming structures, land uses, or signs that have reached their maximum expansion allowance under previous ordinances are not eligible for any increase in volume or area under this chapter.

§ 27-1604. Restoration. [Ord. 2000-03, 9/14/2000, Art. XVI, § 1604]

A nonconforming building, or any building containing a nonconforming use wholly or partially destroyed by fire, explosion, flood, or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that the reconstruction of the building shall be commenced within one year from the date the building was destroyed or condemned and shall be from the date the building was destroyed or condemned and shall be carried on without interruption. Any expansion of the original nonconformance shall be consistent with the provisions of § 27-1603, Subsection 3. The reconstructed or restored structure must meet all dimensional requirements, if physically possible on the lot.

§ 27-1605. Ownership. [Ord. 2000-03, 9/14/2000, Art. XVI, § 1605]

It is the intent of this section to ensure that the level of nonconformity is not increased when a nonconforming use is transferred or sold. Whenever a lot, which is nonconforming by virtue of use, except agricultural land, or residential uses, is transferred or sold to a new owner, a previously nonconforming use may be continued by the new owner after review by the Board of Supervisors. The landowner shall prove that the level of nonconformity will not be increased or changed. Should the landowner propose any changes or alterations to the nonconforming use, the Board of Supervisors may impose conditions regarding layout, circulation, and performance it deems necessary to insure that the change or alteration is in the best interest of the Township, the convenience of the community, and the public welfare. The landowner may appeal such conditions subject to the provisions of § 27-2004 of this chapter.

§ 27-1606. Abandonment. [Ord. 2000-03, 9/14/2000, Art. XVI, § 1606]

If a nonconforming use of a building, mobile home, or land is abandoned for a continuous period of one year, subsequent use of such building or land shall be in conformity with the provisions of this chapter. For the purpose of this chapter, abandonment shall commence when the nonconforming use ceases.

§ 27-1607. Changes. [Ord. 2000-03, 9/14/2000, Art. XVI, § 1607]

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under all of the following conditions:

- A. Such change will be permitted only as a conditional use by the Board of Supervisors.
- B. The applicant shall show that a nonconforming use cannot reasonably be changed to a permitted use.

C. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use, with respect to:

- (1) Traffic generation and congestion including truck, passenger car, and pedestrian traffic.
- (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
- (3) Storage and waste disposal.
- (4) Appearance.

§ 27-1608. Nonconforming Lots in Single Ownership. [Ord. 2000-03, 9/14/2000, Art. XVI, § 1608]

Whenever there exist two or more contiguous nonconforming lots in single ownership as of or subsequent to the effective date of this chapter, said lots shall be deemed to be consolidated where such a consolidation would create one or more conforming lots or minimize the nonconformity.

§ 27-1609. Performance Standards. [Ord. 2000-03, 9/14/2000, Art. XVI, § 1609]

All nonconforming uses shall conform to the general performance standards and to those performance standards established for the district in which the use would be properly located if constructed after adoption of this chapter. Those nonconforming uses not clearly belonging in any one district or not provided for under this chapter shall be subject to the standards of the district most closely approaching their proper district or, if any, to the specific standards established for that particular nonconforming use.

PART 17
SIGNS

§ 27-1700. Definition of "Sign." [Ord. 2000-03, 9/14/2000, Art. XVII, § 1700; as amended by Ord. 2014-02, 3/25/2014]

"Sign" shall mean and include any permanent or temporary structure or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other outdoor surface, that shall display or include any letter, word, insignia, flag, or representation used as, or which is in the nature of, an advertisement, announcement, visual communication, direction, or is designed to attract the eye or bring the subject to the attention of the public. Symbols or other clearly decorative items not conveying a message as defined above shall not be construed to be signs and shall not be subject to the requirements of this Part.

§ 27-1701. Definitions. [Ord. 2000-03, 9/14/2000, Art. XVII, § 1701; as amended by Ord. 2014-02, 3/25/2014]

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

ANIMATED SIGN — A sign that moves or has an optical illusion of moving, such as the movement of any illumination or the flashing or varying of light intensity to depict action or create a special effect or scene, or a sign that has changing messages, provided that the following types of signs shall not be considered animated signs:

- A. A sign that immediately changes messages not more than once every eight seconds; or
- B. A time or temperature sign.

BILLBOARD/OUTDOOR ADVERTISING SIGN —

- A. A permanent, large-scale, freestanding sign/structure which meets any one or more of the following criteria:
 - (1) Is used as an off-premises sign;
 - (2) Is used for rental advertising purposes; and
 - (3) Functions as a principal or separate principal use from the property on which it is located.
- B. The term "billboard" applies to all physical parts of the sign, including display faces, structure, support poles, attached ladders and catwalks, appurtenant lighting systems, and visual display systems.

DIGITAL/ELECTRONIC SIGN — A sign that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light-emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is

accomplished immediately. Digital/electronic signs shall include computer-programmable, microprocessor-controlled electronic or billboard digital displays.

OFF-PREMISES SIGN — A sign that directs attention to a person, profession, business, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. This definition includes commercial advertising signs otherwise known as "billboards."

ON-PREMISES SIGN — A sign which directs attention to a person, business, profession, or home occupation conducted on the same lot. A "For Sale" or "For Rent" sign relating to the lot on which it is displayed shall be deemed an "on-premises" sign.

§ 27-1702. Area of Sign. [Ord. 2000-03, 9/14/2000, Art. XVII, § 1702; as amended by Ord. 2014-02, 3/25/2014]

1. For a sign, the area 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 or bracing which is incidental to the display itself.
2. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols, together with any backing associated with the sign.
3. Where the sign consists of individual letters or symbols attached to or painted on a surface, buildings, wall, or window, the area shall be considered to be that of the smallest rectangle or shape which encompasses all of the letters and symbols.
4. In computing square foot area of a double-faced sign, only one side shall be considered, provided that both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, both sides of such sign shall be considered in calculating the sign area.

§ 27-1703. On-Premises Signs Permitted in Residential Districts. [Ord. 2000-03, 9/14/2000, Art. XVII, § 1703; as amended by Ord. 2014-02, 3/25/2014]

1. Signs displaying the street number or name of the occupancy of the premises, or both, provided that the area on any one side of any such sign shall not exceed two square feet. Such sign may include identification of permitted accessory uses, including a customary home occupation or a roadside stand.
2. One bulletin or announcement board or identification freestanding sign for a permitted nonresidential building or use, provided that the area of any one side of any such sign shall not exceed 12 square feet. One additional sign

may be attached to a building face. Total area of that sign shall not exceed 15% of that building face area.

3. One sign in connection with a lawfully maintained nonconforming use, provided that the area on any one side of any such sign shall not exceed two square feet.
4. Real estate "For Sale" or "For Rent" signs, provided that the area on any one side of any such sign shall not exceed 12 square feet. Such signs shall be removed on date of settlement or rental of the property.
5. Temporary contractors', developers', architects', or builders' signs, provided that the area on any one side of any such sign shall not exceed 32 square feet. Such signs shall be maintained on the premises to which they relate and shall be removed upon completion of the work.
6. Signs announcing no trespassing; signs indicating the private nature of the road, driveway, or premises; and signs controlling fishing or hunting on the premises, provided that the area on any one side of such sign shall not exceed four square feet.
7. Temporary signs for residential garage sales or for the sale of personal property at an individual's residence, provided that the area on any one side of any such sign shall not exceed nine square feet. Such signs shall be removed upon completion of the sale event but in any case shall not be present for more than 14 continuous days.

§ 27-1704. On-Premises Signs Permitted in Nonresidential Districts. [Ord. 2000-03, 9/14/2000, Art. XVII, § 1704; as amended by Ord. 2014-02, 3/25/2014]

No sign or other on-premises device shall be permitted except as follows:

- A. All signs permitted in § 27-1703 at the standards prescribed for signs in this district.
- B. Signs advertising permitted nonresidential uses, provided that for all signs to be viewed from without any building, the following requirements shall apply:
 - (1) The total area of signs attached to a building shall not exceed 20% of the building face to which said signs are attached.
 - (2) Not more than one freestanding sign shall be placed on any single property or unless such premises fronts upon more than one street, in which event one sign may be erected on each frontage. The area on any one side of any freestanding sign shall not exceed 100 square feet. Freestanding signs shall not exceed 20 feet in height.

- (3) Maximum sign size may be exceeded on a case-by-case basis if approved by the Board of Supervisors following the following general guidelines:
 - (a) The sign is required for use on the property by a national franchising agency.
 - (b) The sign will not interfere with the traveling public by attracting unnecessary attention.
 - (c) The sign does not cause glare or offensive light to shine onto adjacent properties.
 - (d) The Board of Supervisors may attach any reasonable conditions necessary to protect the public welfare.

§ 27-1705. Off-Premises Signs. [Ord. 2000-03, 9/14/2000, Art. XVII, § 1705; as amended by Ord. 2002-02, 2/14/2002, § 2; and by Ord. 2014-02, 3/25/2014]

1. Off-premises signs which are used for directing persons to principal uses located in Allen Township, but not for principal uses located in other municipalities, are permitted in all districts. Such signs may be erected subject to the following requirements:
 - A. A sign may indicate only the name, principal use, and direction of the principal use.
 - B. Only one sign shall be erected prior to each intersection during movement necessary to reach such principal use and not more than 50 feet from the nearest intersection of street right-of-way lines, outside of any required yard.
 - C. No more than four directional signs shall be erected in the Township for any one principal use.
 - D. Signs in nonresidential districts shall not exceed 12 square feet in area. Signs in residential districts shall not exceed four square feet in area.
 - E. Signs shall not exceed 10 feet in height.
2. Temporary nonilluminated signs directing persons to temporary exhibits, shows, or events located in the Township may be erected, in all zoning districts, subject to the following requirements:
 - A. Signs shall not exceed 12 square feet in area.
 - B. Signs shall not be posted earlier than four weeks before the occurrence of the event to which it relates and must be removed within one week after the date of the exhibit, show, or event.

- C. Temporary nonilluminated signs directing persons to temporary exhibits, shows, or events located outside of Allen Township may only be erected with the express consent of the Allen Township Board of Supervisors and are subject to the requirements of Subsections 1 and 2 above.
- 3. Temporary signs for residential garage sales or for the sale of personal property at an individual's residence are permitted in all zoning districts subject to the following provisions:
 - A. The area on any one side of any such sign shall not exceed nine square feet.
 - B. Such signs shall be removed upon completion of the sale event but in any case shall not be present for more than 14 continuous days.
 - C. No more than four off-premises signs may be erected within Allen Township for any single sale.
 - 4. Billboards are permitted subject to the following regulations:
 - A. District. A billboard is only permitted in the Industrial Commercial and the Highway Commercial Zoning Districts on properties with frontage along Nor-Bath Boulevard (PA Route 329).
 - B. Location. A billboard shall only be located within 100 linear feet of the existing right-of-way of Nor-Bath Boulevard (PA Route 329) as identified by the Pennsylvania Department of Transportation. Placement of billboard shall not adversely impact the right-of-way of any other roadway nor be located within the ultimate right-of-way of any other roadway. Billboards may be located within the side or rear yard, provided that they are set back a minimum distance that equals the total height of the billboard.
 - C. Size. A billboard may be two-sided, and each sign face may have a maximum sign area of 300 square feet inclusive of any border and trim. Extension, projections, and add-ons beyond the perimeter face of the sign are prohibited.
 - D. Illumination. Billboards may be illuminated in a manner such that no direct rays of light are visible elsewhere on the property on which the billboard is located. In addition, rays of light shall not be permitted to spill onto any adjacent roadway.
 - E. Spacing. A billboard shall not be located closer than 1,000 feet on the same side of the roadway or 1,000 feet on the opposite side of the roadway from another billboard, as measured along the right-of-way line. A billboard shall be located a minimum of 300 feet from an existing dwelling or residential zoning district.

- F. Height. The maximum total height of any billboard shall be 30 feet above the center line of the adjacent roadway.
 - G. A billboard shall be located, constructed and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations.
 - H. An engineering certificate shall accompany any application for a billboard. The certification shall indicate under seal of a professional engineer licensed in the Commonwealth of Pennsylvania that the sign has been designed in accordance with acceptable engineering practices. All billboards shall be subject to the design and construction requirements of the Pennsylvania Uniform Construction Code.
 - I. Audio or pyrotechnics. Audio speakers and/or any form of pyrotechnics is prohibited.
 - J. Wood and beam frame structures are prohibited. All billboard structures shall be constructed of steel.
 - K. Billboard structures shall be located in accordance with all other regulations of Allen Township.
5. Billboard digital displays are permitted subject to the following regulations in addition to those contained in Subsection 4:
- A. Message Duration. Any portion of the message must have a minimum duration of eight seconds and must be a static display. Messages may change immediately. No portion of the message may flash, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any manner imitate movement.
 - B. Default Mechanism. All signs must be equipped with a properly functioning default mechanism that causes the sign to go dark and return to a solid black display should a malfunction occur.
 - C. Brightness (Luminance). The illumination and/or intensity of the display shall be controlled so as to not create glare, hazards or nuisances. Such signs shall have a maximum nits level of 5,000 nits during daylight hours and a maximum of 200 nits in the evening, provided that the brightness of the digital billboard does not exceed 0.3 footcandle of light above the normal ambient light levels. Such signs shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
 - (1) The billboard luminance specification shall be determined by a footcandle metering device held at a height of five feet and aimed towards the billboard from a distance of 175 feet.

- (2) The metering device should be at a location perpendicular to the billboard center (as seen in plain view) as this angle has the highest luminance.
 - (3) This check shall include the measurement of an all-white image displayed by the billboard to evaluate the worst case condition.
 - (4) If the difference in luminance between the billboard-on and the billboard-off conditions is 0.3 footcandle or less, then the billboard luminance is in compliance.
- D. Spacing. Any billboard digital display shall be separated by a minimum of 2,500 feet from any other billboard digital display and shall be located a minimum of 500 feet from an existing dwelling or residential zoning district.
- E. Applicants shall be required to coordinate/permit message access for local, regional, state and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.

§ 27-1706. Signs in All Districts. [Ord. 2000-03, 9/14/2000, Art. XVII, § 1706; as amended by Ord. 2014-02, 3/25/2014]

The following requirements shall apply to all signs and other advertising devices:

- A. No sign or other advertising device with visible moving or movable parts or with flashing, animated, or intermittent illumination shall be erected or maintained.
- B. No sign shall be permitted which interferes with highway safety, such as direct beams which may interfere with highway visibility or any light which may be interpreted as a traffic or emergency signal.
- C. No sign or other advertising device attached to a building shall project more than six inches above the roof or parapet line nor more than 12 inches out from the wall to which it is attached. However, signs not exceeding six square feet in area may be projected more than 12 inches from a building, providing such sign or canopy does not interfere with pedestrian flow.
- D. No sign or other advertising device shall be located within 15 feet of any side property line, except signs permitted in § 27-1703, Subsections 1 and 6.
- E. No sign or other advertising device shall be located within the lines of any street right-of-way nor in any way interfere with normal pedestrian and vehicular flow. This shall include vehicles and transportable devices.
- F. Animated signs are prohibited.

§ 27-1707. Maintenance of Signs. [Ord. 2000-03, 9/14/2000, Art. XVII, § 1707; as amended by Ord. 2014-02, 3/25/2014]

Every sign located in Allen Township must be constructed of durable materials and shall be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by the owner or lessee of the property on which it is located after notification by the Board of Supervisors or the Township Zoning Officer. If the sign is not removed within the time specified, the Township shall remove the sign at the expense of the owner or lessee.

§ 27-1708. Nonconforming Signs. [Ord. 2000-03, 9/14/2000, Art. XVII, § 1708; as amended by Ord. 2014-02, 3/25/2014]

1. Signs existing at the time of passage of this chapter and which do not conform to the requirements of the chapter shall be considered nonconforming signs and once removed shall be replaced only with conforming signs. However, nonconforming signs may be repainted or repaired, provided that such repainted or repaired signs do not exceed the dimensions of the existing sign.
2. If any legal nonconforming sign shall be damaged or destroyed by natural causes, accident, or vandalism, such sign may be replaced by a new sign, provided that the dimensions of the old sign are not exceeded.

§ 27-1709. Zoning Permits for Signs. [Ord. 2000-03, 9/14/2000, Art. XVII, § 1709; as amended by Ord. 2014-02, 3/25/2014]

Zoning permits shall be required for all off-premises and on-premises signs, except that zoning permits are not needed for those signs covered under § 27-1703, Subsections 1, 4, 5, 6, and 7.

PART 18
ADMINISTRATION

§ 27-1800. Zoning Officer Duties and Powers. [Ord. 2000-03, 9/14/2000, Art. XVIII, § 1800]

1. The provisions of this chapter shall be administered and enforced by the Zoning Officer who shall be appointed by the Board of Supervisors.
2. It shall be the duty of the Zoning Officer, and he shall have the power to:
 - A. Receive and examine all applications for zoning permits.
 - B. Process zoning permit applications for all uses. Any uses requiring land development plan approval, as defined in the MPC, must be processed to the Planning Commission and Board of Supervisors for review.
 - C. Issue permits only where there is compliance with the provisions of this chapter, and with other Township ordinances. Permit uses requiring a variance shall be issued only upon order of the Zoning Hearing Board. Permits requiring approval by the Board of Supervisors shall be issued only after receipt of approval from the Board of Supervisors.
 - D. Receive applications for variances and forward these applications to the Zoning Hearing Board for action thereon.
 - E. Receive applications for curative amendments, conditional uses, and zoning changes, forwarding requests to the Board of Supervisors, Planning Commission, and other appropriate agencies.
 - F. Following refusal of a permit, receive applications for interpretation appeals and variances, and forward these applications to the Zoning Hearing Board for action thereon.
 - G. Conduct inspections, direct that surveys, measurements, or calculations be done and any other lawful methods deemed necessary to the Zoning Officer to determine compliance or noncompliance with the terms of this chapter; said inspections, surveys, measurements, calculations, and other lawful methods, shall include, but not be limited to, on-site inspections once construction has commenced, during construction and at the completion of construction. Said inspection shall determine compliance with regard to erection, construction has commenced, during construction and at the completion of construction. Said inspections shall determine compliance with regard to erection, construction, reconstruction, alterations, repairs, conversions, maintenance and/or uses of

structures and land governed by this chapter. Further, it is the duty of the applicant to inform the Zoning Officer as to the time of beginning construction, so as the Zoning Officer may determine compliance with the appropriate ordinances.

- H. Issue stop, cease, and desist orders, and order in writing correction of all conditions found to be in violation of the provisions of all applicable Township ordinances. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this chapter. It shall be unlawful for any person to violate any such order issued by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this chapter.
- I. With the approval of the Board of Supervisors, or when directed by them, institute in the name of the Township any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation, so as to prevent the occupancy of or use of any building, structure, landscaping of land, or to prevent any illegal act, conduct, business, or use in or about such premises. The Zoning Officer has the right to lodge a civil complaint against any violator of this chapter, upon approval of the Board of Supervisors, whether or not any other action has been taken to halt the use.
- J. Revoke any order or zoning permit issued under a mistake of fact or contrary to the law of the provisions of this chapter.
- K. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.
- L. Maintain a map or maps showing the current zoning classification of Allen Township.
- M. Register nonconforming structures, uses, or lots in accordance with the provisions of § 27-1601.
- N. The Zoning Officer shall create and maintain the files required to carry out and maintain the records of all his actions pursuant to this chapter.

§ 27-1801. Zoning Permits Required. [Ord. 2000-03, 9/14/2000, Art. XVIII, § 1801; as amended by Ord. 2015-03, 6/11/2015]

Hereafter, no use listed in this chapter may be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed, or removed; and no building used or occupied, or changed in use, until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction,

reconstruction, alteration, or moving of structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use have been inspected and approved as being in conformity with the provisions of this chapter. A zoning permit need not precede subdivision or land development applications. The issuance of a zoning permit shall not be required for uses approved pursuant to a recorded land development plan.

§ 27-1802. Application Requirements for Zoning Permits. [Ord. 2000-03, 9/14/2000, Art. XVIII, § 1802]

1. All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Township, and shall be filed with the Zoning Officer. The application shall include four copies of the following information:
 - A. A statement as to the proposed use of the building or land.
 - B. A site layout drawn to scale showing the location, dimension, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
 - C. The location, dimensions, and arrangement, of all open spaces, yards, and buffer yards, including methods to be employed for screening.
 - D. The location, size, arrangement, and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - E. The dimensions, location, and methods of illumination signs, if applicable.
 - F. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
 - G. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage.
 - H. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
 - I. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.

- J. Description of method to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
 - K. Proof of any variances and/or conditional uses granted indicating date granted and applicable section of this chapter.
 - L. Applications for zoning permits requiring land development plans shall include all plans, data, documentation in addition to the above requirements adhering to Allen Township's Subdivision and Land Development Ordinance [Chapter 22] and the standards therein.
 - M. Applications for zoning permits within the airport zoning area shall be accompanied by formal documentation regarding the review and approval of the included use, structure, or tree by the Lehigh-Northampton Airport Authority.
 - N. An affidavit signed by the applicant stating that the information presented as part of the application is true and correct.
 - O. Any other data deemed necessary by the Zoning Officer, Planning Commission, or Board of Supervisors, to enable them to determine the compliance of the proposed development with the terms of this chapter.
2. No permit for any new use or construction which will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in increased volume of sewage or water to be disposed of on the site, shall be issued until a certificate of approval has been issued by the Township Sewage Enforcement Officer and conforms to all applicable Township regulations.

§ 27-1803. Fees. [Ord. 2000-03, 9/14/2000, Art. XVIII, § 1803]

All applicants for zoning permits, certificate of occupancy, interpretation, variance, conditional use and curative amendment appeals shall, at the time of making application, pay to the Zoning Officer for use of the Township, a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors upon the enactment of this chapter or as such schedule may be amended by resolution of the Board of Supervisors.

§ 27-1804. Life of a Permit. [Ord. 2000-03, 9/14/2000, Art. XVIII, § 1804]

Any erection, construction, reconstruction, alteration, or moving of a building, or other structure, including a sign authorized by a zoning permit, and any change in use of a building or land authorized by a zoning permit shall be commenced within one year after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in case of erection or construction of a building, the right to proceed with construction may be extended annually without additional fees for an aggregate period of not more than three years, provided that the

construction pursuant to said permit has commenced within the first one-year period.

§ 27-1805. Certificate of Occupancy. [Ord. 2000-03, 9/14/2000, Art. XVIII, § 1805]

1. Hereafter, no structure erected, constructed, reconstructed, extended, or moved, and no land or building changed in use under a zoning permit, shall be occupied or used in whole or in part for any use whatsoever, until the owner and/or authorized agent has been issued a certificate of occupancy by the Zoning Officer, indicating that the building or use complies with the terms of zoning as provided in this chapter.
2. No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with this chapter. Also, no certificate of occupancy may be issued until the applicant has provided the following:
 - A. Satisfactory final inspection report on the on-lot sewage disposal system from the Township Sewage Enforcement Officer (for on-lot sewer).
 - B. Satisfactory construction permit inspection report from the Allen Township Authority (for public sewer).
 - C. Satisfactory final inspection report from Building Inspector.
3. The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of this chapter.

§ 27-1806. Conditional Uses. [Ord. 2000-03, 9/14/2000, Art. XVIII, § 1806]

1. Purpose. The following standards are intended to provide the Board of Supervisors with a guide for the purpose of reviewing certain uses not otherwise permitted in specified zones except under the restriction of this section.
 - A. The Board of Supervisors shall hear and decide requests for all conditional uses filed with the Township, in writing, by any landowner (or any tenant with permission of such landowner), as provided in this chapter.
 - B. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes and intent of this chapter.
2. Procedures.

- A. The Zoning Officer shall not approve a zoning permit for proposed development that requires a conditional use until written approval of the Board of Supervisors is obtained pursuant to this chapter.
 - B. All applicants for a conditional use shall make application to the Township on forms provided by the Township Secretary and shall submit site plans in accordance with § 27-1800 et seq. of this chapter.
 - C. The Board of Supervisors shall not approve or deny the conditional use without reviewing the site plans and the recommendation of the Planning Commission. The Board of Supervisors shall request an advisory opinion from the Planning Commission on any application for a conditional use; the Planning Commission shall submit a report of such advisory opinion to the Board of Supervisors prior to the date of the public hearing held by the Board of Supervisors on an application.
 - D. Approval of the conditional use application by the Board of Supervisors is an approval of the use only and is not to be considered approval in accordance with the Township Subdivision and Land Development Ordinance [Chapter 22].
 - E. The Board of Supervisors shall hold a hearing pursuant to public notice upon the request, commencing not later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time. In addition, the Board of Supervisors shall render a written decision within 45 days after the last hearing.
 - F. The Board of Supervisors shall conduct hearings and make decisions in accordance with the procedures and standards set forth in § 1909.
3. Approval of Conditional Uses.
- A. The Board of Supervisors may approve any proposed conditional use if it finds adequate evidence that a proposed use will meet:
 - (1) All of the general standards listed in Subsection 4.
 - (2) All of the specific standards for the proposed uses listed in Part 15.
 - B. The Board of Supervisors shall have the power to grant or deny a conditional use pursuant to public notice and hearing and recommendations by the planning agency and pursuant to the express standards and criteria set forth herein.
4. General Requirement and Standards Applicable to All Conditional Uses. The Board of Supervisors shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed in the subsection for the proposed use and those contained

in this chapter. The Board of Supervisors shall among other things require that any proposed use and location be:

- A. In accordance with the Allen Township Comprehensive Plan and of this chapter and consistent with the spirit, purposes, and the intent of this chapter.
 - B. In the best interest of the Township, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity;
 - C. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
 - D. In conformance with all applicable requirements of this chapter and all municipal ordinances;
 - E. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard; and
 - F. In accordance with sound standards of subdivision and land development practice where applicable.
5. Specific Standards for Conditional Uses. Each conditional use shall comply with any of the specific standards listed for that use in Parts 14 and 15. In addition, the Board of Supervisors shall:
- A. Determine that the proposal provides for adequate access to public roads without creating hazardous conditions. In making this determination, the Board of Supervisors may impose conditions requiring:
 - (1) Access to be limited, or combined with that of adjoining properties;
 - (2) Improvement of vertical, or horizontal alignment adjoining the site or off-site if access to the site would be restricted or hazardous as a result of the alignment problem;
 - (3) Widen or replace a bridge if said bridge restricts access to the site, or where the nature of the traffic generated by the proposed use would create a hazardous or restrictive situation.
 - B. Examine the use and its relationship to existing land uses to ensure that the proposed use does not adversely alter the character of stable neighborhoods and to protect adjoining residents from uses which are

objectionable. To this end, the Board of Supervisors may impose conditions requiring:

- (1) Special buffer planting, buffer yards, or planted berms;
- (2) Planting or walls to screen intrusive uses such as parking lots, loading docks, mechanical plants, etc.;
- (3) Control of location of intrusive uses so that they are sited in the least disruptive manner;
- (4) Special design of lighting and signs to avoid disrupting existing developments or conflicting with the vision of motorists, particularly near intersections.

PART 19
ZONING HEARING BOARD

§ 27-1900. Establishment of Board. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1900]

A Zoning Hearing Board (Board) is established in order that the objectives of this chapter may be fully and equitably achieved and a means for competent interpretations of this chapter be provided Jurisdiction of the Board shall be set forth hereinafter in Part 20.

§ 27-1901. Membership; Terms of Office. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1901]

The Zoning Hearing Board shall consist of five members, appointed by the Board of Supervisors for five-year terms and shall be fixed so that the term of office of one member of the five-member board shall expire each year. Members of the Board shall hold no other Township office. 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.

§ 27-1902. Removal of Members. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1902]

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 requests it in writing. Vacancies shall be filled for the unexpired term in the same manner as in the case of the original appointments.

§ 27-1903. Organization and Procedure. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1903]

1. **Officers.** The Board shall elect a Chairman from its membership, and shall appoint a Secretary, and shall prescribe rules in accordance with the provisions of the Municipalities Planning Code and this chapter for the conduct of its affairs. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses.
2. **Meetings.** 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 53 P.S. § 10908. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the commonwealth. The Board shall keep full public records of its business

- and shall submit a report of its activities to the Board of Supervisors once a year.
3. Records and Decisions. The Board shall keep records of its business and other official actions, all of which shall be filed in the office of the Board, and filed with the Board of Supervisors at least one time a year, and shall be available to the public at reasonable times.
 4. Compensation. The Board of Supervisors shall fix per meeting compensation for the members of the Board, according to a schedule adopted by resolution of the Supervisors upon the enactment of this chapter or as such schedule may be amended from time to time. In no event shall the compensation exceed the rate being paid to members of the Board of Supervisors.

§ 27-1904. Powers and Duties — Interpretation. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1904]

Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any questions:

- A. Involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- B. Where it is alleged there is error in any order, requirements, decision, or determination, including any order requiring an alleged violation to stop, cease and desist, made by the Zoning Officer in the enforcement of this chapter.
- C. An appeal of the decision of the Zoning Officer will not act as a stay of a cease and desist order.

§ 27-1905. Zoning Hearing Board Functions; Variances. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1905]

1. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.

- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the appellant.
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this chapter.

§ 27-1906. Actions of Board in Exercising Powers. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1906]

In exercising the above-mentioned powers, the Zoning Hearing Board may in conformity with the law and the provisions of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as in its opinion ought to be made. Notice of such decision shall forthwith be given to all parties in interest.

§ 27-1907. General Rules and Procedures for Appeals and Applications. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1907]

- 1. Any appeal from the ruling of the Zoning Officer concerning the enforcement and interpretation of the provisions of this chapter shall be filed with the Zoning Officer within 30 days after the date of the Zoning Officer's adverse decision is received by the landowner.
- 2. All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Zoning Hearing Board and accompanied by fees prescribed by resolution of the Board of Supervisors.
- 3. All appeals and applications shall refer to the specific provisions of this chapter involved.

§ 27-1908. Parties Appellant Before Board. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1908]

Appeals under § 27-2000, Subsection 1A, B, C, D, E and F, of this chapter 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 under § 27-1905 of this chapter and for special exception under § 27-1906 of this chapter may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

§ 27-1909. Hearings. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1909]

The Board shall conduct hearings and make 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, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely requests for the same. Written notice shall be given to all real estate owners whose property adjoins the property subject to the application. For the purpose of this notice requirement, properties are adjoining or abutting even if separated by a street. In addition to the written notices provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one-week prior to the hearing.
- B. The Board of Supervisors may prescribe reasonable fees by resolution with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. 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.
- D. The hearings shall be conducted by the Board. The decision or, where no decision is called for, the findings shall be made by the Board.
- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including 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 appearance in writing on forms provided by the Board for that purpose.
- F. The Chairman or Acting Chairman of the Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.

- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- I. The Board 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 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.
- J. The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and where all parties have the opportunity to participate. The Board shall not take notice of any communication, report, staff memoranda, or other material, 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 surrounding after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Board shall render a written decision or, where no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on the provisions of any act of the commonwealth, or any ordinance, rule, or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Board fails to render its decision within 45 days 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 failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection 1 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.
- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him 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.

§ 27-1910. Fees. [Ord. 2000-03, 9/14/2000, Art. XIX, § 1910]

The applicant for any hearing before the Zoning Hearing Board shall, at the time of making application, pay to the Zoning Officer, for the use of the Township, a fee in accordance with the fee schedule adopted by resolution of the Township Supervisors upon enactment of this chapter, or as such schedule may be amended from time to time.

PART 20
APPEALS AND AMENDMENTS

§ 27-2000. Appeals and Jurisdiction. [Ord. 2000-03, 9/14/2000, Art. XX, § 2000]

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 a land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 10609.1 and 10916.1(a)(2) of the Pennsylvania Municipalities Planning Code (MPC).
 - 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 should be raised by an appeal taken within 30 days after the effective date of said ordinance.
 - C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application thereof, 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 § 27-1905 of this chapter.
 - F. Appeals from the Zoning Officer's determination under § 10916.2 of the MPC.
2. The Board of Supervisors or, except as to Subsections 2 and 3, the planning agency, if designated, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. All applications for approval of a planned residential development.
 - B. All applications for approval of subdivisions or land developments under Article V of the MPC and/or this Township's Subdivision and Land Development Ordinance [Chapter 22]. Any provision in a subdivision and land development ordinance requiring that final action concerning subdivision and land development applications be taken by a planning agency rather than the Board of Supervisors,

shall invest exclusive jurisdiction in the planning agency in lieu of the Board of Supervisors for purposes of this subsection.

- C. Applications for curative amendment to a zoning ordinance pursuant to Sections 10609.1 and 10916.1(a)(2) of the MPC.
- D. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 10609 of the MPC. Any action on such petitions should be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
- E. 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 application for land development under Articles V and VII of the MPC. 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 Subsection 2A(8) of this section.
- F. Applications for a special encroachment permit pursuant to Section 10405 of the MPC, and applications for a permit pursuant to Section 10406 of the MPC.
- G. Application for conditional use approval under the express provisions of this chapter.

§ 27-2001. Court Appeals. [Ord. 2000-03, 9/14/2000, Art. XX, § 2001]

All appeals from all land use decisions rendered pursuant to this Part shall be taken to the Court of Common Pleas of the judicial district wherein the land is located and shall be filed within 30 days after entry of the decision, or in other cases of deemed decision, within 30 days after the notice of said deemed decision is given as set forth in § 1912(k) of this chapter.

§ 27-2002. Validity of Ordinance; Substantive Questions. [Ord. 2000-03, 9/14/2000, Art. XX, § 2002]

- 1. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit the challenge either:
 - A. To the Zoning Hearing Board under § 27-2000, Subsection 1, of this Part.

- B. To the Board of Supervisors under § 27-2000, Subsection 2B, of this Part, together with a request for a curative amendment under Section 10609.1 of the MPC.
- 2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desire to challenge its validity on substantive ground shall first submit their challenge to the Zoning Hearing Board for a decision thereon under § 27-2000, Subsection 1A, of this Part.
- 3. The submissions referred to in Subsections 1 and 2 shall be governed by the following:
 - A. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a meeting on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under Section 10609.1 of the MPC, his application to the Board of Supervisors shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use for development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative, or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.
 - B. The landowner shall make a written request to the Board that it hold a hearing on his challenge. The request shall contain a short statement reasonably informing the Board of the matters that are in issue and the grounds for challenge.
 - C. If the submission is made by the landowner to the Board or Supervisors under Subsection 1B of this section, the request also shall be accompanied by an amendment or amendments to the chapter proposed by the landowner to cure the alleged defects therein.
 - D. If the submission is made to the Board of Supervisors, the Township Solicitor shall represent and advise it at the hearing or hearings referred to in § 27-2000, Subsection 2B, of this chapter.
 - E. The Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.

- F. Based upon testimony presented at the hearing or hearings, the Board of Supervisors or the Zoning Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Board of Supervisors is found to have merit, the Board of Supervisors shall proceed as provided in Section 10609.1 of the MPC. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans, and explanatory material submitted by the landowner and shall also consider:
- (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.
 - (2) 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 or persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
 - (3) 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.
 - (4) 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.
 - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- G. The Board of Supervisors or the Zoning Hearing Board, as the case may be, shall render its decision within 45 days after the conclusions of the last hearing.
- H. If the Board of Supervisors or Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in Subsection 3F, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
4. The Zoning Hearing Board or Board of Supervisors, as the case may be, shall commence its hearing within 60 days after the request is filed unless the landowner requests or consents to an extension of time.

5. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
6. The challenge should be deemed denied when:
 - A. The Zoning Hearing Board or Board or Supervisors, as the case may be, fails to commence the hearing within the time limits set forth in Subsection 4.
 - B. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment.
 - C. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.
 - D. The Zoning Hearing Board or governing body, as the case may be, fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Township.
7. Where a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to § 27-2000, Subsection 2B, of this chapter or a validity challenge is sustained by the Zoning Hearing Board pursuant to § 27-2000, Subsection 1A, or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from preliminary or tentative approval pursuant to Article V or VII of the MPC. Within the two-year period, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the Preliminary or Tentative Plan, the provisions of Section 10508(4) of the MPC shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

§ 27-2003. Power of Amendment. [Ord. 2000-03, 9/14/2000, Art. XX, § 2003]

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this chapter, including the Zoning Map. When doing so, the Board of Supervisors shall proceed in the manner prescribed in this Part.

§ 27-2004. Who May Initiate. [Ord. 2000-03, 9/14/2000, Art. XX, § 2004]

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Board of Supervisors on its own option, by the Planning Commission, or by petition of one of more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. Proposals Originated by the Board of Supervisors. The Board of Supervisors shall refer every proposed amendment, supplement, change, modification, or repeal originated by the Board to the Planning Commission. Within 30 days of the submission of said proposal, the Planning Commission shall submit for the Board of Supervisors a report containing the Commission's recommendation, including any additions or modifications to the original proposal. Within this period of time, the Lehigh Valley Planning Commission shall forward its review to the Board of Supervisors and the Planning Commission.
- B. Proposals Originated by the Planning Commission. The Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification, or repeal of this chapter.
- C. Proposals Originated by a Citizen's Petition. Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change, or modification, shall be signed and acknowledged and submitted in writing to the Secretary of the Board of Supervisors and accompanied by an impact statement pursuant to § 27-2005 of this chapter. On receipt of said petition, the Board of Supervisors shall transmit a copy of the petition to the Planning Commission. Within 45 days after its submission to the Planning Commission, the Commission shall submit to the Board of Supervisors a report containing the Commission's recommendation, including any additions to or modifications of the original proposal.

§ 27-2005. Impact Statement. [Ord. 2000-03, 9/14/2000, Art. XX, § 2005]

A change in zoning generally means a deviation from the previously planned growth pattern of the Township. Such changes invariably have an impact on the community, on the environment, or on taxes. A detailed statement of these impacts is, therefore, to be submitted pursuant to this Part. Such statement shall contain the following:

- A. Agricultural Impact. What effect will the proposed change have on existing farm operation? The amount and classification of soils to be taken out of

- production and the percentage of those soils in the agricultural area. Methods of limiting public intrusion on neighboring farmland.
- B. **Environmental Impact.** Is there any change in existing environmental standards? If so, what is the predicted impact on stormwater runoff, aquifer recharge, water quality, microclimate, erosion, wildlife habitats, scenic areas, views, and the general amenity of the community? An assessment shall also be made of the existing environment and an evaluation made if no zoning change was proposed.
- C. **Transportation Impact.** Analysis of existing road capabilities adjacent to site and from the site to bounds of Township. Indication of projected destinations of trips, and total trip generation based on rates identified by the Institution of Transportation Engineers. Capacities for arterial and collector roads shall be considered to be PennDOT Level C. All hazardous or congested areas, existing or to be created, shall be identified. Recommended improvements and their costs shall be listed.
- D. **Service Impact.** Define demand for public services, sewer, water, police, schools. Where standards of use are set by other agencies such as the Department of Environmental Protection, these shall be used. For school, the following school children yields shall be used:

	1 Bedroom	2 Bedrooms	3 Bedrooms	4 or More Bedrooms
Single-Family, Duplex	—	—	0.63	1.30
Townhouse	—	0.22	0.65	1.05
Garden Apartments	0.05	0.35	0.60	—

All capacities of existing facilities shall be identified and compared with demands that would be generated if the proposal were implemented.

- E. **Regional Impact.** Regional housing needs shall be examined and Township performance with respect to these identified. Demand created for additional shopping and private commercial stores and impact on established local shopping conditions.

§ 27-2006. Notice of Hearing. [Ord. 2000-03, 9/14/2000, Art. XX, § 2006]

No such amendment, supplement, change, modification, or repeal shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. Public notice of each hearing to consider amendments (except continued hearings) shall be given not more than 30 days and not less than seven days in advance of any public hearing. Such notice shall state the time and place and the particular nature of the proposed amendment. In compliance with 53 P.S. § 10609(e), at least 30 days prior to the

public hearing on the amendment to the zoning ordinance, such amendments shall be submitted to the Lehigh Valley Planning Commission for its recommendation.

PART 21
ENFORCEMENT

§ 27-2100. Jurisdiction. [Ord. 2000-03, 9/14/2000, Art. XXI, § 2100]

Unless otherwise provided by law or in this chapter, no building or structure shall be erected, constructed, reconstructed, altered, razed, or removed, and no building, structure, or land shall be used or occupied, except for the purpose permitted herein.

§ 27-2101. Remedies. [Ord. 2000-03, 9/14/2000, Art. XXI, § 2101]

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the Board of Supervisors or the Zoning Officer with the approval of the Board of Supervisors may institute in the name of the Township any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building structure, or land; or to prevent any illegal act, conduct business, or use in or about such premises. The rights and remedies provided in this chapter are cumulative and are in addition to all other remedies provided by law.

§ 27-2102. Enforcement Notice. [Ord. 2000-03, 9/14/2000, Art. XXI, § 2102]

1. The Zoning Officer is hereby authorized and directed to enforce the provisions of this section and to institute civil enforcement proceedings as provided for in § 27-2103 of this Part, when acting within the scope of his employment.
2. If it appears that a violation of this chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice 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 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 provision of this chapter.

- D. That the owner of record or other person against whom the Township intends to take action has five days to commence steps to comply with this chapter and 30 days within which to complete such steps to be in compliance with this chapter, unless such times are extended in writing by the Zoning Officer, for cause shown.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 30 days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the Zoning Officer.
 - F. That the failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.
- 4. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
 - 5. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

§ 27-2103. Violations and Penalties; Enforcement Remedies. [Ord. 2000-03, 9/14/2000, Art. XXI, § 2103]

- 1. Any person, partnership, or corporation who or which has violated any of the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$500 plus all court costs plus 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 the violation continues shall constitute a separate violation.
- 2. The Court of Common Pleas, upon petition of the violator, 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 herein 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.

PART 22
ZONING MAP AMENDMENTS

§ 27-2200. Zoning Map Amendments. [Ord. 2000-03, 9/14/2000; as added by Ord. 2004-05, 6/22/2004 § 1; as amended by Ord. 2004-12, 9/9/2004, § 1; by Ord. 2003-06, 6/24/2003; by Ord. 2003-07, 8/20/2003; by Ord. 2003-08, 11/13/2003; by Ord. 2005-10, 11/26/2005; by Ord. 2005-12, 12/8/2005; by Ord. 2006-01, 1/24/2006; by Ord. 2006-06, 1/24/2006; and by Ord. 2006-08, 9/14/2006]

1. Lands of Schwartz. Northampton County Tax Map Parcel Nos. K4-26-7A, Kr-26-7, L4-1 and K4-27-9 are hereby rezoned from Agricultural (A) to Rural (R).
2. Lands of Sipos, et al., a portion of Northampton County Tax Map Parcel Nos. M4-3-4, M4-3-10, M4-3-7 and M4-3-7A south of Savage Road are hereby rezoned from Medium Density (R2) to High Density Residential (R3).
3. Rezoning various tracts of land situate along Savage and Willowbrook Roads from Industrial (I) to High Density Residential (R3) and Neighborhood Commercial (NC); various tracts of land along Howertown Road (west) from Low Density Residential (R1) to Industrial Commercial (I/C) and Howertown Road (east) from Industrial Commercial (I/C) to Low Density Residential (R1); and a tract of land north of East Bullshead from Industrial (I) to Agricultural (A).
4. Rezoning various tracts of land situate west of Howertown Road from Low Density Residential (RL) to Industrial Commercial (IC).
5. Rezoning certain tracts of land situate along West 27th Street from Rural (R) to High Density Residential (R3).
6. Rezoning certain tracts of lands north of Nor-Bath Boulevard, north and south of Horner Road and west of Howertown Road from Low Density Residential (R1) to Industrial Commercial (IC).
7. Rezoning certain tracts of lands: a portion of lands situate south of Nor-Bath Boulevard and west of Savage Road from Industrial Commercial (I/C) to High Density Residential (R3); a portion of lands situate south of Nor-Bath Boulevard and west of Savage Road from Industrial Commercial (I/C) to Highway Commercial; and a portion of lands south of Nor-Bath Boulevard and east of Horwith Lane (private road) from Industrial Commercial (I/C) to Highway Commercial (HC).
8. Rezoning various tracts of lands: two parcels of land situate east of Savage Road and north of the Nor-Bath Trail from Industrial (I) to Medium Density Residential (R2); a portion of lands west of Willowbrook Road and north of the Hanover Township, Lehigh County Municipal Boundary from Low Density Residential (R1) to Industrial (I); a portion of lands west of East

- Bullshead Road and north of the Nor-Bath Trail from Agricultural (A) to Medium Density Residential (R2); a portion of lands south of Nor-Bath Boulevard and east of Horwith Lane (private road) from Highway Commercial (HC) to Industrial Commercial (I/C); and a portion of lands east of Willowbrook Road and north of the Hanover Township, Lehigh County Municipal Boundary from Industrial Commercial (I/C) to Industrial (I).
9. Land of Triple Net Investments XVI, L.P.: An approximate 3.59-acre portion of Northampton County Tax Map Parcel No. L4-12-1E are hereby rezoned from Industrial-Commercial (IC) to Highway-Commercial (HC).
 10. Land of Triple Net Investments XVI, L.P.: An approximate 9.67-acre portion of Northampton County Tax Map Parcel No. L4-12-1E are hereby rezoned from Industrial-Commercial (IC) to High Density Residential (R3).
 11. Lands of Horwith Leasing Co., Inc.: Northampton County Tax Map Parcel No. L4-12-5M-53 is hereby rezoned from Industrial-Commercial (IC) to High Density Residential (R3).
 12. Land situate along Mud Lane and Howertown Road, being known as Northampton County Tax Map Parcel No. L4-4-7, is hereby rezoned from Low Density Residential (R1) to Agricultural (A). **[Added by Ord. 2009-03, 6/11/2009]**

PART 23
TABLE OF USES

§ 27-2300. Table of Uses. [Ord. 2017-02, 3/28/2017]

The Table of Uses is included as an attachment to this chapter.

ZONING

27 Attachment 1

Township of Allen

Table of Uses
[Ord. 2017-02, 3/28/2017]

Use Categories	I	IC	HC	NC	A	R	R1	R2	R3	MHP
Agricultural Uses										
Agriculturally oriented commercial establishment	N	N	N	N	C	N	N	N	N	N
Animal hospital	N	N	N	N	C	P	N	N	N	N
Animal husbandry	N	N	N	N	P	P	N	N	N	N
Aviaries, hatcheries and apiaries complying with all state and federal regulations	N	N	N	N	P	P	N	N	N	N
Commercial forestry	P	P	P	N	P	P	P	P	P	P
Farming	P	P	P	P	P	P	P	P	P	P
Greenhouses	P	P	N	N	P	N	N	N	N	N
Intensive agriculture operations	N	N	N	N	P	P	N	N	N	N
Kennel or stable	N	N	N	N	P	P	N	N	N	N
Plant nursery	P	P	N	N	P	P	N	N	N	N
Vineyard	N	N	N	N	P	P	P	N	N	N
Winery	N	N	N	N	P	P	P	N	N	N
Residential Uses	I	IC	HC	NC	A	R	R1	R2	R3	MHP
Assisted living facility	N	N	N	N	N	N	N	C	C	N
Continuing care facility	N	N	N	N	N	N	N	N	C	N
Conversion of existing building	N	N	N	C	N	N	C	C	N	N
Duplex (allowed only with public sewer)	N	N	N	P	N	N	N	N	P	N
Dwelling in combination	N	N	N	C	N	N	N	N	N	N
Housing for older persons	N	N	N	N	N	N	N	C	N	N
Mobile home park	N	N	N	N	N	N	N	N	N	P
Multiple-family dwellings (including condominiums and garden apartments)	N	N	N	N	N	N	N	N	P	N
Personal care home	N	N	N	N	N	N	C	C	C	N
Single-family cluster development	N	N	N	N	N	C	N	N	N	N
Single-family detached dwelling	N	N	N	P	P	P	P	P	P	P

ALLEN CODE

Use Categories		I	IC	HC	NC	A	R	R1	R2	R3	MHP
Temporary shelter		N	N	N	C	C	C	N	N	N	N
Townhouses		N	N	N	N	N	N	N	N	P	N
Institutional and Recreational Uses		I	IC	HC	NC	A	R	R1	R2	R3	MHP
Campgrounds		N	N	N	N	N	C	N	N	N	N
Cemeteries		N	N	N	N	P	P	N	N	N	N
Churches or places of worship		N	N	N	P	P	P	P	P	N	N
Clinic		N	N	P	P	N	C	N	C	N	N
Commercial school		P	P	N	N	N	N	N	N	N	N
Commercial swimming pools		N	N	N	N	N	C	N	N	N	N
Country club		N	N	N	N	C	C	C	N	N	N
Crematorium		N	N	C	N	N	N	N	N	N	N
Day care		N	P	P	P	N	N	N	N	N	N
Fitness and exercise center or club		N	P	P	P	N	C	C	P	N	N
Golf course (public and private)		N	C	N	N	C	C	C	N	N	N
Health facility		N	C	C	C	N	N	N	P	P	N
Horse riding academy		N	N	N	N	P	P	C	N	N	N
Hospital		N	C	N	N	N	N	N	N	N	N
Indoor rifle, shooting and target ranges, shooting preserves		P	N	N	N	N	N	N	N	N	N
Massage establishment		C	N	N	N	N	N	N	N	N	N
Nursing home		N	C	N	C	N	N	N	C	C	N
Outdoor rifle, shooting, and target range		C	C	N	N	N	N	N	N	N	N
Private club		N	C	N	N	N	C	N	N	N	N
Private educational institutions and schools		N	C	N	N	N	C	N	N	N	N
Public conservation areas		P	P	P	P	P	P	P	P	P	P
Public municipal building and facilities, including libraries		P	P	P	P	P	P	P	P	P	P
Publicly owned educational institutions		N	C	N	N	N	C	N	N	N	N
Treatment center		N	N	C	C	N	C	N	N	N	N
Vehicular track or course		C	N	N	N	N	N	N	N	N	N
Medical center		N	C	C	C	N	N	N	P	P	N
Office Uses		I	IC	HC	NC	A	R	R1	R2	R3	MHP
Medical office		N	N	P	P	N	N	N	N	N	N
Office		N	P	P	P	N	N	N	N	N	N
Retail and Consumer Uses		I	IC	HC	NC	A	R	R1	R2	R3	MHP

ZONING

Use Categories	I	IC	HC	NC	A	R	R1	R2	R3	MHP
Automobile repair	N	C	P	N	N	N	N	N	N	N
Automobile sales	N	C	P	N	N	N	N	N	N	N
Banquet facility	N	C	C	C	N	N	N	P	P	N
Bed-and-breakfast	N	C	N	P	N	P	N	N	N	N
B.Y.O.B. club	N	C	C	C	N	N	N	N	N	N
Car wash	N	C	P	N	N	N	N	N	N	N
Convenience store	N	P	P	P	N	N	N	N	N	N
Family farm support business (site plan required)	N	N	N	N	P	P	C	N	N	N
Farmer's market	N	N	P	P	P	C	C	N	N	N
Financial establishment	N	C	P	P	N	N	N	N	N	N
Flea market, indoor	N	N	C	C	C	P	N	N	N	N
Flea market, outdoor	N	N	C	C	C	P	N	N	N	N
Funeral home	N	C	C	P	N	N	N	N	N	N
Indoor entertainment	N	C	P	N	N	N	N	N	N	N
Large retail store	N	C	N	N	N	N	N	N	N	N
Large-scale retail/commercial development	C	C	C	N	N	N	N	N	N	N
Lumber yard	P	C	P	N	N	N	N	N	N	N
Microbrewery	N	C	C	C	C	C	C	N	N	N
Microdistillery	N	C	C	C	C	C	C	N	N	N
Mini-mall	N	P	P	P	N	N	N	N	N	N
Mini-market	N	P	P	P	N	N	N	N	N	N
Motel, hotel	N	C	P	N	N	N	N	N	N	N
Nanobrewery	N	N	C	C	C	C	C	C	N	N
Nightclub	N	P	P	C	N	N	N	N	N	N
Outdoor entertainment	N	C	N	N	N	N	N	N	N	N
Outdoor recreation facility/commercial	N	N	N	N	C	N	N	N	N	N
Parking lot or garage	N	C	N	N	N	N	N	N	N	N
Repair shop	N	C	P	P	N	N	N	N	N	N
Restaurant, drive-in or fast-food	P	P	P	P	N	N	N	N	N	N
Restaurant, standard	N	N	P	N	N	N	N	P	P	N
Retail home heating fuel distributor	N	C	C	C	N	N	N	N	N	N
Retail sales in greenhouses and nurseries	N	N	N	N	C	C	N	N	N	N
Retail store	N	C	P	C	N	N	N	N	N	N
Service business	N	C	P	P	N	N	N	N	N	N
Service station	N	C	P	N	N	N	N	N	N	N

ALLEN CODE

Use Categories		I	IC	HC	NC	A	R	R1	R2	R3	MHP
Shopping center		N	C	C	N	N	N	N	N	N	N
Tavern		N	N	P	P	N	N	N	N	N	N
Truck sales		N	C	P	N	N	N	N	N	N	N
Veterinary		N	C	N	P	N	P	N	N	N	N
Specialty/Neighborhood Shopping Facility		I	IC	HC	NC	A	R	R1	R2	R3	MHP
Adult-related facilities		C	N	N	N	N	N	N	N	N	N
Airport		C	N	N	N	N	C	N	N	N	N
Commercial communications antenna		N	N	N	N	P	P	N	N	N	N
Commercial communications tower		N	P	N	N	C	C	N	N	N	N
Heliport		C	N	N	N	N	C	N	N	N	N
Solar energy collectors		N	C	C	N	C	C	N	N	N	N
Wind turbine		N	C	C	N	C	C	N	N	N	N
Industrial Uses		I	IC	HC	NC	A	R	R1	R2	R3	MHP
Contracting		P	P	N	N	N	N	N	N	N	N
Crafts		P	P	N	N	N	N	N	N	N	N
Distribution center/customer fulfillment center		P	C	N	N	N	N	N	N	N	N
Extractive operation		C	N	N	N	N	N	N	N	N	N
Flex space or building		P	P	P	N	N	N	N	N	N	N
Junkyard		C	N	N	N	N	N	N	N	N	N
Manufacturing		P	C	N	N	N	N	N	N	N	N
Mill		P	P	N	N	N	N	N	N	N	N
Municipal waste landfill		C	N	N	N	N	N	N	N	N	N
Planning mill		P	P	N	N	N	N	N	N	N	N
Printing		P	P	N	N	N	N	N	N	N	N
Research		P	P	N	N	N	N	N	N	N	N
Resource recovery facility		C	N	N	N	N	N	N	N	N	N
Self-storage facility		N	C	P	N	N	N	N	N	N	N
Truck terminal		P	C	N	N	N	N	N	N	N	N
Warehouse		P	C	N	N	N	N	N	N	N	N
Water extraction and bottling		P	P	N	N	N	N	N	N	N	N
Wholesale business/wholesale storage		P	P	N	N	N	N	N	N	N	N
Accessory Uses		I	IC	HC	NC	A	R	R1	R2	R3	MHP
Adult residential community accessory to an existing assisted living facility		N	N	N	N	N	N	C	C	C	N

ZONING

Use Categories	I	IC	HC	NC	A	R	R1	R2	R3	MHP
Customary accessory uses and buildings incidental to any of the permitted uses	P	P	P	P	P	P	P	P	P	P
No-impact home-based business	P	P	P	P	P	P	P	P	P	P
Secondary residential unit	N	N	N	P	P	P	P	P	P	P
Special event center - accessory use	N	N	N	N	P	P	N	N	N	N

KEY:

P - Uses Permitted by Right

C - Uses Permitted by Conditional Use

N - Not Permitted

APPENDIX

The following ordinances and resolutions are no longer of general interest, primarily because they are of an historical or one-time nature only, the provisions of which were primarily completed directly after enactment. Because the enactments are mainly of an historical or administrative interest, it has not been considered necessary to include the entire text. Rather, the enactments are arranged in groups, according to subject matter, and, within each group, listed by title in chronological order. Annual budget and tax enactments have been listed only in the “Key to Disposition of Ordinances.” Anyone desiring to read the full text of any of these enactments may do so by consulting the original records of the municipality.

The enactments included in this Appendix are grouped under the following headings:

- A.....Annexation of Territory
- B.....Bond Issues and Loans
- C.....Franchises and Services
- DGovernmental and Intergovernmental Affairs
- E.....Plan Approval
- F.....Public Property
- GSewers
- HStreets and Sidewalks
- I.....Water
- JZoning; Prior Ordinances

APPENDIX A
ANNEXATION OF TERRITORY

Ord./Res.	Date (Reserved)	Description
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APPENDIX B

BOND ISSUES AND LOANS

Ord./Res.	Date	Description
2000-05	10/25/2000	Increasing the indebtedness of the Township by the issue of a General Obligation Note in the amount of \$25,000 for sundry purposes.
2000-06	10/25/2000	Increasing the indebtedness of the Township by the issue of a General Obligation Note in the amount of \$74,000 for sundry purposes.
2001-06	7/17/2001	Increasing the indebtedness of the Township by the issue of a General Obligation Note in the amount of \$100,000 for sundry purposes.
2002-05	5/28/2002	Increasing the indebtedness of the Township by the issue of a General Obligation Note in the amount of \$100,000 for sundry purposes.
2003-04	3/13/2003	Increasing the indebtedness of the Township by the issue of a General Obligation Note in the amount of \$70,000 for sundry purposes.
2004-03	4/27/2004	Increasing the indebtedness of the Township by the issue of a General Obligation Note in the amount of \$440,000 for sundry purposes.
2004-04	4/27/2004	Increasing the indebtedness of the Township by the issue of a General Obligation Note in the amount of \$700,000 for sundry purposes.
2004-09	8/12/2004	Amending Ordinance 2004-03 by clarifying the manner in which interest is applied to unpaid principal.
2004-10	8/12/2004	Amending Ordinance 2004-04 by clarifying the manner in which interest is applied to unpaid principal.
2007-01	1/23/2007	Increasing the indebtedness of the Township by the issue of a General Obligation Note in the amount of \$1,200,000 for sundry purposes.

APPENDIX C
FRANCHISES AND SERVICES

Ord./Res.	Date	Description
92-2	4/9/1992	Granting a franchise to operate a community antenna system to Twin County Trans-Video, Inc.

APPENDIX D
GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

§ D-101. Governmental and Intergovernmental Affairs.

§ D-101. Governmental and Intergovernmental Affairs.

Ord./Res.	Date	Description
82-1	4/2/1982	Entering into an intergovernmental agreement with the Northampton Area School District.
89-1	7/14/1989	Joining with other government units as a member of the Pennsylvania Intergovernmental Risk Management Association.
96-4	5/9/1996	Authorizing the Township to join with other local government units as a settlor of the Pennsylvania Local Government Investment Trust.
98-6	9/10/1998	Providing for uniform annual assessment of the costs of streetlights relative to the Atlas Estates Subdivision.
2001-07	9/6/2001	Authorizing an intermunicipal cooperation agreement between Allen Township and the Borough of Northampton for Community Development Block Grant and Home Improvement Grants.
2001-09	12/27/2001	Appointing the Elected Tax Collector as the Delinquent Tax Collector for the Township.
2002-08	12/30/2002	Appointing the elected Tax Collector as the Delinquent Tax Collector for the Township.
2003-02	2/25/2003	Establishing a Uniform Annual Assessment for the costs of streetlighting in certain residential subdivisions.
2004-02	3/11/2004	Authorizing an intergovernmental agreement between Allen Township and Bushkill Township for special police services.
2001-07	9/6/2001	Authorizing an intermunicipal cooperation agreement between the Township and the Borough of Northampton for Community Development Block Grant and Home Improvement Grants.
2004-02	3/11/2004	Authorizing an intergovernmental agreement between the Township and Bushkill Township for Special Police Services.
2006-02	5/23/2006	Adopting a revised municipal boundary pursuant to Agreement between Borough of Northampton and Township of Allen.

Ord./Res.	Date	Description
2009-04	11/24/2009	Authorizing an intergovernmental agreement for Allen Township to join with other political subdivisions as a member of the Municipal Health Insurance Cooperative (PMHIC).
2010-01	2/23/2010	Authorizing execution of an emergency services mutual aid agreement.
2011-02	7/26/2011	Providing for a question to be placed before the electors at a referendum asking whether the electors favor the imposition of an additional earned income tax.
2012-01	7/31/2012	Providing for a question to be placed before the electors at a referendum asking whether the electors favor the imposition of an additional earned income tax.
2013-01A	1/22/2013	Approving and ratifying an intermunicipal sewer service agreement between the Borough of Northampton and Allen Township.
2013-01B	6/13/2013	Approving and ratifying the Intergovernmental Cooperation Agreement – Collection of Yard Waste between Allen Township and Lehigh Township.
2016-03	5/12/2016	Providing for the execution of two intermunicipal cooperation agreements regarding sanitary sewers.

APPENDIX E
PLAN APPROVAL

Ord./Res.	Date (Reserved)	Description
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APPENDIX F
PUBLIC PROPERTY

Ord./Res.	Date	Description
90-1	2/9/1990	Authorizing the Township to select and appropriate certain tracts of ground situate along Savage Road.

APPENDIX G

SEWERS

Ord./Res.	Date	Description
1-76	7/2/1976	Providing for a special tap-in fee for various alleys and roadways perpendicular to the Hower-town-Weaversville Road (L.R. 48049).

APPENDIX H
STREETS AND SIDEWALKS

§ H-101. Streets and Sidewalks.

§ H-101. Streets and Sidewalks.

This appendix contains an alphabetical listing of streets; and, under each street, a listing of all ordained activities.

Name	Activity	Location	Ord./Res.	Date
Atlas Lane	Vacating	As requested by Horwith Leasing Company, Inc.	97-7	7/10/1997
Atlas Road	Vacating portion	From approximately 70 feet west of Short Lane southwest to Savage Road	2010-02	7/27/2010
Atlas Road	Opening and relocating	In the vicinity of Savage Road and John Drive	2010-03	7/27/2010
Horner Road	Vacating	Township Rt. 467	2-77	7/1/1977
Pine Street	Opening	North and south of Atlas Road	04-14	8/24/2004
Pond Road	Vacating	Between the northern and southern intersections with School Road	04-13	8/24/2004
Township Rt. 474	Vacating	Center line portions of T-474	81-2	3/6/1981
Unnamed alley	Opening		78-1	5/5/1978
Unnamed and unopened paper street	Vacating	Per Exhibit A	2014-04	9/23/2014

APPENDIX I

WATER

Ord./Res.

Date

Description

(Reserved)

APPENDIX J

ZONING; PRIOR ORDINANCES

Ord./Res.	Date	Description
1-71	12/3/1971	Repealed by 2000-03
1-77	2/4/1976	Repealed by 2000-03
82-2	8/3/1982	Repealed by 2000-03
96-1	1/24/1996	Repealed by 2000-03
97-4	4/10/1997	Repealed by 2000-03
98-2	2/25/1998	Repealed by 2000-03
98-5	3/12/1998	Repealed by 2000-03
99-4	8/12/1999	Repealed by 2000-03

CHAPTER KO
KEY TO THE DISPOSITION OF ALL ORDINANCES

§ KO-101. Key to the Disposition of All Ordinances.

§ KO-101. Key to the Disposition of All Ordinances.

Ordinance	Disposition	Subject
1	Repealed by 94-6	Health and Safety
2	Repealed by 94-6	Health and Safety
3	Repealed by 62-3	Licenses, Permits and General Business Regulations
62-3	Repealed by 97-1	Licenses, Permits and General Business Regulations
1-1965	§§ 13-301 — 13-316	Licenses, Permits and General Business Regulations
1-1966	Superseded by A.O.	Taxation, Special
2-1966	Earned Income Tax 1966	Taxation, Special
3-1966		Taxation, Special
4-1966	§§ 4-201 — 4-207	Buildings
5-1966	§§ 4-101 — 4-107	Buildings
5A-1966	§ 4-101	Buildings
6-1966	§§ 1-301 — 1-304	Administration and Government
1-1967		Health and Safety
2-1967	Realty Transfer Tax 1968	Taxation, Special
3-1967	Occupation Privilege Tax 1968	
1-1968	Superseded by A.O.	Motor Vehicles and Traffic
2-1968	Occupation Privilege Tax 1969	
3-1968	Realty Transfer Tax 1969	
69-1	Appendix J	Zoning Prior Ordinances
1970	Occupation Privilege Tax 1970	
1-70	Superseded by 94-3	Health and Safety
1971	Occupation Privilege Tax 1971	
1-71	Appendix J	Zoning; Prior Ordinances
2-71	Realty Transfer Tax 1972	
3-71	Occupation Privilege Tax 1972	
4-71	Superseded by 91-4	Taxation, Special

Ordinance	Disposition	Subject
1970	Occupation Privilege Tax 1970	
1971	Occupation Privilege Tax 1971	
2-1971	Realty Transfer Tax 1972	
1-76	Appendix G	Sewers
2-1976	Repealed by 94-6	Health and Safety
1-77	Appendix J	Zoning; Prior Ordinances
2-77	Appendix H	Streets and Sidewalks
78-1	Appendix H	Streets and Sidewalks
78-2		
78-3	Repealed by 2001-01	Streets and Sidewalks
78-4	Repealed by 92-4	Administration and Government
81-1	Repealed by 92-4	Administration and Government
81-2	Appendix H	Streets and Sidewalks
81-3	Repealed by 2001-02	Floodplains
81-4	Superseded by A.O.	Motor Vehicles and Traffic
82-1	Appendix D	Governmental and Intergovernmental Affairs
82-2	Appendix J	Zoning; Prior Ordinances
84-1	Superseded by A.O.	Taxation, Special
84-2	§§ 18-301 — 18-303	Sewers and Sewage Disposal
85-1	§§ 10-201 — 10-206	Health and Safety
85-2	§§ 13-201 — 13-212	Licenses, Permits and General Business Regulations
85-3	§§ 13-501 — 13-504	Licenses, Permits and General Business Regulations
85-4	Superseded by A.O.	Motor Vehicles and Traffic
1986	Superseded by 97-11	Administration and Government
86-1	Repealed by 98-9	Solid Waste
87-1	Repealed by 92-4	Administration and Government
89-1	Appendix D	Governmental and Intergovernmental Affairs
89-2	Repealed by 97-1	Licenses, Permits and General Business Regulations
89-3	Repealed by 2006-06	Grading and Excavating
89-4	Repealed by 2000-01	Fire Prevention and Fire Protection
90-1	Appendix F	Public Property
90-2	Real Estate Tax	
1991	Repealed by 2001-08	Subdivision and Land Development
91-2	Repealed by 98-9	Solid Waste
91-3	Repealed by 2001-08	Subdivision and Land Development

KEY TO THE DISPOSITION OF ALL
ORDINANCES

§ KO-101

Ordinance	Disposition	Subject
91-4	§§ 24-101 — 24-106	Taxation, Special
92-1	§§ 26-201 — 26-205	Water
92-2	Appendix C	Franchises and Services
92-3	Repealed by 95-2A	Sewers and Sewage Disposal
92-4		Administration and Government
93-1	Repealed by 97-2	Streets and Sidewalks
94-1	Superseded by 2005-03	Parks and Recreation
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2000-06	Appendix B	Bond Issues and Loans
2000-07	§§ 1-201 — 1-207	Administration and Government
2001-01	§§ 26-101 — 26-107	Streets and Sidewalks
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2001-05	Superseded by A.O.	Motor Vehicles and Traffic
2001-06	Appendix B	Bond Issues and Loans
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2001-08	§§ 22-100 — 22-706	Subdivision and Land Development
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2002-03	§§ 24-401 — 24-411	Taxation, Special
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2004-06	§§ 22-406, 22-411, 22-422	
2004-07	§§ 27-200, 27-502	Zoning
2004-12	§ 27-2200	Zoning
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2003-07	§ 27-2200	Zoning
2003-08	§ 27-2200	Zoning
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2004-02	Appendix D	Governmental and Intergovernmental Affairs
2004-03	Appendix B	Bond Issues and Loans
2004-04	Appendix B	Bond Issues and Loans
2004-08	§§ 5-401 — 5-408	Code Enforcement
2004-09	Appendix B	Bond Issues and Loans
2004-10	Appendix B	Bond Issues and Loans
2004-11		Number not used
2004-13	Appendix H	Streets and Sidewalks
2004-14	Appendix H	Streets and Sidewalks
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2005-02	Superseded by A.O.	Motor Vehicles and Traffic
2005-03	§ 16-101 — 16-113	Parks and Recreation
2005-04	§§ 2-101 — 2-105	Animals
2005-05	Repealed by 2007-05	Taxation
2005-06	§§ 8-204, 8-233, 8-225 — 8-227, 8-271, 8-273 — 8-278, 8-282, 8-284, 8-191 — 8-194	Floodplains
2005-07	§ 27-1405	Zoning
2005-08	§ 27-1406	Zoning
2005-09	Superseded by 2006-03	Administration and Government

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2005-11	§§ 7-201 — 7-204	Fire Prevention and Fire Protection
2005-12	§ 27-2200	Zoning
2005-13	Superseded by A.O.	Motor Vehicles and Traffic
2005-14	Superseded by A.O.	Motor Vehicles and Traffic
2006-01	§ 27-2200	Zoning
2006-02	Appendix D	Governmental and Intergovernmental Affairs
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2006-04	Superseded by A.O.	Taxation
2006-05	§§ 10-101 — 10-105	Housing
2006-06	§§ 9-101 — 9-114	Grading and Excavating
2006-07	§§ 8-227, 8-271 — 8-274	Floodplains
2006-08	§ 27-2200	Zoning
2006-09	§§ 21-101 — 21-107	Streets and Sidewalks
2007-01	Appendix B	Bond Issues and Loans
2007-02	§§ 27-804	Zoning
2007-03	§§ 8-201 — 8-202, 8-204 — 8-205, 8-221 — 8-227, 8-232, 8-241 — 8-243, 8-271 — 274, 8-281 — 8-282, Appendix E	Floodplains
2007-04		
2007-05	§§ 24-301 — 24-309	Taxation
2008-01	§§ 15-901 — 15-904	Motor Vehicles and Traffic
2008-02	§ 1-206	Administration and Government
Res. 2008-011	§§ 1-701 — 1-711	Administration and Government
2009-01	§§ 5-101 — 5-105	Code Enforcement
2009-02	Various Code Sections	Administration and Government, Buildings, Code Enforcement, Fire Prevention and Fire Protection, Floodplains, Motor Vehicles and Traffic, Signs and Billboards, Taxation, Special, Zoning
2009-03	§ 27-2200	Zoning
2009-04	Appendix D	Governmental and Intergovernmental Affairs
2010-01	Appendix D	Governmental and Intergovernmental Affairs
2010-02	Appendix H	Streets and Sidewalks
2010-03	Appendix H	Streets and Sidewalks
2010-04	§§ 15-207, 15-213, 15-402	Motor Vehicles and Traffic
2011-01	§§ 24-101 — 24-111	Earned Income and Net Profits Tax

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2012-01	Appendix D	Governmental and Intergovernmental Affairs
2012-02	§§ 15-1301 — 15-1306	Motor Vehicles and Traffic
2013-01A	Appendix D	Governmental and Intergovernmental Affairs
2013-01B	Appendix D	Governmental and Intergovernmental Affairs
2013-02	§§ 21-401 — 21-405	Streets and Sidewalks
2013-03	§ 15-201	Motor Vehicles and Traffic
2013-04	Not adopted	
2013-05	§ 15-213	Motor Vehicles and Traffic
2013-06	§§ 10-501 — 10-516	Health and Safety
2013-07	§§ 27-200, 27-1004, 27-1104, 27-1404, 27-1419	Zoning
2014-01	§§ 22-203, 22-412, 22 Attachment 6	Subdivision and Land Development
2014-02	§§ 1-301, 27-1701 — 27-1709	Administration and Government, Zoning
2014-03	§§ 8-100 — 8-182	Floodplain Management
2014-04	Appendix H	Streets and Sidewalks
2015-01	§§ 15-402, 15-411, 15-501	Motor Vehicles and Traffic
2015-02	§§ 22-407, 22-501	Subdivision and Land Development
2015-03	§§ 27-200, 27-1406, 27-1407, 27-1409, 27-1410, 27-1413, 27-1422, 27-1801	Zoning
2015-04	§ 15-201	Vehicles and Traffic
2015-05	§ 16-101	Parks and Recreation
2016-01	§ 15-304	Vehicles and Traffic
2016-02	Ch. 1, Part 8 repealer	Administration and Government
	§ 22-407	Subdivision and Land Development
2016-03	Appendix D	Governmental and Intergovernmental Affairs
2017-01	§ 15-402	Vehicles and Traffic

Ordinance	Disposition	Subject
2017-02	§§ 27-200, 27-401, 27-402, 27-501, 27-502, 27-601, 27- 602, 27-604, 27-701, 27-702, 27-704, 27-801, 27-802, 27- 804, 27-1001, 27-1002, 27- 1004, 27-1101, 27-1102, 27- 1104, 27-1201, 27-1202, 27- 1301, 27-1302, 27-1406, 27- 1409, 27-1420, 27-1421, Part 15, Part 23	Zoning
2017-03	§§ 22-407, 22-421	Subdivision and Land Development

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DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading “Definitions and Abbreviations.”

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