

Chapter 180

SUBDIVISION AND LAND DEVELOPMENT

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[HISTORY: Adopted by the Board of Supervisors of the Township of Brighton 8-12-2024 by Ord. No. 243.¹ Amendments noted where applicable.]

1. Editor's Note: This ordinance also superseded former Ch. 180, Subdivision and Land Development, which was comprised of Part 1, Subdivision and Land Development Standards, adopted 6-14-1993 by Ord. No. 86, as amended; and Part 2, Public and Private

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Improvement Standards, adopted 2-10-2003 by Ord. No. 128, as amended.

Part 1
Subdivision And Land Development Standards

ARTICLE I
Purpose and Authority

§ 180-1. Authority.

This chapter is enacted pursuant to the authority contained in Article V, Section 501, of Pennsylvania Municipalities Planning Code, Act 247, as amended by Act 170 of December 21, 1988, and all subsequent amendments².

§ 180-2. Adoption and effectiveness.

This chapter shall become effective upon adoption by the Township of Brighton Board of Supervisors pursuant to procedures outlined in Sections 504, 505 and 506 of the Pennsylvania Municipalities Planning Code.³

§ 180-3. Title.

This chapter shall be known and may be cited as the "Subdivision and Land Development Ordinance of the Township of Brighton."

§ 180-4. Applicability.

No subdivision of any lot, tract or parcel of land shall be effected, no street, sanitary sewer, stormwater sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, no grading of the property shall be commenced or for the common use of occupants of buildings abutting said improvements, except in strict accordance with the provisions of these regulations.

§ 180-5. Exclusions and waiver.

- A. Land development that involves the conversion of an existing detached or semidetached single-family dwelling into not more than three residential units, unless intended as a condominium, are hereby excluded from regulations contained herein, as are additions of accessory buildings, including farm buildings, on lots upon which a principal structure exists, and additions or conversions of buildings or rides within the confines of an amusement park. Newly acquired land to be included within the confines of an amusement park, as defined, is not excluded from the application of regulations contained herein.
- B. If land development is proposed on a lot of record, verification of which shall be supplied by the applicant, the required procedure for the recording of plats is hereby waived.

§ 180-6. Compliance required.

No lot in a subdivision may be sold, no permit to erect alter or repair any structure or building upon land in a subdivision shall be issued and no building shall be erected in a subdivision or grading of the property

2. Editor's Note: See 53 P.S. § 10101 et seq.

3. Editor's Note: See 53 P.S. § 10101 et seq.

commenced unless and until a subdivision plan has been approved and recorded where required, and until the improvements therewith have either been constructed or guaranteed as hereinafter provided.

§ 180-7. Purpose.

This chapter is adopted for the following purposes:

- A. To guide the orderly and efficient development of the Township.
- B. To promote the health, safety, morals and general welfare of the residents of the Township.
- C. To provide for the equitable processing of subdivision and land development plans by establishing uniform procedures and standards.

ARTICLE II
Definitions

§ 180-8. Interpretation.

For the purpose of this chapter, certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular number shall include the plural.
- C. Words used in the plural number shall include the singular.
- D. The word "person" includes a corporation as well as an individual or an association of individuals.
- E. The words "shall" and "will" are always mandatory.
- F. The word "may" is permissive when approved as a variance.

§ 180-9. Definitions.

Unless otherwise expressly stated, the following words or phrases shall, for the purpose of this chapter, have the meanings herein indicated and shall be literally applied by the Township of Brighton staff, members of the Planning Commission, Zoning Hearing Board, consultants and by the Board of Supervisors.

100-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year).

ALLEY — A public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

AMUSEMENT PARK — A tract of land or an area used principally as the location for permanent amusement structure or rides.

APPLICANT — A landowner or developer, including heirs, successors or assigns, who has filed an application for development.

Or

A landowner who filed an application for a grading permit, as defined by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 as further amended by Act 209 of 1990 and Act 131 of 1992, and all amendments thereto,⁴ who has filed an application for development with the Township.

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.

ARCHITECT — A registered architect licensed as such in the Commonwealth of Pennsylvania.

AS-BUILT PLANS — Plans, profiles, cross sections and construction details showing the exact final location, elevation, grade, size and material used in the construction of all facilities installed, to the same scale as the approved construction drawings.

4. Editor's Note: See 53 P.S. § 10101 et seq.

AVAILABLE SEWER — A municipal sewer is considered available if:

- A. Connection is recommended and/or required by the regulations of the Township of Brighton or any authority incorporated by the Township;
- B. Connection is recommended and/or required by the regulations of the Pennsylvania Department of Environmental Protection pursuant to the Pennsylvania Sewage Facilities Act⁵; or
- C. An existing municipal sewer line, with sufficient capacity, is located within 1,000 feet of the nearest point of a subdivision.

BEDROCK — Natural rock layer, hard or soft, in place at ground surface or beneath unconsolidated superficial deposits.

BLOCK — An area bounded by streets.

BMP (BEST MANAGEMENT PRACTICE) — Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated earth disturbance activities, to meet state water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this chapter.

BOARD — The Board of Supervisors of the Township of Brighton, Beaver County, Pennsylvania.

BOARD OF SUPERVISORS — The Board of Supervisors of the Township of Brighton.

BUFFER YARD — Open space which includes landscaped areas, fences, walls, berms, or a combination thereof used to physically separate or screen one use or property from another.

BUILDING CODE — The Township Building Code.

BUILDING LINE — A line located on the lot at a fixed distance from the street right-of-way line and interpreted as being the nearest point that a building may be constructed to the street right-of-way line. The building line shall limit the location of porches, decks and similar construction, steps excepted, to the face of the building.

BUILDING or STRUCTURE — Anything constructed or erected with a fixed or permanent location on the ground or attached to something having a fixed location on the ground, including but not limited to mobile or modular homes, signs, billboards, barns, swimming pools, silos, stables and sheds.

BUILDING, FRONT LINE OF — The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps or patios.

CARTWAY — That portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.

CLEAR SIGHT TRIANGLE — The triangular area formed by two intersecting street center lines and a line interconnecting points established on each center line, 75 feet from their point of intersection. This entire area is to remain clear of obstructions to sight above a plane established 3 1/2 feet in elevation from grade level at the intersection of the street center line.

CLUSTER DESIGN OR DEVELOPMENT — A subdivision in which individual lots are designated in somewhat tighter arrangements than a conventional subdivision with a significant percentage of the total plot or parcel being dedicated and held as common open space.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water or a combination of land and water within a development site, designed and intended for the common use of the residents of a planned

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

residential development or mobile or modular home park. Common open space may be of two types:

- A. IMPROVED — Land area of a site containing recreational structures and facilities, as long as the total impervious surfaces in the area (paved paths, trails, tennis or basketball courts, roofs, etc.) constitute no more than 5% of the improved common open space.
- B. UNIMPROVED — Land area of a site void of buildings, structures, parking areas and street rights-of-way.
- C. WATER RESOURCES — Water resources may constitute not more than the following percentages of the improved common open space:
 - (1) Wetlands: 20%.
 - (2) Stormwater management facilities: 50%.

CONSERVATION DISTRICT — The Beaver County Conservation District.

CONSTRUCTION STANDARDS — The construction standards for streets, stormwater management facilities, sanitary sewer systems, pedestrian circulation, driveways, parking areas, fire hydrants, guide rails, cable TV and other facilities as set forth in this Code.

CONTOUR — A line which joins all points of equal elevation on the ground.

CONVENTIONAL SUBDIVISION — A subdivision in which all or most of a plot or parcel is divided into lots and streets with little or no area reserved as common open space. (See "cluster design or development.")

CORNER LOT — A lot at the point of intersection of and abutting on two or more intersecting streets or other public spaces, the angle of intersection being not more than 135°.

COVENANT — An obligation defined by law or agreement, the violation of which can be restrained by court action. These are usually stated in the deed.

CUL-DE-SAC — The vehicular turnaround at the end of a cul-de-sac street.

CUL-DE-SAC STREET — A street or road with one end open to traffic and pedestrian access and permanently terminated at the other end by a vehicular turnaround.

DEP — The Pennsylvania Department of Environmental Protection.

DEVELOPER — A person that seeks to undertake any regulated earth disturbance activities at a project site in the Township.

DEVELOPMENT — See "earth disturbance activity." The term includes redevelopment.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT — Any land development that, because of its character, magnitude or location, will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DEVELOPMENT PLAN — The provisions for development of land, including a plat of subdivision, all covenants relating to use, location and bulk of development, streets, ways and parking facilities, common open space and public utilities. The phrase "provisions of the development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

DISTRICT or ZONING DISTRICT — An area constituted by or pursuant to Chapter 195 of the Code of the Township of Brighton, and delineated by text and map as to location, extent, nature and contents.

DRIVEWAY — A private area used exclusively for circulation and ingress and egress to a street by the

owner or owners or visitors of the lot. All driveways shall meet the requirements of this Code.

DRIVEWAY, COMMON — An improved vehicular access facility serving a maximum of two parcels or lots which may be under separate or common ownership which connects the parcels and provides access to a public street. All subdivisions proposing to create a common driveway shall submit a common driveway maintenance agreement for approval prior to plan approval. Said maintenance agreement shall be recorded with the plat.

DRIVEWAY, MULTI — An improved vehicular access facility serving three or more parcels or lots shall be considered a private street and shall comply with the design and construction requirements for a private street. (See "street, private.") All subdivisions proposing to create a multidriveway shall submit a multidriveway maintenance agreement for approval prior to plan approval and comply with the requirements of § 180-65, Performance requirements, § 180-66, Performance guaranties, and § 180-67, Procedure for release from improvement bond; fees.

DRIVEWAY, PRIVATE — An improved vehicular access facility serving only one parcel or lot which connects and provides access to a public street or private street, but which does not provide access to any other lot or parcel under separate ownership.

DWELLING, SINGLE-FAMILY — A residential building containing one dwelling unit occupied by one family and which is the only principal building on the lot.

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.

EASEMENT — A grant or dedication to the general public, a corporation or a certain person, by a property owner or developer of a right-of-way or parcel of land for a specific purpose or use.

ELEVATION — A point or series of points (see "contour") which are a known vertical distance above or below a predetermined elevation datum. All elevations used shall be based on United State Geological Survey Datum.

ENGINEER — A registered professional engineer licensed as such in the Commonwealth of Pennsylvania and knowledgeable in civil engineering; the Township Engineer who is charged with the design, development and inspection of the work, and determining the quantities of materials and labor to be paid for. During the execution of the work the Engineer shall also be interpreted to mean the assistant, inspector, or other representative acting within the authority given. The Engineer is to be considered an agent of the Township. See "Township Engineer."

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity, including such processes as gravitational creep.

EROSION AND SEDIMENT CONTROL PLAN — A plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

EXCAVATION — Any act by which earth, sand, gravel, rock or any other similar material is cut into, disturbed, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

FEES-IN-LIEU-OF-DEDICATION — Fees authorized by the Municipalities Planning Code⁶ for recreation land and facilities in lieu of the provision of public open space.

6. Editor's Note: See 53 P.S. § 10101 et seq.

FILL — Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location including the condition resulting therefrom.

FINANCIAL SECURITY — A corporate bond letter of credit, or escrow account from a surety or a financial institution acceptable to the Township, naming the Township as obligee in forms specified in Article XVIII of this Code.

FLOOD — A temporary inundation of normally dryland areas.

FLOODPLAIN; FLOOD HAZARD AREA; FLOOD-PRONE AREA — A land area adjoining a river, stream, water body or watercourse which may periodically flood as established by the United States Federal Emergency Management Agency.

FORM 408 — Pennsylvania Department of Transportation Form 408, latest publications and bulletins.

GEOLOGIST — A registered professional geologist licensed as such by the Commonwealth of Pennsylvania.

GEOTECHNICAL ENGINEERING REPORT — A report prepared by a registered professional geotechnical engineer.

GRADE — The elevation of the existing or proposed ground surface at the location of any proposed excavation or fill.

GRADE, ESTABLISHED — The elevation of the center line of the streets as officially approved by the Township.

GRADE, FINISHED — The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

GRADING — An excavation or fill or a combination thereof.

GRADING ADMINISTRATOR — The Township Manager or his designated representative.

GRADING PERMIT — Any permit required pursuant to the provisions of this part.

HAZARD — Any danger or potential danger to life, limb or health, or any adverse effect or potential adverse effect to the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers, including stream pollution.

HOMEOWNERS' ASSOCIATION — An organization of property owners of lots in individual residential developments responsible for the maintenance of common open space in each plan and the payment of taxes on that land classified as commonly owned open space.

IDENTIFIED FLOODPLAIN AREA — The floodplain area specifically identified in Chapter 100 of the Code of the Township of Brighton, Floodplain Management, and Chapter 195 of the Code of the Township of Brighton, Zoning, as being inundated by the 100-year flood. Included would be areas identified as floodway (FW), flood-fringe (FF) and general floodplain (FA).

IMPROVEMENTS — Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including but not limited to grading, paving, curb, gutter, stormwater sewers, individual sanitary sewage system, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply and water distribution systems and facilities, sanitary sewers, sanitary sewerage collection systems and sanitary sewage treatment plant facilities.

INSPECTOR — An authorized representative of the Township Board of Supervisors assigned to make any or all on-site inspection of work performed and materials furnished by the developer or his agents.

INTERIOR DRIVE — Includes all drives located within the boundary lines of any mobile home park

development which are designed for access to any mobile home lots, service buildings or facilities which are considered a part of the mobile home park, but not dedicated to public use nor accepted as part of the Township highway system.

INTERIOR WALK — A right-of-way for pedestrian use extending from a street into a block or across a block to another street. Such right-of-way shall have a minimum width of 10 feet.

LAND DEVELOPMENT — Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two 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, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with § 180-5.

LANDOWNER — The legal or beneficial owner or owners of a lot or parcel of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee (if he authorized under the lease to exercise the rights of the landowner) or other persons having a proprietary interest in the lot.

LANDSCAPE ARCHITECT — A landscape architect licensed by the Commonwealth of Pennsylvania.

LEVEL OF SERVICE — The minimum standard for developed and undeveloped recreation land established by an analysis of existing conditions relative to recreational land use.

LOT — Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this part, having not less than the minimum area and width required by this part for a lot in the district in which such land is situated and having its principal frontage on a public street or on such other approved means of access.

LOT AREA — The area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.

A. **GROSS LOT AREA** — Total area of the parcel.

B. **NET LOT AREA** — The gross lot area minus the area of easements, ROW, and conservation areas.

LOT DEPTH — The average horizontal distance between the front and rear lot lines.

LOT LINES — The lines bounding a lot, as defined herein.

LOT WIDTH — The horizontal distance across the lot between the side lot lines, measured at the building line.

LOT, CORNER — See "corner lot."

LOT, FLAG — A tract, parcel or area of land abutting and located to the rear or behind another tract, parcel or area of land and is connected to a public or private street by a contiguous area of land that is a part of

said lot that has a minimum width of 25 feet for its total length and is for the express purpose of providing vehicular egress, ingress and utility access to said tract, parcel or area of land. The area of the flag portion of the lot shall not be used in computing the minimum lot area required by the Brighton Township Zoning Ordinance.⁷ Lot width at the building line shall comply with the requirements of the Township of Brighton Zoning Ordinance.

LOT, INTERIOR — A lot other than a corner lot.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME STAND — That part of the mobile home lot which has been improved and reserved for the placement of the mobile home.

MOBILE OR MODULAR HOME PARK — A parcel or contiguous parcels of land which have been so designated and improved that they contain two or more mobile home lots for the placement thereon of mobile or modular homes.

MODIFICATION or MODIFY — When the subdivider can show that a provision of this part would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site and in the opinion of the Planning Commission, a modification may be made without destroying the intent of such provision, the Planning Commission may recommend and the Board of Supervisors may authorize relief from the strict application of this provision. Any relief thus authorized shall be entered in the minutes of the Board of Supervisors along with the reasons which justify the modification.

MODULAR OR MANUFACTURED HOME — Two portable modular or sectional units designed and built to be towed on their own separate chassis and permanently combined on site to form a single immobile dwelling unit and having a minimum of 900 square feet of habitable floor area. It shall be regarded as a single-family detached dwelling, but may be located in a mobile or modular home park at the discretion of the owner.

MONUMENT — A permanent marker constructed of concrete or metal and placed in the ground by survey, to establish the legal right-of-way line of streets. Each monument shall be constructed and placed as specified herein this part.

MUNICIPAL AUTHORITY — The Brighton Township Municipal Authority or the Beaver Falls Municipal Authority providing water service.

NPDES — National Pollutant Discharge Elimination System, the federal government's system for issuance of permits under the Clean Water Act⁸, which is delegated to DEP in Pennsylvania.

OFF-SITE BORROW AREA — Excavating, loading, hauling and placement of excavated material on another site for disposal.

OFF-SITE SEWER SERVICE — A sanitary sewage collection system approved by the Township in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

7. **Editor's Note:** See Ch. 195, Zoning.

8. **Editor's Note:** See 33 U.S.C. § 1251 et seq.

OFF-SITE SPOIL AREAS — Storage of excavated material and stockpiling on waste areas and dump sites including topsoil, aggregates and other miscellaneous materials.

OFF-SITE WATER SERVICE — A potable water distribution system approved by the Township in which water is carried to individual lots or dwelling units by a system of pipes from a central water source, located beyond the limits of the lot being serviced, which may be publicly or privately owned and operated. Applicants for subdivision and land development approval shall be required to connect to a public water distribution system unless lots are to be served by private wells.

ON-SITE SEWER SERVICE — A single system of piping, tanks or other facilities approved by the Township serving only a single lot and disposing of sewage in whole or in part into the soil or other on-lot sewage disposal system as approved by the Pennsylvania Department of Environmental Protection.

ON-SITE WATER SERVICE — A single system of piping, tanks or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.

OPEN SPACE — An unoccupied space open to the sky on the same lot with the building or structure.

OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PARKING AREA — A public or private garage or a paved, open off-street area other than a driveway or street with adequate means of access, which meets the requirements of this Code and which is used exclusively for the parking of vehicles of occupants or visitors of the lot; however, a driveway serving a single-family dwelling or which is for the exclusive use of an individual dwelling unit in a residential building may be used as a parking area.

PARKING SPACE — An off-street space having an area of not less than 200 square feet, 10 feet wide by 20 feet deep, whether inside or outside of a structure, for the temporary standing of automotive vehicles to be used exclusively as a parking stall for one automotive vehicle plus 150 square feet used exclusively for turning and access to the parking space.

PATIO — An outside surfaced area having no roof and no more than three sides walled or fenced. For the purposes of this chapter, patios are not considered accessory structures.

PERMIT HOLDER — Any landowner, agent of said landowner, or tenant with the permission of said landowner who has been granted a grading permit pursuant to the provisions of this part.

PERSON — A natural person, but also includes a partnership, corporation, trust, association or any type of legal entity.

PLANNING COMMISSION — The duly constituted Planning Commission of the Township of Brighton, Beaver County, Pennsylvania.

PLAT — A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

PLAT, FINAL — A complete and exact subdivision plat, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

PLAT, PRELIMINARY — A tentative subdivision plat, in lesser detail than a final plat, showing approximate locations of proposed streets and lot layouts on a topographic map as a basis for consideration prior to preparation of a final plat.

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.

PORCH (COVERED DECK) — A roofed-over structure projecting from the front, side or rear wall of a building. For the purpose of this part, a porch or covered deck is considered a part of the principal building and is not permitted to extend into any required yards.

PREMISES — Any lot, parcel or tract of land and any building constructed thereon.

PRIVATE IMPROVEMENT — A street, sidewalk, walkway, gutter, curb, sewer line, water line, driveway, parking area, street light, street sign or related facility, to be operated and maintained by a private entity, but which must comply with this Code.

PROFESSIONAL CONSULTANTS — Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, Township Solicitor, certified public accountants, engineers, Township Engineers, geologists, land surveyors, landscape architects or planners.

PROJECT SITE — The specific area of land where any regulated earth disturbance activities in the municipality are planned, conducted or maintained.

PUBLIC HEARING — A formal meeting open to the general public held pursuant to proper public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this part.

PUBLIC IMPROVEMENTS — A street, sidewalk, walkway, gutter, curb, sewer, water line, street light, street sign or related facility to be dedicated to or maintained by the Township, and which must comply with this Code.

PUBLIC MEETING — A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."⁹

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or fewer than seven days from the date of the hearing.

PUBLIC RECREATION LAND — Any parcel or area of land set aside, dedicated, designated, or reserved for public use as required by § 180-64.1. This land shall meet the minimum standards set forth in § 180-64.1C.

PUBLIC UTILITY COMPANY — Any company subject to the jurisdiction of and control by the Pennsylvania Public Utility Commission or franchised cable television company.

RECREATION PLAN — The Brighton Township Public Recreation Land and Facilities Plan adopted July 11, 2005, and amended November 13, 2023.

REDEVELOPMENT — Earth disturbance activities on land which has previously been disturbed or developed.

REGULATED EARTH DISTURBANCE ACTIVITY — Earth disturbance activity one acre or more with a point source discharge to surface water or the municipality's storm sewer system, or 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. This only includes road maintenance activities involving 25 acres or more of earth disturbance.

9. Editor's Note: See 65 P.S. § 271 et seq.

RESERVE STRIP — A strip of land adjacent to a street intended to control access to the street from an adjacent property.

RETAINING WALL — A structure composed of concrete, steel, wood, or other approved building material within the allowable stresses as specified under the Building Code constructed for the purpose of supporting a cut or filled embankment, or to retain or support the lateral pressure of earth or other superimposed loads.

REVERSE FRONTAGE LOT — A lot extending between and having frontage on a major traffic street and a local street and with vehicular access solely from the latter.

RIGHT-OF-WAY — The area on, below or above a public roadway, highway, street, sidewalk, alley, utility easement or similar property. The term does not include a federal interstate highway.

RIGHT-OF-WAY LINE (ROW) — A set of two parallel lines which denote an area of land between them used for public access.

SAFE STOPPING SIGHT DISTANCE — The maximum extent of unobstructed vision (on a horizontal or vertical curve) along a street from a vehicle located at any given point along the street. The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye height of 3.5 feet and a height of object 2.0 feet.

SECURITY — A bond, letter of credit or cash provided by the permit holder to secure performance under this Code.

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.

SERVICE OR RECREATION BUILDING — A structure housing operational offices, park maintenance facilities, recreational facilities, rest rooms and laundry facilities or any other structure or facility necessary for the health, safety and convenience of the residents of the mobile home park built to conform with the requirements of this part and all other laws governing their construction and operation.

SIDEWALK — A walk for pedestrians constructed to the standards set forth in this Code.

SITE — A lot, tract or parcel of land, or a series of lots, tracts or parcels of land which are adjoining and with respect to which grading work is to be continuous and performed at the same time.

SLOPE — The upward or downward slant or inclination or degree of slant, expressed either as a horizontal-to-vertical ratio or as a percentage of vertical inclination from the horizontal.

SOIL CONSERVATION REPORT — A report, prepared by a registered professional engineer, that includes a description of a site and topography, drainage, cover, soils, soil limitations, erosion and sediment potential, surface runoff changes and recommendations to minimize soil limitations, erosion and sediment, and surface water disposal problems.

SOILS ENGINEER — A registered professional engineer licensed as such in the Commonwealth of Pennsylvania and having training and experience in the branch of soils engineering.

SOILS SURVEY — The survey for Beaver County, Pennsylvania, and the accompanying text, soil survey of Beaver County, Pennsylvania, as prepared by the USDA Soil Conservation Service, et al.

SOLID WASTE — Any and all parts or combination of ashes, garbage, refuse, radioactive material, combustible demolition materials and industrial wastes such as food processing wastes, wood, plastic, scrap metal, etc.

SPECIFICATIONS — Those portions of the contract documents consisting of written technical

descriptions of materials, equipment, construction systems, standards and workmanship as applied to the work.

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 fishery or potable water supply, which are listed in Chapter 93.¹⁰ These uses must be protected and maintained under state regulations.
- B. "Existing uses" are those attained as of November 1975, regardless 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 water must be managed to protect the stream bank, streambed and structural integrity of the waterway to prevent these impacts.

STEEP SLOPE — Where in a 100-foot horizontal distance, the slope exceeds 40%.

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

STREET — An avenue, boulevard, road, highway, freeway, parkway, lane, viaduct and any other ways used by vehicular traffic but not including driveways, parking areas or walkways. Street includes the entire right-of-way.

STREET CLASSIFICATIONS — Streets located in the Township of Brighton shall be as defined in Article XIII, § 180-90A, Street classifications.

- A. The following street classification system is hereby adopted for all proposed streets in the Township:
 - (1) Arterial street, refer to Detail RD-01 of the Township of Brighton Minimum Construction Standards and Details.¹¹
 - (2) Commercial collector street, refer to Detail RD-02 of the Township of Brighton Minimum Construction Standards and Details.
 - (3) Residential collector street, refer to Detail RD-03 of the Township of Brighton Minimum Construction Standards and Details.
 - (4) Local commercial street, refer to Detail RD-04 of the Township of Brighton Minimum Construction Standards and Details.
 - (5) Local residential street, refer to Detail RD-05 of the Township of Brighton Minimum Construction Standards and Details.
- B. The functional classification of all existing streets is as determined by the Township Engineer in accordance with PennDOT requirements. Where a proposed development abuts an existing street, the

10. Editor's Note: See 25 Pa. Code Chapter 93.

11. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

street it shall be improved and widened in accordance with its classification for the full length of the development and extending to adjoining properties.

- C. The functional classification of any proposed street that is not specified in the current Comprehensive Plan of the Township, adopted by the Township, shall be determined by the Engineer consistent with the definitions for the street classification system.
- D. The functional classification of all proposed residential streets is based on the average daily traffic volumes generated by the proposed residential development as specified in the Institute of Transportation Engineers (ITE) Trip Generation Manual, current edition. All proposed streets where the anticipated average daily traffic volume generated by the development exceeds 500 vehicles per day shall be designated as collector streets.
- E. The functional classification of all proposed streets in a commercial development is based on the average daily traffic volume generated by the proposed commercial development as specified in the Institute of Transportation Engineers (ITE) General Manual, current edition. All proposed streets where the anticipated average daily traffic volume generated by the development exceeds 300 vehicles per day shall be designated as collector streets.

STREET, PRIVATE — A street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A private street which provides access to three or more lots or parcels which do not have access to a public street shall be considered as access to a public street. (See also "driveway, private," "driveway, common" and "driveway, multi.") Design standards for private streets shall comply with the requirements of Article V herein and improvements shall comply with the standards of Article VI herein. Performance standards in § 180-65, performance guaranties in § 180-66 and the release from improvement bond in § 180-67 shall apply to all developments proposing to install a private street. Construction of a cul-de-sac at the termination of the private street is required.

STREET, PUBLIC — A street, including the entire public right-of-way, which has been dedicated to and accepted by the Township or which has been devoted to public use by legal mapping, use or other means.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDER — See "developer."

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.

SUBSTANTIALLY COMPLETED — When, in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to § 180-66 of this part) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURFACE WATER OF THE COMMONWEALTH — Any and all rivers, stream, 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.

TOPOGRAPHIC MAP — A map showing ground elevations by contour lines and the location of important, natural and man-made features.

TOWNSHIP — Brighton Township, a second class Township located in Beaver County, Pennsylvania.

TOWNSHIP CODE — The Code of the Township of Brighton adopted by the Board of Supervisors and as amended from time to time.

TOWNSHIP ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township of Brighton or its Planning Commission.

TOWNSHIP MANAGER — The Manager of the Township of Brighton.

TRENCH — An excavation made for installation or replacement of utilities where the depth exceeds the width of the trench.

UTILITY — A public service including but not limited to electric service, gas service, telephone and cable TV service.

WALKWAY — A walk for pedestrians constructed to the standards set forth in the Public Improvements Code.

WATERCOURSE — Includes all existing channels, creeks, ditches, drains, dry runs, springs and streams, also all proposed channels, ditches, drains and drainage facilities.

WETLANDS — Those areas that are inundated or saturated by surface water 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 as defined and regulated by the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (COE) and the Pennsylvania Department of Environmental Protection (DEP).

YARD — An unoccupied space open to the sky, on the same lot with a building or structure. No portion of any principal or accessory structure, as defined, shall project into any required yard except as otherwise provided.

YARD, FRONT — An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line.

YARD, REAR — An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

YARD, SIDE — An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

ZONING — A legal and administrative process whereby a municipality divides its territory into districts and applies to each district a number of regulations to control the use of land, the height and bulk of buildings and the area of ground built upon.

ZONING CODE — The officially adopted Zoning Code, titled the Township of Brighton Zoning Ordinance, and all subsequent amendments thereto.¹²

ZONING OFFICER — The individual authorized by the Township of Brighton to be the administrator

12. Editor's Note: See Ch. 195, Zoning.

of the daily application of the provisions contained in the Township of Brighton Zoning Ordinance. The Zoning Officer shall hold no elective office and shall have a working knowledge of zoning and meet the qualifications established for the position by the Board of Supervisors.

ARTICLE III

Application and Plat Requirements for Subdivision and Land Development**§ 180-10. Procedure.**

The plat requirements and application procedures shall be followed by developers as set forth herein and shall be submitted to the Planning Commission for review prior to consideration by the Board of Supervisors.

§ 180-11. Preapplication.

Prior to the filing of an application for conditional approval of a preliminary plat, the applicant shall submit the following plans and data to the Planning Commission:

- A. General information. Describe existing covenants, land characteristics, community facilities and utilities, the number of lots and sizes, business areas, playgrounds, utilities and street improvements.
- B. Location map. Map shall show relationship of the proposed subdivision to existing community facilities which serve or influence it and existing facilities, title, scale and North arrow.
- C. Sketch plan. Sketch plan at a scale of one inch equals 100 feet or larger shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions and shall include the following:
 - (1) The proposed name of the subdivision or land development.
 - (2) Name of the applicant.
 - (3) Name of the registered owner.
 - (4) North point, scale and date.
 - (5) Name of the engineer, surveyor, landscape architect or other qualified person responsible for the map.
 - (6) Tract boundaries with bearings and distances.
 - (7) Approximate location of watercourses, tree masses, rock outcrops, existing buildings and actual location of sanitary sewers, storm sewers and inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades.
 - (8) Adjacent street.
 - (9) Zoning district in which property is located and required front, side and rear yard lines.
- D. Review. After review and discussion with the applicant, the Planning Commission shall indicate the suitability of the plan for development into preliminary plats.

§ 180-12. Preliminary plat.

- A. Preliminary plat application. The applicant shall prepare and submit to the Planning Commission Secretary at least 15 days prior to the regular monthly meeting of the Planning Commission 15 full-size copies and a digital copy of the preliminary plats of the total land to be ultimately developed for review by the Planning Commission according to the requirements and standards contained herein.

Upon receipt of the plat, the Planning Commission shall forward a copy to the Beaver County Planning Commission for review and recommendation, comments to be submitted back to the Township of Brighton within 30 days of submittal.

- B. Application fee. At the time of filing an application for preliminary plat approval, the applicant shall pay to the Board of Supervisors, for use by the Township, a fee set by resolution to defray the cost of processing of such plat approval applications and for payment to consultants hired by the Township of Brighton to conduct reviews of said applications.
- C. The preliminary plat shall be drawn at a scale of 100 feet to the inch or greater and shall show or be accompanied by the following information. All information required shall be supplied to the extent and in the manner required by the Township of Brighton Minimum Construction Standards and Details¹³ for construction guidelines:
- (1) Material required in § 180-11.
 - (2) Names and addresses of the owner or owners of the property.
 - (3) Name of the subdivision or land development to be recorded.
 - (4) North point, scale and date.
 - (5) Name of professional engineer or the professional land surveyor who surveyed the property and prepared the plat.
 - (6) Tract boundaries with bearings, distance, total area in acres and area in square feet of each proposed lot.
 - (7) Contours at vertical intervals of two feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
 - (8) Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
 - (9) Show all existing watercourses, wetlands, banks, tree masses and other significant natural features.
 - (10) Identify any floodplain, flood hazard area, flood-prone area as established by the Federal Emergency Management Agency.
 - (11) Show location and size of all existing buildings, location and size of all existing structures located on abutting property if within 50 feet of the property line, location, size and invert elevation of all sanitary and stormwater sewers, and location of all manholes, inlets, culverts and bridges; water mains, gas mains, fire hydrants, telephone conduit lines, electric power transmission line, petroleum or petroleum products lines and other significant man-made features.
 - (12) All existing streets located on or adjacent to the tract, including name, right-of-way widths and cartway width and type of improvement materials used on the cartway.
 - (13) All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.

13. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

- (14) Location and width of all proposed streets, alleys, rights-of-way and easements, entrances, parking facilities, loading spaces, signs, lighting facilities, fences or walls, proposed lot lines with approximate dimensions, proposed minimum setback on public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- (15) The preliminary plat shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions and land development.
- (16) Where the preliminary plat covers only a part of the applicant's entire holding, a sketch shall be submitted of the prospective street and lot layout of the remainder of the land.
- (17) A plan of the proposed public water distribution system for review and approval by the appropriate authority or a plan showing the location of individual wells in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537), as amended.¹⁴
- (18) A plan of the proposed sanitary sewer collection system or treatment facilities when proposed will be required for review and approval of the appropriate authority.
- (19) Where on-lot sewage disposal systems are proposed, the applicant or owner shall submit a completed Department of Environmental Protection Sewage Facilities Planning Module in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537), as amended.
- (20) Preliminary plat shall identify the zoning district in which the property is located and show the zoning boundaries, if any, that traverse or are within 300 feet of the area covered by the plan.
- (21) Preliminary plat shall show such street extensions or spurs as are reasonably necessary to provide adequate street connections and facilities to adjoining or contiguous developed or undeveloped areas.
- (22) Subsurface condition (whether undermined, etc.) of the tract to be subdivided or developed.
- (23) Profiles showing existing ground and proposed street center-line grades.
- (24) Typical cross section of roadways showing cartways, water, sanitary and stormwater sewers, gas, electric and telephone utilities and sidewalks.
- (25) The applicant shall provide such additional information as may be required by the Planning Commission, Board of Supervisors, Township Engineer, Zoning Officer or Sewage Enforcement Officer in order to more fully evaluate the proposed subdivision or land development and its effect on adjacent property or the Township as a whole.
- (26) A utility plan showing the location and size of the proposed gas, electric, telephone and cable television systems with written approval from the appropriate utility company.
- (27) A grading plan as per § 180-44 of this part.
- (28) A plan, calculations and narrative for the collection, management and discharge of all stormwater. The applicant shall further provide all information and plans necessary to indicate that the existing off-lot watercourse and drainage system is adequate to accommodate the stormwater resulting from the proposed subdivision or land development or a plan for improving the off-lot drainage system to meet the demand. Plans and reports shall be prepared

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

in accordance with Township policy, guidelines and the Pennsylvania Storm Water Management Act.¹⁵

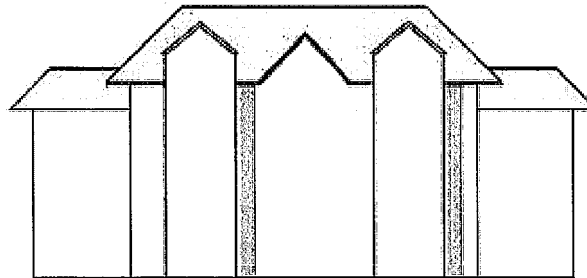
- (29) The preliminary plan shall identify location of all proposed recreational facilities.
- D. Supplementary data required. The preliminary plan shall be accompanied by the following supplementary data:
- (1) A plan revision module for land development as required by the Pennsylvania Department of Environmental Protection.
 - (2) Plan for the control of erosion and sedimentation for review by the County Conservation District Office, as required by the Pennsylvania Clean Streams Law¹⁶ or Chapter 102, Erosion Control, of the Rules and Regulation of the Pennsylvania Department of Environmental Protection.¹⁷
 - (3) Typical street cross-section drawings for all proposed streets.
 - (4) Profile sheets of all proposed streets and improvements with the following information:
 - (a) Existing and finished profile along center line of proposed street.
 - (b) Finished grade at fifty-foot stations located along the center line of the proposed street, all vertical curve elevations information, length, including beginning-ending elevations, high and low points located along said vertical curve.
 - (c) Finished profile for all sanitary sewers, stormwater sewers and water lines with stations, identification numbers, invert and top elevations, size and type of materials and percent of slope of each utility proposed.
 - (d) The sight distance for all vertical curves shall be identified on the street profiles.
 - (5) A written report from the municipal water and sewer authority on the availability of public water and sewer service to proposed development.
 - (6) If connection to a public water or sewage system is not proposed, a report shall be submitted, prepared in accordance with the requirement and procedures of the Pennsylvania Department of Environmental Protection, as to how these utilities are proposed to be furnished.
- E. The Planning Commission shall not recommend for approval a land development application unless the following site design guidelines are met, as demonstrated through renderings of the proposed building structure(s) from each side:
- (1) Structure design and orientation.
 - (a) Purpose. In the evaluation of an application for land development approval, basic structural design components shall be considered in conjunction with other characteristics of the use. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, positioning and landscaping shall be used to provide visual interest and to:

15. Editor's Note: See 32 P.S. § 680.1 et seq.

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

17. Editor's Note: See 25 Pa. Code Chapter 102.

- [1] Create a comfortably scaled commercial or nonresidential environment.
 - [2] Establish an organized variety of building heights and mass.
 - [3] Encourage buildings that are similar in scale to adjacent buildings.
 - [4] Foster a coherent architectural aesthetic design.
 - [5] Construct all additions, alterations, and accessory buildings compatible in design and materials with the principal structure.
- (b) Building scale. The apparent mass, bulk and scale of large buildings on the elevations visible from the public right-of-way and pedestrian routes and entries shall be reduced through the use of such methods as facade modulation and articulation, architectural detailing, roof treatment, colors, materials and other special features.
- [1] Integration. Commercial buildings should integrate features along their facades visible from the public right-of-way and pedestrian routes and entries to reduce the apparent building mass and achieve an architectural scale consistent with other nearby structures.
 - [2] Facade modulation. Building facades visible from public streets and public spaces should be stepped back or projected forward at intervals to provide a minimum facade modulation of 40%. The minimum depth of modulation shall be one foot and the minimum width shall be five feet. See Figure 1: Building Scale Criteria, Modulation. Modulation is the stepping back or projecting forward of the facade in intervals. Facade modulation and pitched roofs help reduce the apparent bulk of the building.

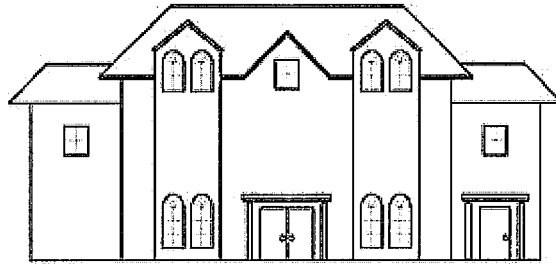


Modulation

Figure 1: Building Scale Criteria, Modulation

Modulation is the stepping back or projecting forward of the facade in intervals.

- [3] Articulation. To break up building mass, buildings shall be articulated to reduce the apparent scale of buildings and to convey visual interest. Building mass should be varied both horizontally and vertically by varying articulation dimensions such as height, depth and width. Architectural details that are used to articulate the structure may include reveals, patterns, and other three-dimensional details that create shadow lines and break up the flat surfaces of the facade. See Figure 2: Building Scale Criteria, Articulation. Articulation can be achieved with other building elements such as the roofline, windows and entries.



Articulation

Figure 2: Building Scale Criteria, Articulation

Articulation can be achieved with other building elements such as the roofline, windows and entries.

- [4] Architectural elements. The mass of long or large-scale buildings can be made more visually interesting by incorporating architectural elements such as arcades, balconies, bay windows, dormers, and/or columns.
 - [5] Rooflines. A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale development, and add interest to the overall design of a building. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval. Roofs that incorporate a variety of vertical dimensions such as multilanes and intersecting rooflines are encouraged. Flat-roofed designs shall include architectural details such a cornices, and decorative facings to provide interest to the roofline.
- (c) Exterior facade colors shall be of low reflectance, subtle, neutral or earth tone colors. For exterior walls with a main entry, street frontage or fronting a parking area for public use two or more materials shall be used. Exterior walls shall be constructed of the following materials. (NOTE: Comparable materials may be accepted by the Planning Commission and approved by the Board of Supervisors.)
- [1] Brick, stone, cast stone, rock, marble, granite, glass block, tile;
 - [2] Stucco or plaster;
 - [3] Exterior insulation and finish system (EIFS);
 - [4] Metal (for beams, lintels, trim elements and ornaments);
 - [5] Glass with reflectance of less than 20% (however, only a maximum of 50% of the total area of the building may be constructed in glass);
 - [6] Split face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have integrated color and be textured or patterned. Tilt-wall concrete structures shall have reveals, punch-outs, or similar surface characteristics to enhance the facade on at least 10% of each facade; or
 - [7] Sheet metal or vinyl siding shall not extend to grade and is recommended only above the ground floor.
- (d) Mechanical equipment attached to the exterior or roof of a building should be kept low

and placed where they are not visible from the front facade.

- (e) Ground-mounted mechanical equipment should be screened with a fence or plant materials or housed in a structure compatible in design and materials with the principal structure.
- (2) Screening. A buffer yard or landscape screen as outlined in § 195-137.1 of the Zoning Code shall be provided and maintained on any property in a commercial or industrial district which is contiguous to any residential district or residential land use, except where natural or physical barriers exist which are deemed adequate by the Planning Commission, and except where such contiguity has resulted from an amendment to the zoning district boundaries after the passage of this section. This buffer yard screen shall be composed of plants and evergreen trees arranged to form both as low-level and a high-level screen consistent with the provisions of § 195-137.1 of the Zoning Code.
- (3) Landscaping and beautification. Any part or portion of the site which is not used for building, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan as per the provisions of § 195-137.1 of the Zoning Code, and shall be in keeping with natural surroundings. Any off-street parking area with five or more spaces located between the front building line and the right-of-way line shall include at least 50% of all required planting or landscaping in addition to the planting required within one of the buffer yards as outlined in § 195-137.1 of the Zoning Code. The parking area shall be graded for proper drainage and paved, and at least one deciduous shade tree, of at least two-inch caliper, shall be provided per five parking spaces, planted to a height of six feet or more at intervals of no greater than 10 feet, or portions thereof located adjacent to the parking area, which shall be landscaped, to include a low-level screen consisting of shrubs or hedges planted at an initial height of not less than two feet in alternating rows. A maximum of 70% of the total area of a parcel may be covered with an impervious surface.
- (4) Storage. Any article or material stored outside an enclosed building as an incidental part of the primary commercial or industrial operation shall be so screened by opaque ornamental fencing, walls or a mix of deciduous and evergreen planting, in addition to the planting, required in buffer yards as outlined in § 195-137.1 of the Zoning Code, that it cannot be seen when viewed by a person standing on the berm of all abutting streets during any season of the year. All organic rubbish or storage shall be contained in airtight, vermin-proof containers which shall also be screened from public view.
- (5) Lighting. All parking areas, driveways and loading areas shall be provided with a lighting system in accordance with an approved lighting plan. All lighting fixtures used shall be subject to the approval of the Planning Commission and shall not exceed 35 feet in height. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district or residential land use.
- (6) Interior circulation. The interior circulation of traffic and commercial and industrial areas shall be designated so that no driveway or access lane providing parking spaces shall be used as a through street.
- (7) Loading areas. Areas provided for loading and unloading of delivery trucks and other vehicles and for the servicing of businesses by refuse collections, fuel and other service vehicles shall be located at the side or rear of all buildings, shall not face a street, shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of

accessway or automobile parking facilities.

(8) Emergency access.

- (a) The applicant shall demonstrate to the satisfaction of the Planning Commission that all buildings shown on a land development plan can be adequately accessed by emergency fire-fighting vehicles and other emergency equipment. Emergency access shall be required for the purpose of positioning fire-fighting equipment or other emergency vehicles in relation to the building so that the equipment can be effectively used. Emergency access may be provided by means of a fire lane, a public or private street a driveway or aisle in a parking area or an unobstructed landscaped area.
- (b) Emergency access shall be provided on at least one side of each building. The Planning Commission may require emergency access to be provided on more than one side of a building, if warranted by site conditions, public safety and the layout of the land development plan.
- (c) In the event that any applicant disagrees with the determination of the Planning Commission regarding the provision of emergency access, the applicant may appeal that determination to the Board of Supervisors for consideration prior to final action.

(9) Access driveways and streets.

- (a) Neither any driveway nor any junction or intersection of any streets shall be located within:
 - [1] Two hundred fifty feet of the end of any interstate highway ramp;
 - [2] Location of residential driveways with respect to intersecting streets shall be in accordance with Pennsylvania Code Title 67, Chapter 441 Section 441.8(c)(1)¹⁸ as referenced in PennDOT Publication 282 and as shown on Construction Standard Detail RD-24.
- (b) All street rights-of-way and pavement designs shall conform to the requirements adopted by the Board of Supervisors.

(10) Traffic control. No proposed street or roadway configuration shall be approved which is likely to create substantial traffic hazards endangering the public safety, nor which is inconsistent with the recommendations and findings of any officially adopted Township traffic study. Traffic control devices may include traffic signals, overhead flashing lights and delineators, such as medial barriers, and not be limited to acceleration and deceleration lanes, turning lanes, one-way traffic flow, traffic and lane markings and signs. The plan for traffic signals shall include a traffic impact analysis. Said analysis shall document expected impacts on adjacent intersections as per the provisions of new § 195-137.2 of the Zoning Code. The developer shall be responsible for the construction of any such traffic control device.

(11) Stormwater management. Adequate stormwater drainage facilities shall be installed in conformance with a stormwater management plan, based on adopted Township guidelines and regulations, to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect. The stormwater management plan shall ensure to the satisfaction of the Township that rates of runoff after development shall not be greater

18. Editor's Note: See 67 Pa. Code § 441.8(c)(1).

than the runoff which would occur on the site in its natural state.

- (12) The Planning Commission may recommend land development approval for a single-family dwelling unit in the HC-1, C-1, or C-2 District on a lot which meets all of the requirements of municipal ordinances in effect at the time of recording of the plat and which is now so bounded or limited by other developed lots that it has no utility as a commercial or other permitted use in those designated districts and which development approval would not conflict with the purpose of those districts. The Township Supervisors shall issue final approval for such land development.
- (13) Signs. Every existing nonconforming sign shall be removed prior to the initial occupancy of any or all buildings proposed.

F. Planning Commission review and action; preliminary applications.

- (1) The Planning Commission shall review the preliminary plats and prepare a written report for the Board of Supervisors. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action. No report or recommendation shall be prepared prior to receipt of the County Planning Commission's recommendation or expiration of the thirty-day time period granted for county reviews.
- (2) Prior to preparation of the written report, the Planning Commission may schedule a special conference mutually convenient to the applicant and the Planning Commission for consideration of the preliminary plat. If within 30 days of receipt of the preliminary plat a mutually convenient date for such meeting cannot be established with the applicant, consideration of the preliminary plat shall be conducted at a regular meeting of the Planning Commission.
- (3) The applicant and all Planning Commission members shall be given at least seven days' written notice of such meeting, the notice to contain time, place, date and agenda schedule.
- (4) At the Planning Commission meeting when considering the preliminary plats, the applicant shall be given an opportunity to discuss any matters in the preliminary plat which might assist the Planning Commission in making its recommendation to the Board of Supervisors.
- (5) Unless withdrawn by the applicant at the meeting, the Planning Commission shall, within five days after the meeting, issue its written report to the Board of Supervisors.

G. Action of board of supervisors. The Board of Supervisors shall render its decision on the preliminary plat and communicate such decision to the applicant not later than 90 days following the date of the regular Planning Commission meeting next following the date the application is filed, provided that, should said next regular meeting occur more than 30 days following the date of filing, the ninety-day period shall be measured from the 30th day following the day the application was originally filed.

- (1) The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
- (2) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- (3) Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein after receipt of all information necessary to

render such opinion as required under § 180-12 shall be deemed an approval of the application in terms as presented unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

- (4) Failure on the part of the applicant to supply all data necessary for review and recommendation as required under § 180-12 shall constitute an incomplete application and as such shall not delay or circumvent time constraints imposed elsewhere in this section.
- H. Nature of approval. Approval of a preliminary plat shall not constitute approval of a final plat, unless said preliminary plat consists of a maximum of three new parcels or lots intended for development as residential uses, in which case preliminary plat approval may act as final plat approval where the Board of Supervisors and the Township Engineer find that further review is not required. The provisions of § 180-14 shall apply to any applications herein described. In all other cases, preliminary plat approval shall be an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. Granting of preliminary approval shall not qualify a plat for recording nor authorize development or the issuing of any building permit, except as herein specified.

§ 180-13. Final plat.

Upon approval of the preliminary plat, the developer shall submit an application for approval of a final plat. The application shall be submitted to the Planning Commission Secretary 15 days prior to a regular meeting of the Planning Commission and shall include 15 full-size copies and a digital copy of the final plat.

- A. Specification for final plan. For any subdivision requiring final approval, the plats submitted must meet the following specifications:
- (1) Attestation by the applicant stating that the applicant is the owner of the tract or land proposed to be subdivided or developed.
 - (2) Shall be drawn and submitted on new linen tracing cloth or submitted on a linen duplication reproducible tracing cloth.
 - (3) Shall be drawn and submitted with all information presented in the manner and to the extent required in the Township of Brighton Minimum Construction Standards and Details.¹⁹
 - (4) Shall be on sheets not larger than 34 inches by 44 inches overall. It is recommended that as far as practicable final plat sheets be held to the following overall sizes: 17 inches high by 22 inches wide; 22 inches high by 34 inches wide; 34 inches high by 44 inches wide. There shall be a border of 1/2 inch on all sides except the binding end which shall be 1 1/2 inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plats shall be drawn in two or more sections accompanied by a key diagram showing relative location of the section.
 - (5) Shall be drawn with waterproof ink and all records, data entries, statements, etc., thereon shall also be made with the same type of ink or reproducible typing.
 - (6) Shall be drawn to a scale of 100 feet to the inch or larger; more than one sheet may be used for

19. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

larger tracts and must be indexed.

- (7) Shall contain a title block in the lower right-hand corner with the following information:
 - (a) Name under which the subdivision plat is to be recorded.
 - (b) North point, scale and date.
 - (c) Name of the recorded owner and applicant.
 - (d) Municipality in which the subdivision is located.
 - (e) Name, address and seal of the registered professional land surveyor preparing the plat.
 - (f) Certificate of ownership, including name of owner of record, deed book volume, date of instrument and date of recording.
 - (8) Beyond the boundary lines of the proposed subdivision or land development, all final plats submitted shall be drawn according to the following:
 - (a) Streets and other ways of medium solid lines.
 - (b) Property lines of adjacent subdivision or land development by medium dashed and two dotted lines.
 - (c) Lot line by light dotted lines.
 - (d) Restriction lines, easements, etc., by light dashed lines.
 - (9) Within the subdivision or land development boundary lines, all final plats shall be drawn according to the following:
 - (a) Streets or ways of heavy solid lines.
 - (b) Perimeter property lines of subdivision or land development by heavy dashed and two dotted lines.
 - (c) Lot lines of medium solid lines.
 - (d) Restriction of building lines by medium dashed lines.
 - (e) Easements of other reserved areas by light dotted lines.
- B. Application fee. At the time of filing of the application for approval of final plats, the applicant shall pay to the Board of Supervisors, for use by the Township, a fee set by resolution to defray the cost of processing such plat approval applications and drafting the same on the Official Map of the Township and for payment to consultants hired by the Township of Brighton to conduct reviews of said applications.
- C. All final plats submitted shall show the following information:
- (1) Primary control points or permanent monuments or description and ties to such control points or monuments, to which all dimensions, angles, bearings and similar data shall be referred.
 - (2) Accurate description shown by bearings and dimension in feet and hundredths of a foot shall be shown on all tract boundary lines, center lines of streets, easements and right-of-way lines,

property lines of lots, tangent bearings, deflection angles, radii, arcs and central angles of all curves and tangent distances between curves. The error of closure for all descriptions subject to approval shall not exceed one foot in 10,000 feet.

- (3) Name and right-of-way width of each street or right-of-way.
- (4) Location, dimensions and purpose of all easements in or across the subdivision plat.
- (5) Number to identify each lot, site or parcel of land.
- (6) Purpose for which sites other than residential are to be dedicated.
- (7) Building setback line on all lots and sites.
- (8) Location and description of survey monuments.
- (9) Names of recorded owner of adjoining plotted or unplotted land.
- (10) Certification of professional land surveyor who prepared the plat certifying to the accuracy of the survey and plat.
- (11) Attestation by the applicant stating that the applicant is owner of the tract or land proposed to be subdivided.
- (12) Statement by the owner dedicating the streets, the right-of-way easements and any sites proposed for public use.
- (13) Such other certificates, bonds, affidavits, endorsements or dedication as may be required in the enforcement of this part.
- (14) All plats which will require access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law,"²⁰ before driveway access to a state-owned right-of-way is permitted.

D. Planning Commission review and action; final subdivision applications.

- (1) The Planning Commission shall review the final plats and prepare a written report for the Board of Supervisors. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action.
- (2) Prior to finalization of the written report, the Planning Commission may schedule a special meeting mutually convenient to the applicant and the Planning Commission for consideration of the final plat. If within 30 days of receipt of the final plat a mutually convenient date for such meeting cannot be established with the applicant, consideration of the final plat shall be conducted at a regular meeting of the Planning Commission.
- (3) Mediation may be offered as an option in order to expedite the approval process; said mediation shall be conducted as per the provisions of § 195-156G of the Township of Brighton Zoning Ordinance.
- (4) The applicant and all Planning Commission members shall be given seven days' written notice of such meeting, the notice to contain time, place, date and agenda schedule.

20. Editor's Note: See 36 P.S. 670-101 et seq.

- (5) At the Planning Commission meeting when considering the final plat, the applicant shall be given an opportunity to discuss any matter in the final plat which might assist the Planning Commission in making its recommendation to the Board of Supervisors.
 - (6) Unless withdrawn by the applicant at the meeting, the Planning Commission shall, within five days after the meeting, issue its written report to the Board of Supervisors.
- E. Action of the Board of Supervisors. The Board of Supervisors shall render its decision on the final plat and communicate its decision to the applicant not later than 90 days following the date of the regular Planning Commission meeting next following the date the application is filed, provided that, should the next regular meeting occur more than 30 days following the date of filing, the ninety-day period shall be measured from the 30th day following the day the application was originally filed.
- (1) The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision within the ninety-day review period.
 - (2) When the application is not approved as filed, the decision shall specify the defect found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
 - (3) Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended communication shall have like effect.
 - (4) From the time an application for approval of a final plat is duly filed as provided in this part and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a final plat has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or land development or other governing Township Code or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
 - (5) Before acting on any subdivision or land development plat, the governing body or the planning agency, as the case may be, may hold a public hearing thereon after public notice.

§ 180-14. Subdivisions of three or fewer residentially zoned lots.

Plans and data involving subdivisions of three or fewer residentially zoned lots shall include but not be limited to the following:

- A. The provisions of §§ 180-11 through 180-13 may be waived for subdivisions of fewer than three residentially zoned lots if no new street construction or openings are required, no wetlands are disturbed and no unusual physiographic or topographic conditions exist. The following requirements are applicable:
- (1) The proposed plat shall be drawn at a scale of 100 feet to the inch.
 - (2) The proposed plat shall be provided to the Township in an accurate and final form appropriate for recording on reproducible sheets measuring 24 inches by 36 inches; pdf; AutoCAD (latest revision); and shape file (GIS) format compatible with the Brighton Township GIS platform and quantity specified in § 180-13A.
 - (3) The plat shall show or be accompanied by the following:
 - (a) Description of covenants.
 - (b) Title, to include:
 - [1] Location by municipality, county and state.
 - [2] Names and addresses of the owner or owners.
 - [3] Name of professional land surveyor who surveyed the property and/or prepared the plat.
 - [4] North point, date and graphic scale.
 - (c) Proposed use of the land.
 - (d) Lot line, dimensions and land area of proposed lot; also, the area remaining in the original parcel.
 - (e) Existing and proposed streets, alleys and/or easements on or adjacent to the tract.
 - (f) Available utilities (if public sewer and water source and sewage disposal system should be indicated).
 - (g) Statement by the owner dedicating streets, easements and rights-of-way for public use.
 - (h) Names of abutting property owners.
 - (i) The following additional data shall be submitted upon request by the Planning Commission or Board of Supervisors:
 - [1] Subsurface and drainage condition of the tract.
 - [2] Any other data pertinent to the plan.
 - (j) Zoning district in which property is located.
- B. The Planning Commission shall have a period of 45 days within which to determine if a duly filed application for plat approval may be considered for final approval under this section and make recommendations to the Board of Supervisors. Action by the Board of Supervisors shall be in accordance with § 180-13E.

§ 180-14.1. Neighborhood scaled land developments.

- A. For the purpose of expediting applications and reducing land development design and development costs, an informal preapplication conference, where the developer submits a concept plan in accordance with the following requirements, shall take place during a regularly scheduled Planning Commission meeting.
- (1) Advisory meetings. A developer shall appear before the Planning Commission to discuss his proposal. The purpose of this step is to afford the developer advice and assistance in order to save time and money, suggest professional assistance if needed, and to answer any questions the developer may have in regard to filing an application or other items required.
 - (2) General information. The developer shall be prepared to discuss the details of the proposed site including a description of existing covenants, land characteristics, community facilities and utilities, commercially developed areas, residential areas, industrial areas, playgrounds and proposed protective covenants, utilities and street improvements.
 - (3) Location map. This map shall show the relationship of the proposed development to existing community facilities which serve or influence it and shall include the development name, location, existing facilities, title, scale, North arrow and date.
 - (4) Topographic map. The location of the proposed development shall be shown on the U. S. Geological Survey Map or a comparable substitute for purposes of relating the development to the existing topography, slopes, gradient and other physical features.
 - (5) Hazards. Land subject to hazards of life, health and safety shall not be developed until such hazards have been removed. These hazards shall be interpreted to mean land subject to flooding, slides due to excessive slope or excavation, land of excessive or improper fill material, or land improperly drained.
 - (6) After review and discussion with the developer, the Planning Commission shall indicate the suitability of the plan for further consideration and submission of an application for land development approval.
 - (7) If the developer's concept plan shows that he intends to subdivide in several phases, a master concept plan showing the master land development plan of the entire proposed development including all proposed phases shall be submitted with the application for land development approval.
- B. On recorded parcels of two acres or less in area, where the proposed development involves less than 2,000 square feet of new construction, with the exception of fast-food restaurants and convenience retail uses developed with or without automotive fueling facilities, and no new public utilities or extension of public roadways or streets, the Planning Commission may recommend waiver of certain land development submission requirements, including the submission of a stormwater management plan, as deemed appropriate.
- C. Where the proposed land development application also involves action on a subdivision, the Planning Commission shall make recommendations to the Board of Supervisors in compliance with (current) § 180-13 of this part prior to recommendation of the land development application.
- D. All applications for approval of neighborhood scaled land developments shall be reviewed for compliance with (current) § 180-14, except as otherwise specified.

§ 180-15. Resubdivision or replatting.

The amendment, alteration or revision of a previously approved plat or the combination or recombination of lots or portions of previously plotted lots, where the resultant lots are increased in street frontage and total area size, which meets or exceeds the standards of this part and the previously approved final plats shall subject the replotted subdivision or land development to the procedures and regulations heretofore described, except as they may be modified on application at the sole discretion of the Township of Brighton Planning Commission and approved by the Board of Supervisors.

ARTICLE IV
Modifications

§ 180-16. Purpose.

Where the Planning Commission and Board of Supervisors find that extraordinary hardships may result from strict compliance with this part, they may vary the requirements so that substantial justice may be done and the public interest secured, provided that such modification will not have the effect of nullifying the interest and purpose of this part.

§ 180-17. Granting.

In granting modifications, the Planning Commission may recommend and the Board of Supervisors may require such conditions as will, in its judgment, secure substantially the objectives of the standard or requirements so varied or modified. The granting of administrative relief and modifications by the Planning Commission shall be conditional and subject to the final approval of the Board of Supervisors.

§ 180-18. Procedure.

All requests for a modification shall be in writing and shall be a part of the application for final approval or development. The request shall state the facts of unreasonableness or hardship, the provision or provision involved and the minimum modification necessary. The Board of Supervisors may refer the request to the Planning Commission for advisory comments prior to action and shall keep a written record of action taken.

ARTICLE V
Design Standards

§ 180-19. Applicability of standards.

The following minimum subdivision principles, standards and requirements will be applied by the Planning Commission, the Board of Supervisors, Township staff and consultants hired to provide comment in evaluating applications for preliminary and final plat approval.

§ 180-20. Land requirements.

- A. Land shall be suited for the purpose for which it is to be subdivided.
- B. Land subject to hazards of life, health and safety such as strip- or surface-mined land, quarry land, open ditched and land subject to flooding or subsidence shall not be subdivided for residential purposes until all such hazards have been eliminated or unless guarantee is given that adequate safeguards against such hazards are provided by the subdivision plat.

§ 180-21. Transportation and street requirements.

The community goals set forth in this section governing transportation are to improve the safety and flow of pedestrian and vehicular travel and to reduce the overall traffic congestion while encouraging multiple modes of public/private transportation that are conducive to the needs of the community. Managing transportation systems, including streets, can be a multifaceted decision process through the integration of various roadway types and classifications, and bicycle and/or pedestrian facilities. The community goals are as follows:

Safer transportation systems for vehicles, pedestrians, and bicyclists;

Continuous and more direct routes;

Greater emergency vehicle access and faster response times;

More efficient school bus transportation;

Create walkable neighborhoods with adequate connections and increased opportunities for walking and biking; and

Improved utility connections and municipal maintenance.

- A. Proposed streets shall be properly related to Township, county and state road and highway plans which have been prepared and officially adopted and/or filed as prescribed by law.
- B. Streets shall be logically related to the topography so as to produce useable lots and reasonable grades. Street connectivity is required as topography provides and as required by Brighton Township.
- C. Local streets shall be so laid out as to discourage through traffic, but provisions for street connections into and from adjacent areas will be generally required.
- D. Where a subdivision plat abuts or contains an existing or proposed arterial street, the Planning Commission and Board of Supervisors may require local access streets, reverse frontage lots or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with arterial streets and separation of local and through traffic.
- E. New half or partial streets will not be permitted, except where essential to reasonable subdivision of

a tract in conformance with the other requirements and standards of this part and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

- F. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.
- G. Cul-de-sac streets may be permitted where it is established that through traffic at such streets is not essential to the Township street system in that district or to the development of the adjacent properties in the area or that the topography of the land prohibits the future extension of the streets. Elimination of cul-de-sacs and incorporation of loop streets is encouraged unless determined not to be feasible by Brighton Township.
- (1) A cul-de-sac having a right-of-way radius and pavement radius as specified in the Township of Brighton Minimum Construction Standards and Details shall be installed based upon the classification of street.
 - (2) Unless future extension is clearly impracticable or undesirable, as determined by Brighton Township, the turnaround right-of-way shall be placed adjacent to the property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into an adjoining street or property.
 - (3) Temporary cul-de-sacs constructed between phases of a development must be removed, and a uniform right-of-way width and roadway width established, upon connection between phases of a development.
- H. If lots resulting from an original subdivision are large enough to permit a resubdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit further subdivision shall be provided as necessary.
- I. Reserve strips restricting or controlling access to adjacent streets or properties shall be prohibited.
- J. Maximum allowable grades.
- (1) Centerline of streets. The maximum and minimum allowable centerline grade of all streets shall be as specified in Construction Standard Detail RD-07 shown in the Township of Brighton Minimum Construction Standards and Details²¹ for each type of street proposed.
 - (2) Cul-de-sac. The maximum and minimum allowable grade of all cul-de-sacs shall be as specified in Construction Standard Detail RD-07 shown in the Township of Brighton Minimum Construction Standards and Details for each type of cul-de-sac proposed.
- K. Minimum grades. The minimum grades on all streets shall be as specified in the chart shown in Construction Standard Detail RD-07 shown in the Township of Brighton Minimum Construction Standards and Details for each type of street proposed.
- L. Vertical curves. Vertical curves of proper and adequate length shall be installed as specified in Construction Standard Detail RD-07 shown in the Township of Brighton Minimum Construction Standards and Details.
- M. Alignment.
- (1) Whenever street lines are deflected in excess of 2°, connection shall be made by horizontal

21. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

curves.

- (2) To ensure adequate sight distances, minimum centerline radii for horizontal curves shall be as specified in Construction Standard Detail RD-07 shown in the Township of Brighton Minimum Construction Standards and Details.

N. Widths.

- (1) Minimum street right-of-way widths and cartway (roadway) widths shall be as specified in Construction Standard Detail RD-07 shown in the Township of Brighton Minimum Construction Standards and Details.
- (2) Additional right-of-way and cartway widths may be required by the Board of Supervisors for the following purposes:
 - (a) To promote public safety and convenience.
 - (b) To provide parking space in commercial districts and in areas of high-density residential development.
 - (c) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformation with the above standards may be required.
 - (d) Where anticipated traffic flows and vehicle size warrants additional widths, increases in base material and cartway widths will be established by the Planning Commission and the Township Engineer.

O. Street lighting.

- (1) Street lighting is required.
- (2) A lighting plan is required and shall provide for adequate illumination of roadways and street intersections, and minimize illumination of structures to zero lumens at the face of the structure.
- (3) Dusk-to-dawn activated lighting must be provided at each cluster mailbox location. Lighting is to be provided directly above the cluster mailbox units to ensure adequate illumination.
- (4) Lighting is required at all intersections and roadway horizontal and vertical curves.
- (5) Spacing of street lights between intersections shall be in conformance with the lighting plan and as recommended by Brighton Township.
- (6) Street light pole height is to be adequate for the adjoining topography and incorporated into the lighting plan.
- (7) Position of street lights are to be staggered along the roadway.
- (8) Lumens emitted by street lighting shall be such that measured lumens that the face of building structures is zero.

P. Street intersection.

- (1) Curbs, where required, shall be installed by the subdivider along the streets or where deemed necessary for public safety as determined by the Board of Supervisors. The curbs shall be of the type and material as specified and approved by the Board of Supervisors. All curbs at

intersections shall be rounded by a minimum radius of 25 feet for local streets, 30 feet for collector streets and 40 feet for arterial streets.

- (2) Where the grade of any street at the approach to an intersection exceeds 5%, a leveling area shall be provided with a transitional grade not to exceed 2% for a distance of 25 feet from the nearest right-of-way line of the intersection.
 - (3) Multiple intersections of more than four roads shall be prohibited.
- Q. Street offsets. Street offsets of less than 125 feet shall be avoided.
- R. Reverse curves. Reverse curves shall have a minimum tangent between them as specified in Construction Standard Detail RD-07 shown in the Township of Brighton Minimum Construction Standards and Details.²²
- S. Alleys.
- (1) Alleys are not permitted in residential areas.
 - (2) Alleys are permitted in commercial and industrial areas subject to design approval of the Planning Commission and the Board of Supervisors.
- T. Driveways.
- (1) Driveways shall be located to provide the best visibility possible within the limits of the property that each driveway serves and shall be designed and constructed in accordance with the requirements of the Township.
 - (2) Private driveways which function as local streets providing access to individual residential lots shall be designed in accordance with this Article and in compliance with the minimum standards for public streets.
 - (3) Proximity of a driveway to a roadway intersection shall be in accordance with Construction Standard Detail RD-24.
- U. Sidewalks.
- (1) Sidewalks shall be required on both sides of streets. The width and design of the sidewalks must meet ADA²³ requirements, and be constructed in accordance with the Minimum Construction Standards and Details. Landscaping along the sidewalks may only be provided as determined by the Zoning Officer.
 - (2) When it is determined that a sidewalk cannot be constructed, or construction of a sidewalk does not provide connectivity or make practical sense as determined by Brighton Township, the developer must contribute to the sidewalk fund for public improvements to be provided at another location. The funds allocated to the sidewalk fund shall be equivalent to 75% of the value of construction of the required sidewalk that is not being constructed, as determined by the Township Engineer.
 - (3) Connectivity between parcels and/or connectivity to schools, parks, recreation areas, and public open spaces must be provided through sidewalks or pathways when determined to be feasible

22. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

23. Editor's Note: See 42 U.S.C. § 12101 et seq.

by Brighton Township. Access to common areas must be provided to avoid traversing private property.

§ 180-22. Lots.

- A. Residential lots shall be subdivided in accordance with the terms of the Zoning Code and the provisions contained herein.
- B. The frontage width of lots fronting a cul-de-sac shall be a minimum of 50 feet at the right-of-way line. The side yard setback requirements will be calculated from the front of the structure and extended from both sides of the structure to the side property lines.
- C. All lot lines shall be set perpendicular or radial to the center line of the street whenever possible. All nonradial lines shall be denoted as such on the plat.
- D. Lots abutting local streets shall front upon the streets that parallel the long dimension of the block, if possible.
- E. Where a flag lot is proposed, it shall be connected to a public street or private street. Said connection shall be a part of said flag lot and have a minimum width of 25 feet. Said connection area shall not be used in calculating the required lot area.
- F. Where two such flag lot connections abut one another, each connection shall have a minimum width of 25 feet. Not more than two adjoining flag lots will be permitted.
- G. Flag lots shall not be permitted along a cul-de-sac; within 100 feet of a cul-de-sac; or within 100 feet of a roadway intersection.
- H. Flag lots will not be approved by the Township Board of Supervisors unless the developer can demonstrate that a Modification to the Township Code is warranted.
- I. Minimum lot width, as measured at the roadway right-of-way, shall be increased as the slope of the roadway increases as specified in Construction Standard Detail RD-07 shown in the Township of Brighton Minimum Construction Standards and Details.²⁴

§ 180-23. Building lines.

The building lines shall be in accordance with the terms of the Township of Brighton Zoning Ordinance.²⁵

§ 180-24. Blocks.

- A. Block length shall not exceed 1,200 feet nor be less than 500 feet.
- B. Blocks shall be at least two lots in depth except for reverse frontage lots.
- C. Exceptionally long blocks shall be provided with crosswalks with a minimum right-of-way reservation of 12 feet and a four-foot paved walk.
- D. The depth-to-width ratio of usable lot length shall be at a maximum of 2 1/2 to 1.
- E. Where a development is contiguous to an existing park, open space or public land; or where the

24. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

25. Editor's Note: See Ch. 195, Zoning.

development proposes the dedication of land to an HOA as common area or the dedication of land for public use or ownership; public access to the land shall be provided for. The access to be provided shall be of sufficient width and length to accommodate a trailhead or vehicular access and be able to accommodate a buffer yard A where the access is adjacent to a developed lot. The developer shall present the proposed location(s) of the access and method of access for review by the Planning Commission; location(s) and method of access are subject to approval by the Planning Commission. Multiple points of public access may be required where the property being developed is contiguous in multiple locations to the areas heretofore described.

- F. Variations in setbacks shall be provided for in residential developments where necessary to create a more pleasing site design. The staggered setbacks shall be shown on the plan and are subject to approval by the Planning Commission. Generally, this requirement will apply when streets lack horizontal or vertical curves and/or where there are 10 or more residential lots unbroken by a street or public access as provided for in § 180-24E.

§ 180-25. Easements.

- A. Easements for sanitary sewer and stormwater sewer shall have a minimum width of 20 feet and be placed at the side or rear of lots whenever possible. When the Board of Supervisors determines that easements are required to extend proposed or future utilities, the required easements shall be provided.
- B. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve the natural flow of water and to provide sufficient width for maintenance, but not less than 20 feet.

§ 180-26. Reserved areas.

Reserve strips surrounding the property or areas reserved for any purpose which shall make any area unprofitable for regular or special assessment or which may revert to untended nuisance areas will not be approved by the Planning Commission and the Board of Supervisors.

§ 180-27. Street names.

The subdivider may choose his street names subject to the approval of the Planning Commission and the Board of Supervisors. No street, other than an extension, may be given the name of an existing street in the Township of Beaver postal service area of which the Township of Brighton is a part.

§ 180-28. Access to streets.

In subdividing land, it shall be done in a manner that will not have the effect of barring adjacent property owners from access to the streets and ways of the allotment.

ARTICLE VI
Improvements

§ 180-29. Grading.

- A. Streets shall be graded to street profile grades and cross sections as established on and presented with the preliminary plats and as approved by the Township Board of Supervisors. Street cross-sections shall be in accordance with standards and specifications established by the Township.
- B. Streets shall be graded to the full width of the street right-of-way and slopes of a minimum of two feet to one foot shall be constructed commencing at the street right-of-way and extending on to the lots of properties adjoining the street right-of-way; this applies to both cut and fill sections.
- C. Subgrade of streets shall be brought to the proper grade and contour and shall be rolled and cross-rolled using compaction equipment meeting the requirements of Form 408. Compaction of the subgrade shall meet the density requirements of Form 408. Where subgrades displaying pronounced elasticity or deformation under rolling equipment are found and stability cannot be obtained, the unsuitable material shall be removed and replaced until the subgrade is suitability stabilized.
- D. No base course shall be placed until the street subgrade has been inspected and approved by the Township Engineer. Said inspections shall be paid for as specified in Article IX of this part.
- E. Trails and pathways shall be graded to the full width of the trail or pathway per the profile grades and cross sections as established on and presented with the preliminary plats and as approved by the Township Board of Supervisors. Trail and pathway cross-sections and grades shall be in accordance with standards and specifications established by the Township.
- F. All of the required improvements specified in this article shall be installed by the developer in accordance with the Township of Brighton Minimum Construction Standards and Details,²⁶ specifications or guidelines as established and adopted by the Township Board of Supervisors and the appropriate sections of Form 408.

§ 180-30. Underdrainage.

- A. In areas where springs, poor soil drainage conditions, wet weather springs or where conditions exist that underground drainage is necessary to properly protect the proposed street pavement, there shall be constructed pipe underdrain, stone underdrain or subgrade drains according to current Pennsylvania Department of Transportation specifications, subject to approval of drawings by the Township Engineer.
- B. If during construction unknown poor drainage conditions are encountered by the owner, he shall notify the Township Engineer and correct such conditions encountered at the direction of the Township Engineer to his complete satisfaction.
- C. Permanent pipe underdrain of a size, depth, width and slope as determined by the Township Engineer shall be installed on the upper or high side and all cut areas where they are required or necessary to prevent the infiltration of water under the paved roadway.

26. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

§ 180-31. Curbing.

The type of curbing installed materials used and the locations required will be determined by the Township Board of Supervisors and is subject to their approval before installation of the same. Curbing shall be in accordance with the standards and specifications established by the Township in the Township Code, Chapter 180, Part 2.

§ 180-32. Base course.

- A. An aggregate base, bituminous concrete base course and a bituminous seal course shall be installed to lines, grades and cross sections in accordance with the Township Code, Chapter 180, Part 2 and the Township of Brighton Minimum Construction Standards and Details with all materials used and all construction methods performed in conformity with the latest edition of the Pennsylvania Department of Transportation Form 408.
- B. The base course shall be installed and constructed in accordance with the standards and specifications established by the Township in the Township Code, Chapter 180, Part 2 and the Township of Brighton Minimum Construction Standards and Details.²⁷

§ 180-33. Pavement wearing course.

- A. The pavement bituminous wearing course shall not be installed until 90% of the dwellings are completed and construction equipment is not using roadway. All damaged base course shall be replaced using same depth and materials specified herein in § 180-32. Any uneven base course shall be leveled with a bituminous leveling course. All repairs shall be completed and approved by the Township Engineer prior to the placement of the final wearing course.
- B. The final bituminous pavement wearing course shall be constructed to lines, grades and cross sections as approved with all material used and all construction requirements performed in conformity with the latest editions of the Pennsylvania Department of Transportation Form 408 Subsection 420.

§ 180-34. Sidewalks.

- A. Sidewalks shall be required on both sides of streets. The width and design of the sidewalks must meet ADA²⁸ requirements, and be constructed in accordance with the Township of Brighton Minimum Construction Standards and Details.²⁹ Landscaping along the sidewalks may only be provided as determined by the Zoning Officer.
- B. Sidewalks shall be constructed and installed in accordance with the standards and specifications established by the Township in the Township Code, Chapter 180, Part 2 and the Township of Brighton Minimum Construction Standards and Details.
- C. Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets, having sidewalks on one or both sides.
- D. Sidewalks, where not located on or within a public street legal right-of-way, shall be provided with a legal access easement of not less than the width of the sidewalk.

27. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

28. Editor's Note: See 42 U.S.C. § 12101 et seq.

29. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

§ 180-35. Street signs.

- A. Street name signs shall be installed at each street intersection in accordance to type of materials, design and standards established by the Board of Supervisors prior to the occupancy of any dwellings.
- B. A traffic control signage plan and supporting documentation shall be submitted for approval and shall be installed prior to occupancy of any dwellings.
- C. All traffic control, no-parking and speed limit signs shall meet PennDOT standards, and locations for such signs shall be determined by the Board of Supervisors.

§ 180-36. Sanitary sewers.

- A. Installation of sanitary sewers, including house lines, laterals, trunk lines, manholes and other appurtenances, shall comply with the rules and regulations of the Township of Brighton Sewage Authority and subject to inspection by the same.
- B. In areas where a municipal sewer is not available (over 1,000 feet from the nearest point of the subdivision), is not planned, is not topographically feasible or where an easement cannot be obtained through adjoining property, individual septic tanks, individual on-lot septic disposal systems or private sanitary sewage treatment systems may be permitted, subject to approval of drawings and design by the Board of Supervisors and the Pennsylvania Department of Environmental Protection.
- C. In areas where a municipal sewer is available, all properties within the subdivision shall be connected thereto.
- D. In areas where a municipal sewer is planned to be available, but not yet built, laterals shall be extended to the center of the street or into right-of-way and trunk lines provided to the edge of the subdivision closest to the municipal trunk location and capped. Until such times as the municipal sewer becomes available, individual septic tanks or a private sanitary sewage treatment system must be installed. In the case of a private treatment system, a trunkline sewer shall be provided to connect into the municipal system.
- E. All individual properties now using sanitary sewage facilities and all future properties requiring sanitary sewage facilities shall be connected to the municipal sewage system if it is available.

§ 180-37. Sanitary sewage treatment plant.

- A. Installation of sanitary sewage treatment plants and other appurtenances shall be subject to approval by the Pennsylvania Department of Environmental Protection and the Board of Supervisors.
- B. No building permit will be issued for any construction or development until either an individual sanitary sewage disposal system or a sanitary sewage treatment plant installation has been approved by the Board of Supervisors upon receipt of written approval of said system by the Pennsylvania Department of Environmental Protection pursuant to the requirements of the Pennsylvania Sewage Facilities Act (Act 537), as amended.³⁰

§ 180-38. Stormwater management.

See Chapter 173 for stormwater management and MS4 prohibited discharge provisions.

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

§ 180-39. Water supply.

- A. If public water supply is available to the proposed project area by a municipal authority, then provisions shall be made for its immediate use.
- B. Community wells or project wells for water supply shall be approved by the Pennsylvania Department of Environmental Protection and the Board of Supervisors.
- C. All water supply systems shall be constructed as per municipal authorities' specifications and approved by the same, and copies of such agreements for supply of water service shall be submitted to the Board of Supervisors prior to final plan approval.
- D. Fire hydrants shall be installed as per the Township's specifications for locations and must meet minimum static pressure levels as specified by the Municipal Authority.

§ 180-40. Monuments.

Permanent monuments of reinforced concrete or metal shall be installed after all grading and improvements have been installed to identify all street rights-of-way and be set in locations as determined by the Township Engineer. The developer shall furnish a certification from a professional land surveyor that monuments have been set in the locations as shown on the recorded subdivision plan. The monuments shall be constructed and installed in accordance with the standards and specifications established by the Township in the Township Code, Chapter 180, Part 2 and the Township of Brighton Minimum Construction Standards and Details.³¹

§ 180-41. Street trees.

Trees, their proposed locations, spacing and species must be submitted for approval by the Planning Commission and Board of Supervisors, and comply with § 195-137.1G. On narrow rights-of-way and planting strips between sidewalk and the curb, trees will not be permitted, but are to be placed inside the property lines.

§ 180-42. Space for special purposes.

- A. Easements, adequate for all utilities: see § 180-25.
- B. Buffer yards or landscaping shall be provided as per the provisions of § 195-137.1 of the Zoning Code.
- C. When adequate public play space does not exist, in the opinion of the Board of Supervisors, within 1/2 mile of the site, the Board will request the developer to provide recreational space on a pro rata schedule based on minimum recreation needs as defined by the Township of Brighton Board of Supervisors. A fee in lieu of dedication of open space may be accepted by the Board at its sole discretion and based upon a formula developed to assess minimum Township recreation land or facility needs in relation to the size and location of the development being considered for approval. Procedures for collection of fees in lieu of dedication shall conform to Section 503, Subsection 11, of the Pennsylvania Municipalities Planning Code, as amended.³²

31. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

32. Editor's Note: 35 P.S. § 10503(11).

§ 180-43. Existing natural conditions.

In wooded areas or where other natural conditions exist in such a manner that their presence adds to the desirability of a subdivision, the Board of Supervisors shall require that the subdivider preserve as much of the original trees and natural conditions as is economically feasible and require that a minimum of grading be done other than the grading and excavating which is required for the construction of the improvements in accordance with the improvement standards included herein and approved by the Board of Supervisors.

§ 180-44. Grading plan.

- A. At the time of submission of a subdivision plan or development plan for preliminary approval, a grading plan shall be presented for review. The grading plan shall identify the existing and proposed grade contours at two-foot intervals with sufficient elevations to show proposed grading of streets, lots, drainageways, stormwater detention ponds and any other proposed grading activity. The grading plan shall be prepared in accordance with the standards and specifications established by the Township Code, Chapter 180, Part 2 and the Township of Brighton Minimum Construction Standards and Details.³³
- B. Topsoil preservation. No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored in accordance with the approved erosion and sedimentation control plan as required under § 180-12D(2) of this part. Upon completion of the construction, the topsoil must be redistributed on the site uniformly. All areas of the site shall be stabilized by seeding or planted in accordance with the approved erosion and sedimentation control plan as required under § 180-12D(2) of this part.
- C. The grading plan shall provide for complete grading of all lots to provide a pad-ready buildable lot without the need for additional grading upon individual lots.
- D. The grading plan and geotechnical engineering report shall be prepared by, signed, and sealed by a professional geotechnical engineer. The geotechnical engineer shall be responsible to certify, in writing, that all grading and earthwork was performed under his/her supervisions and in accordance with the geotechnical engineering report and grading plan.

§ 180-45. As-built plans.

After completion of all required improvements, the developer shall have his engineer or surveyor prepare and submit for Township approval plans and profiles showing the exact location, elevation, grade, size, stormwater detention pond volumes and material used to install all facilities. All as-built plans shall be prepared in accordance with standards and specifications established by the Township in the Township Public and Private Improvement Standards, Chapter 180, Part 2 and the Township of Brighton Minimum Construction Standards and Details. Said plans shall be dated, signed and sealed by the person preparing the plan and be submitted in an accurate and final form appropriate for recording on reproducible sheets measuring 24 inches by 36 inches; pdf; AutoCAD (latest revision); and shape file (GIS) format compatible with the Brighton Township GIS platform and quantity specified in § 180-13A.

33. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

ARTICLE VII
Mobile Home Park Developments

§ 180-46. Purpose.

The purpose of this mobile home park designation is to establish standards, conditions, regulations and procedures governing land uses, including densities, open spaces and design criteria and provide for the administration and enforcement of this alternative land use. This article is enacted pursuant to the Township of Brighton Comprehensive Plan for the purpose of:

- A. Encouraging innovation in residential development in accordance with the changing technology of land development.
- B. Promoting flexibility in design and permitting planned diversification in the location of residential structures.
- C. Promoting the efficient use of land to facilitate a more economic arrangement of buildings, mobile homes, vehicular and pedestrian circulation systems and utilities.
- D. Preserving to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
- E. Providing for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development or subdivision procedures.
- F. Combining and coordinating building relationships within the mobile home park.
- G. Ensuring a quality of construction commensurate with other developments within the Township.

§ 180-47. Coordination.

- A. This article is based upon and shall be interpreted in relation to the Township of Brighton Comprehensive Plan, providing for the development, continuing development and future development of the Township of Brighton. Every application for approval of a mobile home park development shall be based upon and interpreted in relationship to the Township of Brighton Comprehensive Plan.
- B. It is the intent of this part that land development review under this part, or as the same may be hereafter amended, of the Township of Brighton be carried out simultaneously with the review of the mobile home park application.
- C. The development plans required under this article shall be in a form which will satisfy the requirements for final plats.

§ 180-48. Interpretation.

The provisions of this article are hereby declared to be and shall be construed as the minimum requirements governing the evaluation and approval of proposals for mobile home park developments.

§ 180-49. Definitions.

For the purposes of administering the provisions of this article, the definition of terms outlined in Article

II of this part shall be applicable.

§ 180-50. Eligibility requirements.

No application for approval of a mobile home park development shall be considered or approved unless the following conditions are met:

- A. Tract size. The tract proposed for a mobile home park development shall be a contiguous area of land containing a minimum of 20 acres.
- B. Ownership requirements. An application for approval of a mobile home park development may be filed by a person having an interest in the property to be included in the mobile home park. The application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the applications may be filed by the holder(s) of an equitable interest in such property. In any event, the applicant shall evidence a full ownership interest in the land (legal title or the execution of a binding sales agreement) before final approval of his plan.

§ 180-51. Permitted uses.

The following uses are permitted in a mobile home park development where such uses are permitted or conditional in a given zoning district:

- A. Principal uses: single-family mobile or modular homes.
- B. Supplemental uses. Nonresidential uses, such as mobile home park office, service building, educational and noncommercial recreation facilities, provided that such uses primarily are for the service and convenience of the residents of the mobile home park development.
- C. Accessory uses:
 - (1) Private garages and parking areas.
 - (2) Signs as provided in Article XIV of the Zoning Code.³⁴
 - (3) Other accessory uses customarily incidental to permitted principal use.

§ 180-52. Design standards.

Residential density. The maximum allowable gross residential density shall not exceed four units per acre of land included in the tract to be laid out for mobile or modular home use.

§ 180-53. Common open space.

- A. Common open space shall comprise at least 20% of the total gross land area of the mobile home park development.
- B. Of the minimum required 20% of the gross land area to be established as common open space, no wetlands or areas of 25% slope or greater shall be included in the calculated open space area.
- C. Landscaped areas devoted to recreational activities, freely accessible to residents, may be counted toward the total common open space required at a value of 60% of the actual area devoted to this use.

34. Editor's Note: See Ch. 195, Zoning.

- D. Recreational facilities or structures and their accessory uses located in common open space areas shall be considered improved open space as long as the total impervious surfaces (paving, roofs, etc.) constitute no more than 5% of the total common open space.
- E. Location. Common open spaces shall be distributed more or less equitably throughout the mobile home park development in relation to the dwelling units of the people they are intended to serve and consistent with good design principles. Common open spaces shall not be isolated in one corner of the mobile home park, but shall be accessible to all dwelling units in the plan.
- F. Ownership. There shall be provisions which ensure that the common open space land shall continue as such and be properly maintained. The developer shall either:
 - (1) Dedicate such land to public use if the Township or another public agency has indicated it will accept such dedication; or
 - (2) Retain ownership and responsibility for maintenance of such open space land.

§ 180-54. Environmental considerations.

- A. The developer shall take every precaution to preserve the natural site amenities and to minimize the disturbance to the natural environment.
- B. The development will be designed and programmed so as to minimize earthmoving activity, erosion, tree clearance and the destruction of natural amenities.
- C. Existing trees shall be preserved where possible. The location of trees must be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas and finished grade levels.
- D. Seeding, sodding and other planting shall be applied to stabilize topsoil.
- E. Erosion control measures such as minimizing the area of exposed soil, mulching, building silt catchment basins and planting temporary ground cover shall be instituted as necessary.
- F. In order to ensure the preservation of the natural characteristics of the land, trees and ground cover, natural bodies of water and other significant natural features, a detailed landscaping plan and an erosion control and sedimentation plan will be required at the time of initial plan submission.

§ 180-55. Site considerations.

- A. No structure shall be permitted within 25 feet of the right-of-way of an access road, interior road or within 20 feet of common parking areas.
- B. No structure shall be permitted within 50 feet from the property lines at the perimeter of the development. A planting strip of at least 20 feet in width shall be provided along all property lines at the perimeter of the mobile home park development where necessary to protect the privacy of neighboring residents. This determination shall be made by the Board of Supervisors.
- C. Perimeter buffer strips. All mobile home lots shall be located at least 100 feet from any mobile home park development perimeter property boundary line which abuts on a public street or highway and at least 50 feet from any mobile home perimeter property boundary line which abuts on any other adjacent property; all interior drives and common parking areas located within the mobile home park development shall be located at least 65 feet from any mobile home park development perimeter

property boundary line which abuts on any other adjacent property.

- D. The perimeter buffer strips shall be used for lawn and screening purposes only, such as ornamental fencing or natural growth, and no part of any required buffer strip shall be used for any other required area for a mobile home lot, service building, interior drives or water and sewage facilities which are located above ground. Planted buffer strips shall be a planted visual barrier or landscape screen shall be composed of plants and evergreen trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of evergreen trees planted to a height of six or more feet and planted at intervals no greater than 10 feet. The low-level screen shall consist of shrubs or hedges planted at an initial height of not less than two feet. A low-level screen shall be placed in alternating rows to produce a more effective barrier.

§ 180-56. Traffic circulation.

- A. Primary vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Local streets within mobile home park developments shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
- B. Mobile home park developments shall be so located with regard to major thoroughfares and uses outside the tract being developed that traffic congestion shall not be created.
- C. Pedestrian circulation systems and related walkways shall be insulated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed necessary by the Planning Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, commercial areas and other uses which generate a considerable amount of pedestrian traffic.

§ 180-57. Parking facilities.

- A. For each dwelling unit, there shall be two off-street parking spaces as per the provisions of the Zoning Code, Article XIII, § 195-104.
- B. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
- C. Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense plantings, earth berms, changes in grade or walls.
- D. No more than 10 parking spaces shall be permitted in a continuous row without being interrupted by a landscaping island.
- E. All off-street loading areas shall be paved as specified in § 180-59. All areas shall be marked so as to provide for orderly and safe loading, parking and storage.
- F. All parking areas and off-street loading areas shall be graded, drained and paved so as to dispose of all surface water without erosion, flooding and other inconvenience.
- G. Each service building shall be provided with a minimum of at least five common parking spaces for a mobile home park development of 40 or fewer mobile home lots, plus one additional parking space for each 10 mobile home lots or fraction thereof over 40. The area required for common parking spaces for service buildings shall not be located on the right-of-way of any interior drive nor shall they reduce the required square foot area required for service buildings.

- H. Every mobile home park development shall be designed to provide common parking for guests, delivery and service vehicles. A minimum of 10 common parking spaces shall be provided for mobile home park developments of 10 or fewer mobile home lots, plus one additional common parking space for each five mobile home lots located in the mobile home park. These common parking spaces shall be provided in an area or areas acceptable to the Planning Commission and shall not be a part of any other required parking area.
- I. No required common parking space shall be a part of any required area for interior drives, recreational areas, service areas, perimeter buffer strips or mobile home lots as required herein.
- J. All required common parking spaces and their connecting drives shall be paved in accordance with § 180-59.

§ 180-58. Procedure for approval.

- A. Existing ordinances and resolutions. Whenever this part refers to or requires compliance with any other Township ordinances, resolutions or specifications, those ordinances, resolutions or specifications or sections of the same referred to shall be considered a part of this part as though the same were incorporated herein relative to the development, operation and maintenance of a mobile home park.
- B. Preapplication procedure.
 - (1) The mobile home park developer shall meet with the Planning Commission prior to formal application to discuss his plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of his purposes. The Planning Commission shall inform the developer as to the general suitability of his plans and any other modifications required by this article or other provisions of the Township Code if it deems it to be in the best interest of the Township.
 - (2) The preapplication shall include the general information, location map, sketch plan and review as required by Article III, § 180-11, of this part.
- C. Preliminary development plan.
 - (1) On reaching conclusions as recommended above regarding the general program and objectives, the developer shall prepare and submit the preliminary plans in accordance with the requirements of Article III of this part.
 - (2) Each application shall also provide the following information:
 - (a) Size and location of mobile home stands.
 - (b) Distances between stands and structures.
 - (c) Accessory structures.
 - (d) Off-street parking.
 - (e) Service and recreational buildings.
 - (f) Density of land use to be developed for residential, recreational, service and other residential uses.
 - (g) The location and area of open space not a part of each mobile home lot to be provided and

maintained for the active and passive recreational use and benefit of the occupants of the mobile home park.

- (h) Such other information as may be reasonably required by the Planning Commission and the Board of Supervisors to determine compliance with the provisions of this part and all other Township ordinances.
- D. Tentative approval of development plan. Should tentative approval of the proposed development plan be granted, the developer shall obtain conditional approval from the Commonwealth of Pennsylvania that the development plan fully complies with the Rules and Regulations of the Department of Environmental Protection governing mobile home park developments.
- E. Final development plan. Upon approval of the preliminary development plan, the developer shall prepare and submit the final development plan in accordance with the requirements of Article III, § 180-13, of this part.
- F. Final approval. Following review of the final development plan, the Board of Supervisors shall either deny or issue a permit to construct the mobile home park development in accordance with approved plans. In issuing a construction permit, the Board of Supervisors may attach such reasonable conditions and safeguards as may appear necessary to implement the purposes of this part. Such required conditions and safeguards may include, without limitation, the continuing right to require or impose additional reasonable restrictions and limitations, as the circumstances may require, governing the operation and maintenance of the mobile home park.

§ 180-59. Design standards.

- A. Storm drains and facilities:
 - (1) All stormwater drains and facilities shall be designed and installed as per the requirements of Article VI, § 180-38, of this part.
 - (2) Stormwater drains, inlets, manholes, culverts, ditches and all necessary appurtenances shall be designed to have adequate capacity to control the removal of stormwater in accordance with the Pennsylvania Department of Transportation Design Manual, Part (2), Highway Design, Chapter (12), Drainage Design, and all amendments thereto.
- B. Entrance and exit drives.
 - (1) The location of entrance and exit drives shall provide a safe and convenient vehicular access from the mobile home park development to abutting public streets or highways.
 - (2) Not more than two such drives will be permitted for each mobile home park, except as follows:
 - (a) When the size of the mobile home park development indicates the necessity of additional drives to accommodate additional volumes of traffic, the Planning Commission or the Board of Supervisors may approve or also required additional drives.
 - (b) The number, location and arrangement of all exit or entrance drives shall be subject to any specifications or requirements that the Planning Commission or the Board of Supervisors determines is necessary to provide safe access to and from any mobile home park development or to protect the traffic traveling on all public highways.
 - (3) The entrance or exit drive connecting the park with a public street or highway right-of-way shall

be constructed according to the following requirements and specifications:

- (a) The developer shall obtain and submit for approval a highway occupancy permit for all entrance and exit drives.
- (b) They shall be designed and constructed in accordance with the Pennsylvania Department of Transportation, Rules and Regulations, Chapter 1, Driveway Regulations, effective January 2, 1969, or as any such rules and regulations may be amended.
- (c) They shall be constructed in accordance with the requirements of Article VI, §§ 180-32, Base course, and § 180-33, Pavement wearing course, of this part.
- (d) When located within a public street or highway right-of-way, curbs shall be constructed with an approved eight-inch-by-twenty-four-inch straight cement concrete curb.
- (e) They shall not be more than 8% in grade and have an adequate leveling area at the edge of the public road to assure a safe entrance or exit for all traffic.

C. Interior drives.

- (1) All interior drives shall be designed to accommodate anticipated traffic and in any case shall meet the following minimum requirements:
 - (a) The maximum allowable center-line grade shall not be more than 12% and the minimum center-line grade shall not be less than 1%.
 - (b) In order to assure adequate and safe site distances, all interior drives shall have a minimum center-line radii of not less than 100 feet and vertical curves that provide a minimum sight distance of not less than 150 feet.
 - (c) All interior drives shall have a right-of-way width of not less than 50 feet and be constructed as follows:
 - [1] Shall be constructed and improved in accordance with the requirements of Article VI, § 180-32, Base course, and § 180-33, Pavement wearing course, of this part.
 - [2] Shall have a minimum bituminous paved cartway or roadway width of not less than 24 feet.
- (2) Cul-de-sac shall be provided at the end of all dead-end interior drives. The cul-de-sac shall have a right-of-way diameter of 100 feet and shall have a turnaround constructed thereon with a cartway diameter of 80 feet.

D. Common parking spaces. Common parking spaces:

- (1) Shall not exceed 5% in grade.
- (2) Shall be line painted with parking spaces 10 feet wide by 20 feet long.
- (3) Handicap spaces shall be provided and clearly marked.
- (4) Shall have access isles having a width of not less than 25 feet.

E. Mobile home lots.

- (1) A lot shall be provided for each mobile home with the boundaries indicated by corner markers.

Each lot shall have a minimum lot area of 7,500 square feet, with a minimum width of 75 feet.

- (2) Every mobile home shall be located on the lot so that the following minimum setbacks are complied with:
 - (a) Twenty-five feet from the right-of-way of an access road, interior road.
 - (b) Ten feet from side mobile home lot line.
 - (c) Forty feet from rear mobile home lot line.
 - (d) Twenty feet from common parking areas.
- (3) All mobile home lots shall abut on an interior drive.
- (4) On each mobile home lot there shall be constructed a concrete pad with a minimum width of 12 feet or equal to the width of the mobile home to be placed thereon, if greater, and a length equal to the length of proposed mobile home to be placed thereon and a concrete patio adjacent thereto, with a minimum size of eight feet wide by 10 feet long, all concrete to have a minimum thickness of not less than four inches.
- (5) Each mobile home lot shall be assigned a lot number, which shall be recorded on all plans submitted and used on all registration papers.
- (6) The square foot floor area of the mobile home and any accessory building located on a mobile home lot shall not exceed 18% of the total mobile home lot area.
- (7) Modular or sectional home lots. Lots designed or proposed to be used for the placement or erection of any modular or sectional home which requires the construction of a permanent foundation with footers shall be in compliance with and meet the requirements for a mobile home lot, plus the following additional requirements:

F. Service buildings.

- (1) Each mobile home park development shall have at least one service building adequate in size to provide management offices, storage area, laundry facilities and rest room facilities, sufficient in number and size to properly serve the mobile home park and be provided in accordance with recommended standard as set forth by the U. S. Department of Health, Education and Welfare and the Pennsylvania Department of Environmental Protection.
- (2) Each service building shall be located on an interior lot having a minimum area of 12,000 square feet in area.
- (3) Each service building shall be located on the lot so that there shall be at least 25 feet clearance between any service building and any mobile home lot line or any interior drive right-of-way line.

G. Water supply.

- (1) An adequate supply of water shall be provided for the mobile home park, mobile homes, service buildings and other accessory facilities as follows:
 - (a) Where available and feasible, connections shall be made to a public water supply system in accordance with the rules, regulations and required agreements of the Municipal Authority serving the mobile home park development. The water supply system shall meet

the standards for adequate fire protection as established by the National Fire Protection Association Standard NFPA No. 501A, as amended. Evidence of approved agreement indicating that the mobile home park development will be serviced with water supply by the Municipal Authority shall be submitted with the preliminary plans.

- (b) Where no public water supply system is available, the developer shall construct and operate a private water supply system in accordance with the current requirements of the Department of Environmental Protection of the Commonwealth of Pennsylvania, plus the following additional requirements:

[1] The developer shall submit with his preliminary plans of the mobile home park development a log on a test well or wells which are proposed to be used as a source of water supply containing the following information:

[a] Length of proposed casing.

[b] Depth of well.

[c] Elevation of water in well before pumping test.

[d] Twenty-four-hour pumping log on well, showing pumping rate in gallons per minute for each hour pumped, draw down rate in feet per hour for each hour pumped, total gallons pumped, gallons per minute that can be pumped from well over an extended period of time that would be available for use and total gallons that would be available during any one hour required for peak demand.

[2] The developer shall submit preliminary design plans showing the location, depths and materials proposed for the entire water supply system. The water supply system shall be designed with on-site storage facilities capable of supplying the mobile home park development with water for a period of not less than 24 hours.

- (2) All plumbing installations in mobile home park developments shall be installed and completed in accordance with the American Standard National Plumbing Code, as amended.

H. Electrical distribution system.

- (1) Every mobile home park development shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems and the latest edition of the National Electrical Code of the National Board of Fire Underwriters.
- (2) Individual electrical connections shall be provided on each mobile home lot with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
- (3) Grounding shall be provided on all exposed noncurrent-carrying metal parts of mobile homes and all other equipment by means of an approved grounding conductor, run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.
- (4) Exterior lighting shall be provided on all interior drives with a minimum of one 175-watt sharp cutoff luminaire for each 400 linear feet of interior drives proposed as measured along the center line of said drives. Areas adjacent to service buildings and parking areas shall be adequately

lighted.

- I. On-lot parking spaces. Every mobile home park development shall be designed to provide the following required parking spaces as follows:
 - (1) Two parking spaces shall be provided and constructed on each mobile home lot and shall be located on the mobile home lot and abut the required right-of-way for the interior drives of the mobile home park.
 - (2) On-lot parking spaces shall be constructed and improved with a four-inch depth crushed aggregate base course, a one-and-one-half-inch ID-2 bituminous binder course and a one-inch ID-2 bituminous wearing course as specified herein.
 - (3) There shall be constructed a four-foot-wide concrete walk from the parking space to the concrete patio on each mobile home lot.
- J. Sewage disposal system.
 - (1) An adequate sewage collection and treatment facility shall be provided for the mobile home park, mobile homes, service buildings and other accessory facilities as follows:
 - (a) Where available and feasible, connection shall be made to a public sewage system in accordance with the rules, regulations and required agreements of the Sewage Authority serving the mobile home park. Evidence of approved agreements indicating that the mobile home park development will be serviced with sewage facilities by the Sewage Authority shall be submitted with the preliminary plans.
 - (b) Where no public sewage system is available, the developer shall construct and operate a private sewage collection and treatment system in accordance with the then-prevailing requirements of the Department of Environmental Protection of the Commonwealth of Pennsylvania.
 - (2) All main line sewers shall be designed to adequately carry the anticipated flow; manholes shall be constructed on main line sewers at all changes in horizontal alignment or vertical grade, with a maximum distance of not more than 400 feet between manholes. Wye branches shall be installed in main line for all mobile home lots. The system shall be constructed with approved materials and installed properly to prevent infiltration of surface water and underground water from entering the system.
 - (3) Each mobile home lot shall be provided with a four-inch diameter sewer riser pipe. The sewer riser pipe shall be located on each stand so that the sewer connection to the mobile home drain outlet will approximate a vertical position.
 - (4) From the sewer riser pipe to the main interceptor sewer line there shall be constructed a sewer lateral, four inches in diameter with watertight joints; the minimum grade of any lateral shall not be less than 1/4 of an inch per foot.
 - (5) When the mobile home lot is not occupied and the sewer connection is not in use, it shall be capped with an airtight cap or screw plug.
 - (6) Sewage treatment plant shall not be located closer than 250 feet to any mobile home lot, recreational area, interior drive or service building, nor shall they be located closer than 250 feet to any adjacent property line, unless otherwise approved. The location of all sewage treatment

plants shall be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

- (7) Traps when required shall be installed on laterals to mobile home lots to prevent sewer gases from escaping.
- (8) There shall be at least six feet separation between all sewer and water lines located in parallel ditches.

K. Erosion control.

- (1) All development, construction and earthmoving activities proposed or necessary to complete the mobile home park development shall be conducted in accordance with the requirements of the Pennsylvania Department of Environmental Protection, Title 25, Rules and Regulations, Chapter 102, Erosion Control.³⁵
- (2) The developer shall submit with his final plans an erosion control plan and permit (or verification that no permit is required) from the Department of Environmental Protection, pursuant to Section 102.41 and 102.42,³⁶ relating to permit requirements of Chapter 102, Erosion Control Rules and Regulations.

L. Placement, anchorage and enclosures. Every mobile home park development shall be designed to provide spaces on the mobile home lots as follows:

- (1) Placement. Any lot developed as a site for a mobile home park development which has a ground grade in excess of 5% shall have the mobile home unit set parallel to the contour and on a level graded area no smaller in size than the overall dimensions of the mobile home.
- (2) Anchorage. Each mobile home shall be installed upon and securely fastened to the concrete pad specified in § 180-59E(4) or to a frost-free foundation and footer. Anchorage shall consist of one tie-down bracket, cable or chain with turn buckles, located at each corner thereof and affixed to the mobile home to securely hold and anchor the mobile home to the ground. No mobile home shall be erected on jacks, loose blocks or other temporary support materials.
- (3) Enclosures. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

§ 180-60. Completion of improvements or guaranty thereof.

Before finally approving any mobile home park development plan, the Board of Supervisors shall require that all improvements provided therein shall be completed or a guaranty thereof shall be provided as required by Section 509 of the Pennsylvania Municipalities Planning Code.³⁷

§ 180-61. Operation of mobile home parks.

- A. Supervision. Any person applying for a permit to operate a mobile home park shall agree in the application that a responsible attendant shall be in charge of the management of the mobile home park at all times. At the time of application the names of the management attendants to be in active charge

35. Editor's Note: See 25 Pa. Code Chapter 102.

36. Editor's Note: See 25 Pa. Code §§ 102.41 and 102.42.

37. Editor's Note: See 53 P.S. § 10101 et seq.

of the proposed mobile home park and their hours of duty shall be set forth. Any changes after the permit is granted shall be filed with the authority issuing the permit within five days from the date of change. Such attendants shall supervise conduct on and in all common areas and be responsible for any violation of the provisions of this part or any other laws, ordinances or rules which govern the operation of such mobile home park.

- B. Maintenance. All stormwater drainage facilities, driveways, sidewalks, parking areas, service buildings, water supply, sewage collection and treatment plant facilities, lawns, buffer strips, recreational facilities or areas, exterior lighting or any other facilities installed or required by this part shall be maintained in a workable, safe and sanitary condition at all times by the person to whom permit is issued.
- C. Refuse handling.
- (1) The storage, collection and disposal of refuse in the mobile home park development shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, air pollution or fire hazards. The mobile home park shall be kept free of all litter, rubbish and flammable material at all times. All organic rubbish or storage shall be contained in airtight, vermin-proof of containers which shall also be screened from public view.
 - (2) The developer or person applying for a permit to operate a mobile home park development shall submit with his application the following general information in regards to refuse handling, which shall be subject to approval by the Township and subject to additional requirements at any time if the Township deems it advisable in order to assure safe health standards:
 - (a) The location, capacity, number and type of containers used for storage of refuse.
 - (b) The location, number and size of container racks used for holding containers.
 - (c) Frequency of collection and type of vehicles used for collection and transportation of all refuse.
 - (d) Location used for disposal of refuse.
- D. Fuel supply and storage. The storage, supply, distribution and use of all liquefied petroleum gas, fuel oil or other necessary combustible material within a mobile home park, which is used to supply mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the District Fire Marshal or any other authority which has jurisdiction regarding the use, storage, safety devices, shutoff valves, piping, location and size of storage containers of all necessary combustible material.
- E. Building permit. No mobile home, modular or sectional home, service building, accessory use building or recreation building shall be placed, erected, reconstructed, moved or altered in any mobile home park until a building permit therefor has been issued by the Zoning Officer. Every application for a building permit shall contain all information as required by the Zoning Code.³⁸
- F. Registration of mobile or modular homes and occupants.
- (1) Every mobile home park developer shall maintain and keep a register of all mobile or modular homes placed in the mobile home park site and such register shall contain the following information:

38. Editor's Note: See Ch. 195, Zoning.

- (a) Building and occupancy permit number.
 - (b) The make and date of manufacture, serial number and capital value.
 - (c) Lot number in mobile home park on which mobile or modular home has been placed.
 - (d) Recorded owner of mobile or modular home.
 - (e) The names, ages and last prior residence address of all occupants.
 - (f) A removal or departure date of any mobile home or modular home from the mobile home park.
- (2) The mobile home park register shall be made available upon request by the Zoning Officer and shall be kept on file by the developer for a period of one year following the date of departure of any mobile or modular home or its occupants.

ARTICLE VIII

Open Space, Recreation Land and Facilities**§ 180-62. Location of common open space.**

The common open space shall be located so as to be consistent with good design principles for land use. Where possible, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.

§ 180-63. Ownership of common open space.

- A. There shall be provisions which ensure that the common open space land shall continue as such and be properly maintained. The developer shall either:
- (1) Dedicate a conservation easement for such land to public use if the Township or another public agency has indicated that it will accept such dedication (See Conservation Easement Standard Detail³⁹); or
 - (2) Provide for and establish one or more organizations for the ownership and maintenance of all common open space.
- B. In the case of Subsection A(2) above, each organization shall be a nonprofit homeowner corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

§ 180-64. Homeowners' association.

Where commonly owned open space is proposed and the Township of Brighton has indicated that it will not accept such land, a homeowners' association or open space trust shall be formed and be governed according to the following regulations:

- A. The organization is organized by the developer and operated with financial subsidization by the developer, if necessary before the sale of any lots within the development. At such time that 25% of the parcels in the development have been built upon and occupied, the organization shall become active through the election of a Board of Directors.
- B. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
- C. The organization shall be responsible for maintenance, insurance and taxes on common open space.
- D. The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with procedures established by them.
- E. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
- F. In the event that the organization established to own and maintain a common open space or any successor organization shall at any time after establishment of the homeowners' association fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed

39. Editor's Note: Said Standards are on file in the Township offices.

to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured.

§ 180-64.1. Public recreation land and facilities.

- A. Purpose. The Brighton Township Recreation Land and Facilities Program is established to provide all Township residents with land and recreation facilities based on the Recreation Plan and the Township Comprehensive Plan. The required dedication of public recreation land or the payment of fees-in-lieu-of-dedication of public recreation land is based on the standards set forth in the Recreation Plan, Part V.
- B. A minimum of 2,533 square feet of public recreation land shall be dedicated for each dwelling unit proposed in a residential subdivision or land development and shall be identified on the final plat.
- C. Land to be dedicated for public recreation land shall meet the following minimum standards:
- (1) Land shall provide recreation opportunities to all residents of the Township, with reasonable access to the proposed public recreation area;
 - (2) Land shall be centrally located within the development site, on one tract of land and with no intervening land;
 - (3) Land shall be accessible to each dwelling unit proposed, whether singly or in combination with other units in a residential subdivision or land, via pedestrian easements or dedicated rights-of-way within which sidewalks can be designed and built, and to all other dwelling units off site with reasonable access to the development via public rights-of-way;
 - (4) Land shall be graded to a maximum of 3% slope;
 - (5) Land shall have public utilities, including water, sanitary sewer, and electric service, when such development includes the provisions of such utilities;
 - (6) Land shall be free from any encumbrances or liens which would prevent, limit or restrict its use in any way for recreational purposes;
 - (7) Land shall not include areas defined as wetlands by either the Army Corps of Engineers or the Pennsylvania Department of Environmental Protection;
 - (8) Land shall be seeded and otherwise ready to be used for recreational purposes in full compliance with all other provisions of this section within six months of occupancy of the first dwelling unit in a residential development;
 - (9) Land shall be a minimum size of three acres (Recreation Plan, Part V). Where the aggregate area of land to be dedicated on a per-dwelling-unit (or per-household) basis would result in less than three acres because of the number of lots being created, the developer or applicant has the following options:
 - (a) Supplement the minimum per-dwelling-unit ratio dedication in order to meet the three-acre minimum; or
 - (b) Pay the per-dwelling-unit fee-in-lieu-of-dedication.

- (10) Land shall be capable of achieving the Township's recreation and open space objectives as set forth in the Brighton Township Comprehensive Plan, as adopted by the Brighton Township Supervisors.
- (11) Land shall be suitable for recreational uses, as described in the Recreation Plan.
- D. In-lieu-of-dedication of public recreation land, the developer or applicant shall pay a fee of \$1,427.27, as calculated per Exhibit #IV-9 in the Recreation Plan, or such other amount as the Supervisors may hereafter declare by resolution, for each dwelling unit proposed at the time of final approval. This fee shall be paid prior to the issuance of a building and zoning permit for the construction of any dwelling unit, and such fees shall comply with the provisions of § 180-78.
- E. Subdivisions of three or fewer lots and land developments of three or fewer units shall not be required to dedicate public recreation land.

ARTICLE IX
Condition of Acceptance

§ 180-65. Performance requirements.

- A. Before approving any subdivision plan, the Board of Supervisors shall require a written agreement that necessary grading, paving and street improvements, sidewalks, streetlights, fire hydrants, water mains and sanitary sewers, as may be required by the Township, shall be installed by the subdivider in strict accordance with the design standards and specifications of the Township, within a specified time period. Such agreement shall be prepared by the Township Solicitor at the expense of the developer.
- B. When requested by the developer in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining satisfactory financial security. The final plat shall not be signed nor recorded until the financial improvements agreement is executed. If within 90 days, unless written extension is granted by the Board of Supervisors, the financial improvement agreement is not executed, then the resolution or letter of contingent approval shall expire.

§ 180-66. Performance guaranties.

The Board of Supervisors shall ensure, through receipt of certificates of compliance submitted and attested by the Township Engineer, that required improvements have been installed according to the specifications of the final plat or alternately require the posting of adequate surety to cover the cost for such improvements. The Board of Supervisors shall approve one of the following alternatives for guaranteeing compliance with the requirements of this section for the subdivider requesting final approval of a plat. Final approval of a plat shall not be granted until the surety required is fully provided. 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 subdivider. The amount estimated shall be prepared by a licensed professional engineer for submittal to the Township by the applicant or subdivider. If the amount of the estimated financial security is contested by the Township of Brighton Engineer, a third licensed professional engineer chosen mutually by the applicant or subdivider and the Township shall estimate the amount of financial security necessary, which estimate shall be presumed fair and reasonable. Fees for the services of the third engineer shall be paid equally by the Township and the applicant or subdivider.

- A. Completion of improvements prior to final approval. Prior to final plat approval, the subdivider shall complete, in a manner satisfactory to the Board of Supervisors and the Township Engineer, all improvements required in these regulations specified in the final subdivision plat and as approved by the Board of Supervisors and shall dedicate the same to the Township in accordance with these regulations. Final plat approval shall not be granted until the dedication of said improvements has been accepted by the Board of Supervisors.
- B. Guaranty of future performance. In lieu of requiring the completion of all improvements prior to final plat approval, the Township may, at its discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this part or otherwise specified by the Board of Supervisors in a manner satisfactory to the Board of Supervisors. To secure this contract, the subdivider shall provide, subject to the approval of the Board of Supervisors, one of the following guaranties:
 - (1) Surety bond. The subdivider shall obtain a surety bond from a surety bonding company

authorized to do business in the State of Pennsylvania. The bond shall be payable to the Township and shall be in an amount sufficient to cover the entire cost, as estimated by the Township Engineer, as herein provided, for the installation of all improvements, plus 10%. The duration of the bond shall be until such time as the improvements are accepted by the Township in accordance with the requirements of this part.

- (2) Escrow account. The subdivider shall deposit cash or other instruments readily convertible into cash at face value, either with the Township or in escrow with a bank. The form of any instruments other than cash and, in the case of an escrow account, the bank with which the funds are to be deposited shall be subject to the approval of the Township Solicitor. The amount of the deposit shall be at least equal to the cost, as estimated by the Township Engineer, of installing all required improvements, plus 10%. In case of an escrow account, the subdivider shall file with the Board of Supervisors an agreement between the financial bank and himself guaranteeing the following:
 - (a) That the funds of said escrow account shall be held in trust until released by the Board of Supervisors and may not be used or pledged by the subdivider as security in any other matter during the period; and
 - (b) That in the case of a failure on the part of the subdivider to complete said improvements, the bank shall immediately make the funds in said account available to the Township for use in the completion of those improvements.
- (3) Irrevocable letter of credit. An irrevocable letter of credit in an amount equal to the cost of all required improvements, as estimated by the Township Engineer, plus 10%, shall be posted naming the Township Board of Supervisors as beneficiaries. The financial institution which provides the irrevocable letter of credit shall be first approved by the Township Board of Supervisors. Failure on the part of the subdivider to complete said improvements shall cause the funds posted as an irrevocable letter of credit to be more available to the Township upon written notice of a claim against said funds.

§ 180-67. Procedure for release from improvement bond; fees.

- A. When the developer has completed all of the required improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy to the Township Engineer.
- B. The Board of Supervisors shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Supervisors and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
- C. The Board of Supervisors shall notify the developer, in writing by certified or registered mail, within 15 days of receipt of the engineer's report of the action of said Board of Supervisors with relation thereto.
- D. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation

provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond.

- E. If any portion of the required improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- F. Nothing herein, however, shall be construed in limitation of the subdivider's or developer's right to contest or question, by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.
- G. The applicant shall reimburse the Township for the reasonable and necessary expense incurred in connection with the inspection of improvements. The applicant shall not be required to reimburse the Board of Supervisors for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. Such reimbursement shall be based upon a schedule established by resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township's professional consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant to the Township for comparable services when fees are not reimbursed or otherwise imposed on applicants.
 - (1) The Board of Supervisors shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than 100 days after the date of transmittal of a bill for inspection services, notify the Township and the Township's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged. The Township shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 100 days shall be a waiver of the applicant's right to arbitration of that bill under this section.
 - (2) Subsequent to the final release of financial security for completion of improvements for a subdivision or land development or any phase thereof, the professional consultant shall submit to the Board of Supervisors a bill for inspection services, specifically designated as a final bill, which the Board of Supervisors shall submit to the applicant. The final bill shall include inspection fees incurred through the release of financial security.
 - (3) If the professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within 100 days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and the professional consultant whose fees are being challenged shall, by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unsolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.
 - (4) The arbitrator so appointed shall hear such evidence and review such documentation as the

arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the Township has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.

- (5) In the event the Township's professional consultant and the applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Township's professional consultant nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding five years.
 - (6) The fee of the arbitrator shall be paid by the applicant if the disputed fee is upheld by the arbitrator. The fee of the arbitrator shall be paid by the charging party if the disputed fee is \$2,500 or greater than the payment decided by the arbitrator. The fee of the arbitrator shall be paid in an equal amount by the applicant and the charging party if the disputed fee is less than \$2,500 of the payment decided by the arbitrator.
 - (7) In the event that the disputed fees have been paid and the arbitrator finds that the disputed fees are unreasonable or excessive by more than \$10,000, the arbitrator shall:
 - (a) Award the amount of the fees found to be unreasonable or excessive to the party that paid the disputed fee; and
 - (b) Impose a surcharge of 4% of the amount found as unreasonable or excessive to be paid to the party that paid the disputed fee.
 - (8) The Township or an applicant shall have 100 days after paying a fee to dispute any fee charged as being unreasonable or excessive.
- H. At the time of final approval and prior to the issuance of any required Township permit, a 10% deposit shall be made by the applicant with the Township for the costs of review and inspection where public utilities and facilities are proposed. Said 10% shall be calculated as 10% of the total costs of installation of said public utilities and facilities. Any funds unexpended at the time of acceptance of the aforementioned public utilities and facilities shall be returned to the applicant.

§ 180-68. Remedies to effect completion of improvements.

- A. In the event that any improvements which may be required have not been constructed and installed as provided for in the written agreement, this part and the requirements of the Board of Supervisors or in accord with the approved final plan, the Board of Supervisors shall enforce any corporate bond or other security by appropriate legal and equitable remedies.
- B. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

- C. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.

§ 180-69. Maintenance bond.

- A. Before the Township Engineer shall issue to the Board of Supervisors a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the land development and in compliance with the specifications, standards, ordinances and requirements of the Township, the subdivider or developer shall be required to deposit with the Township a corporate maintenance bond, in such amount, under such conditions, in such form and with approved surety as shall be required by the Board of Supervisors. The maintenance bond shall guarantee the repairs and maintenance by the subdivider or developer of the streets, roads, pavement, sidewalks, curbs, gutters, stormwater drains and facilities, sanitary sewer and facilities and any other improvements constructed and installed in the subdivision or development, for a period of 18 months from the date of final and official acceptance of the above said improvements and facilities by the Board of Supervisors. The amount of the maintenance bond shall not exceed 15% of the actual cost of installation of said improvements.
- B. The repairs and maintenance required to be performed by the subdivider or developer shall extend only to making good any inherent defects which become manifested in the materials and workmanship under ordinary conditions and shall not be held to cover any breakage or damage caused by improper use or by accident resulting from circumstances over which the subdivider or developer has no control.

§ 180-70. Acceptance of public improvements.

Upon completion of the inspection and approval of the public improvements, the developer shall submit a request to the Board of Supervisors, in writing, to accept the dedication of the public improvements. The request for acceptance shall include deeds of dedication and all other legal descriptive documents necessary to prepare a resolution or ordinance and shall be submitted at least 20 days prior to the regular meeting of the Board of Supervisors. At the regular meeting, the Board of Supervisors shall enact a resolution or ordinance accepting the public improvements as part of the Township's public facilities, subject to the posting of the maintenance bond required by this part.

§ 180-71. Final inspection of public improvements.

Prior to the end of the eighteen-month period when the maintenance bond expires and before the maintenance bond is released, the Township Engineer shall make a final inspection and certify in writing to the Board of Supervisors that all the public improvements are in good order. If any repairs are required or maintenance needed, the subdivider shall be notified in writing and such repairs or maintenance shall be done and approved prior to certification by the Township Engineer.

§ 180-72. Snowplowing.

The applicant shall be responsible from the time there is at least one occupant in the proposed development to plow snow on development roads as may be necessary to provide ingress and egress to the occupants at the applicant's cost, prior to the acceptance of dedicated streets. The applicant shall post with the Township the sum of \$2,500 as an escrow to provide for snow removal prior to acceptance of dedication of the streets. The applicant simultaneously shall present a contract with a snow removal firm indicating that the firm has been contracted to remove snow from the development streets within four hours after snow has

stopped falling. All payments for said snow removal shall be made from the escrow fund. In the event that the escrow should become depleted, the applicant shall post an additional sum of \$2,500 and such further amounts as may be necessary until such time as the dedication of the streets is accepted by the Township. In the event that the applicant or the snow removal firm does not perform in accordance with the contract presented, the Township may hire contractors to perform the necessary work and pay those contractors from the escrow fund.

§ 180-73. Higher standards.

- A. No road, street, land, way or related improvement shall be accepted as a part of the highway system of the Township or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the Township. The requirements, specifications and standards of construction, material and appurtenances as designated herein are considered as minimum and the Board of Supervisors may as it deems advisable revise said specifications and requirements to secure a higher standard of improvements and community development.
- B. No stormwater drainage facilities, sanitary sewer and sewage treatment facilities, water supply and water distribution system and facilities or any other facilities or improvements will be accepted as a part of the Township's facilities for operation and maintenance unless designed and constructed in strict compliance with all the standards, specifications, rules, regulations, ordinances and requirements of the Township.

§ 180-74. Recording plat; fee.

- A. Upon approval of this final plat, the subdivider or developer shall within 60 days of such final approval deliver to the Township offices the following plats and documents for Township signatures:
 - (1) One original and two duplicate plats shall be provided to the Township in an accurate and final form appropriate for recording on reproducible sheets measuring 24 inches by 36 inches; pdf; AutoCAD (latest revision); and shape file (GIS) format compatible with the Brighton Township GIS platform and quantity specified in § 180-13A.
 - (2) Four sets of prints of the preliminary construction drawings and supporting documents.
 - (3) Executed homeowners' association document meeting the requirements of § 180-65, Performance requirements, and of § 180-64, Homeowners' association, of this part.
 - (4) Executed developers' agreement meeting the requirements of § 180-65, Performance requirements, and of § 180-66, Performance guaranties, of this part.
- B. At the time of submittal of the plans and documents as specified in this section, the developer shall pay to the Township a fee equal to the prevailing fee of the Beaver County Recorder of Deeds for recording the original plat and any homeowners' association documents required to be recorded in such office, plus a fee for all municipal services rendered as set forth and the appropriate fee ordinances or resolutions.
- C. Upon recording of plats and homeowners' association documents, the Township shall apprise the subdivider or developer of the official filing date as well as the appropriate recording reference data and make available one duplicate reproducible drawing measuring 24 inches by 36 inches and one set of approved construction drawings plus a copy of the homeowners' association documents.
- D. After an approved subdivision plan shall have been officially recorded, the streets, parks and other

public improvements shown thereon shall be considered to be a part of the official plan of the Township.

- E. Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the Township by formal notation thereof on the plan or the owner may note on such plan that any improvements have not been offered for dedication to the Township.
- F. Every street, park or other improvement shown on a subdivision plan shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication to the Township and accepted by ordinance or resolution or until it shall have been condemned for use as a public street, park or other improvement.
- G. Any single nonresidential land development, whether occurring on one lot or on a combination of parcels under single ownership and phased over a period of years, shall be recorded with Beaver County as an approved site plan following completion of all contemplated improvements and structures. The as-built drawing shall contain all that information required by § 195-8A of the Zoning Code. One reproducible drawing measuring 24 inches by 36 inches shall be submitted to the Beaver County Recorder of Deeds and two reproducible drawings measuring 24 inches by 36 inches filed with the Township of Brighton.

§ 180-75. Reconsideration.

Any subdivider aggrieved by a finding, decision or recommendation of the Township of Brighton Planning Commission or the Township Board of Supervisors may present additional relevant information and request reconsideration of the original findings, decision or recommendation upon written request within 30 days of notification of the Planning Commission or Board of Supervisors decision on either preliminary or final plat application.

§ 180-76. Approval refused by supervisors.

In any case where the Board of Supervisors shall refuse to approve any plats or land developments submitted to it in accordance with this part, any person aggrieved by the action of the Board of Supervisors may appeal as provided by law to the Court of Common Pleas of Beaver County, Pennsylvania.

§ 180-77. Unapproved plans; responsibility of Township.

If any road or any drainage facilities in connection therewith shall be opened, constructed or dedicated for public use or travel, except in strict accordance with plats approved and recorded as herein provided, neither the Board of Supervisors nor any public authorities shall place, construct or operate any sewer, drain, water pipe or other facilities or do any work of any kind in or upon such road; and neither the Township Board of Supervisors nor any other public authorities shall have responsibility of any kind with respect to any such road or drainage facilities, notwithstanding any use of the same by the public; provided, however, that nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains, if required by engineering necessity for the accommodating of other territory.

ARTICLE X

Fees

§ 180-78. Plan application fees, inspection fees and fees-in-lieu-of-dedication.

- A. All applications submitted for the review and approval of plans of subdivision and plans of land development prepared in preliminary or final form shall be accompanied by a review fee and a deposit in accordance with a schedule of fees and charges established or to be established and adopted by resolution of the Board of Supervisors to defray or to help defray any cost that may be incurred by the Township in viewing and inspecting the site of the subdivision or land development and reviewing the application, data and the plans submitted relative to the same.
- (1) A report shall be made at the time of application for preliminary and final subdivision approval, with the Township of Brighton in order to cover the costs of engineering review and inspection of proposed improvements, legal fees and other consultants' fees whose services are required in order to provide a comprehensive review of the subdivision application.
 - (2) A review fee, as established by resolution of the Board of Supervisors, and fees as charged to the Township for activities related to the subdivision application shall be deducted from the deposit as invoices are received.
 - (3) A full accounting of all expenses incurred during the review and approval of a subdivision application, whether preliminary or final, shall be kept by the Township Secretary and made available to the applicant.
 - (4) An administrative fee of 5% on all services provided to the Township by professional consultants shall be deducted from the deposit as invoices are received. Any professional consultant's fees shall be deducted from the deposit as invoices are received.
 - (5) Upon completion of all improvements to the satisfaction of the Township Engineer, and prior to final release, the Township may retain 10% of the original amount of the posted financial security for the subject improvements.
- B. The schedule of fees and charges established or to be established may vary and be regulated in accordance to the scope and complexity of the plan of subdivision and land development project, such as:
- (1) Number of parcels or lots in plan.
 - (2) Site development plans.
 - (3) Utility development plans.
 - (4) Grading plans.
 - (5) Stormwater management plans and reports.
 - (6) Applicant's plan of construction and development of the land, structures and facilities thereon and appurtenant thereto.
 - (7) Number of times that a plan is submitted or resubmitted for review and request is made for approval of the same.
- C. Where a plan of subdivision or land development for any reason has been rejected by the Township

Planning Commission and/or Board of Supervisors, the applicant when resubmitting plans and application for review and approval of the same shall be required to pay a fee as set forth in the Township's schedule of fees and charges for such submittals.

- D. All review fees shall be made payable to the Township of Brighton. All review and administrative fees deducted from the original deposit are nonrefundable, and the approval or rejection for any reason of any plan of subdivision or land development will not be reason or cause for the return of any fee submitted.
- E. Fees-in-lieu-of-dedication. Fees received as fees-in-lieu-of-dedication of public recreation land, an option set forth in § 180-64.1, shall comply with the following:
 - (1) Establishment of fund. Fees-in-lieu-of-dedication shall be deposited in an interest-bearing account. This account shall be separate from other municipal accounts and shall be clearly identified for the purpose of funding the acquisition and development of recreation facilities within the Township of Brighton and shall be expended only for such purposes. Interest earned by each account shall become funds of that account.
 - (2) Maintenance of records. The Township Manager/Secretary shall maintain and keep adequate financial records for such recreation fee account, which shall show the source and disbursement of all revenues and ensure that monies expended are used solely for the purposes stated.
 - (3) Refunds. If the Township has failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid, upon request of any person who paid any fee under this subsection, the Township shall refund such fee, plus interest accumulated thereon from the date of payment.

ARTICLE XI
Amendments

§ 180-79. Procedure for amendment.

- A. A public hearing shall be held pursuant to public notice for any proposed amendment to the Township of Brighton Subdivision and Land Development Code.
- B. At least 30 days prior to the scheduled public hearing date, a copy of the proposed amendment shall be submitted to the Beaver County Planning Commission for review and recommendation.
- C. Within 30 days after adoption, the Board of Supervisors shall forward a certified copy of the amendment to the Beaver County Planning Commission.

ARTICLE XII
Enforcement Remedies

§ 180-80. Enforcement remedies; violations and penalties.

- A. Any person, partnership or corporation who or which has violated the provisions of the Brighton Township Subdivision and Land Development Code enacted under Act 247, Pennsylvania Municipalities Planning Code, and all amendments thereto,⁴⁰ shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. 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 District Justice 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 was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation.
- B. 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.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township of Brighton the right to commence any action for enforcement pursuant to this section.

40. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE XIII
Preventive Remedies

§ 180-81. Preventive remedies.

- A. In addition to other remedies, the Township of Brighton may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Township of Brighton may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to Act 247, Pennsylvania Municipalities Planning Code.⁴¹ This authority to deny such a permit or approval shall apply to any of the following applicants:
- (1) The owner of record at the time of such violation.
 - (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

41. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE XIV
Certificates, Affidavits, Approvals, Etc.

§ 180-82. List of documents.

The certificates quoted below shall be inscribed on the plan as quoted and shall be properly signed and attested when the plan is submitted to the Planning Commission and the Board of Supervisors. All certificates shall be placed on final plan in an arrangement suitable for placement of all required seals. All certificates can be found in the Minimum Construction Standards and Details.⁴²

- A. Owners Adoption.
- B. Individual Acknowledgement.
- C. Corporation Adoption.
- D. Corporation Acknowledgement.
- E. Township Planning Commission Approval.
- F. Approval by Township of Brighton.
- G. Beaver County Planning Commission Acknowledgement.
- H. Proof of Recording.
- I. Professional Land Surveyor Certificate.
- J. Township Engineer's Approval.
- K. Owners Acceptance of Responsibility for Provided Stormwater Drainage Facilities and Control of Stormwater Water Drainage.

42. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

ARTICLE XV
Conflict with Other Provisions

§ 180-83. Zoning Code.

Nothing herein contained shall be interpreted to permit any waiver of the restriction or requirements of the Township of Brighton Zoning Ordinance, as now enacted or hereafter amended.⁴³

43. Editor's Note: See Ch. 195, Zoning.

Part 2
Public And Private Improvement Standards

ARTICLE XVI
Administration

§ 180-84. Title.

These regulations shall be known as and referred to as the "Township of Brighton Public and Private Improvements Code."

§ 180-85. General purposes.

The general purposes of these regulations are to:

- A. Establish construction standards and specifications governing construction of public and private improvements in the Township.
- B. Control the construction and installation of public and private improvements in the Township by developers and public utility companies.
- C. Control the acceptance of public improvements.
- D. Control the satisfactory completion of private improvements.

§ 180-86. Interpretation of Code provisions.

The Township shall be responsible for the administration, enforcement and interpretation of the Code.

§ 180-87. Applicability.

These regulations shall be applicable to the construction of all public and private improvements in the Township.

§ 180-88. Construction of public and private improvements.

- A. Public and private improvements constructed by any person or entity including a developer shall be constructed in accordance with Article XVIII, Construction Standards for Public and Private Improvements of this Code and the Township of Brighton Minimum Construction Standards and Details.⁴⁴

44. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

ARTICLE XVII
(Reserved)

§ 180-89. (Reserved)

ARTICLE XVIII

Construction Standards for Public and Private Improvements**§ 180-90. Streets.**

A. Street classifications.

- (1) The following street classification system is hereby adopted for all proposed streets in the Township:
 - (a) Arterial street, refer to Detail RD-01 of the Township of Brighton Minimum Construction Standards and Details.⁴⁵
 - (b) Commercial collector street, refer to Detail RD-02 of the Township of Brighton Minimum Construction Standards and Details.
 - (c) Residential collector street, refer to Detail RD-03 of the Township of Brighton Minimum Construction Standards and Details.
 - (d) Local commercial street, refer to Detail RD-04 of the Township of Brighton Minimum Construction Standards and Details.
 - (e) Local residential street, refer to Detail RD-05 of the Township of Brighton Minimum Construction Standards and Details.
- (2) The functional classification of all existing streets is as determined by the Township Engineer in accordance with PennDOT requirements. Where a proposed development abuts an existing street, the street it shall be improved and widened in accordance with its classification for the full length of the development and extending to adjoining properties.
- (3) The functional classification of any proposed street that is not specified in the current Comprehensive Plan of the Township, adopted by the Township, shall be determined by the Engineer consistent with the definitions for the street classification system.
- (4) The functional classification of all proposed residential streets is based upon the average daily traffic volumes generated by the proposed residential development as specified in the Institute of Transportation Engineers (ITE) Trip Generation Manual, current edition. All proposed streets where the anticipated average daily traffic volume generated by the development exceeds 500 vehicles per day shall be designated as collector streets.
- (5) The functional classification of all proposed streets in a commercial development is based upon the average daily traffic volume generated by the proposed commercial development as specified in the Institute of Transportation Engineers (ITE) General Manual, current edition. All proposed streets where the anticipated average daily traffic volume generated by the development exceeds 300 vehicles per day shall be designated as collector streets.

B. Street grading and paving standards.

- (1) Arterial streets (RD-01). Typical section of grading, paving, curbing, underdrains and berm grading for all arterial streets shall be approved in accordance with construction standards on Detail RD-01 of the Township of Brighton Minimum Construction Standards and Details.⁴⁶

45. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

Geometric design shall be in accordance with the appropriate design speed as specified in Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details and as determined by the Township upon recommendation by the Engineer, the design standards of the Township Code, and this Code.

- (2) Commercial/collector street (RD-02). Typical section of paving, underdrains and berm grading for commercial/collector streets shall be installed in accordance with the construction standards on Detail RD-02 of the Township of Brighton Minimum Construction Standards and Details. Geometric design shall be in accordance with the appropriate design speed as specified in Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details and as determined by the Township upon recommendation by the Township Engineer, the design standards of the Township Code, and this Code.
- (3) Residential collector street (RD-03). Typical section of paving, underdrains and berm grading for residential collector streets shall be in accordance with the construction standards on Detail RD-03 of the Township of Brighton Minimum Construction Standards and Details. Geometric design shall be installed in accordance with the appropriate design speed as specified in Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details and as determined by the Township upon recommendation of the Township Engineer, the design standards of the Township Code, and this Code.
- (4) Local commercial street (RD-04). Typical section of grading, paving, curbing, underdrains and berm grading for local commercial or industrial streets shall be installed in accordance with the construction standards on Detail RD-04 of the Township of Brighton Minimum Construction Standards and Details. Geometric design shall be in accordance with the appropriate design speed as specified in Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details and as determined by the Township upon recommendation of the Township Engineer, the design standards of the Township Code, and this Code.
- (5) Local residential street (RD-05). Typical section of grading, paving, curbing, underdrains and berm grading for minor local residential streets shall be installed in accordance with the construction standards on Detail RD-05 of the Township of Brighton Minimum Construction Standards and Details. Geometric design shall be in accordance with the appropriate design speed as specified in Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details and as determined by the Township upon recommendation of the Township Engineer, the design standards of the Township Code, and this Code.
- (6) Materials. The base course and wearing surface of all streets shall be constructed in accordance with the standards of this Code, and all materials used shall meet the latest Pennsylvania Department of Transportation specifications. Additional base course depths may be required as the Engineer may determine to be necessary for the type of street that has been proposed.
- (7) Bituminous curb underdrain. Permanent underdrains of a size and slope to be determined by the Engineer shall be installed on the upper or higher side of all streets, in cut areas where they are necessary to prevent the infiltration of water under the paved roadway and at the low points in all roads or streets. All underdrains shall parallel the roadway as nearly as possible and shall be in accordance with the construction standards on Details RD-01, RD-02, RD-03, RD-04, RD-05, and SS-16 of the Township of Brighton Minimum Construction Standards and Details.
- (8) Shoulders. Street shoulders shall be graded for the full width of the right-of-way in accordance

46. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

with the typical street section in this Code and thoroughly compacted by rolling all shoulders. Slopes and berms shall be seeded to prevent erosion.

- (9) Utilities in streets. All utilities crossing streets shall be installed in trenches backfilled and compacted with aggregate meeting the Pennsylvania Department of Transportation specifications and approved by the Engineer, and all other utilities within the right-of-way of streets shall be installed before the base, binder and bituminous wearing course is installed.
- (10) Trench repaving for bituminous paving (RD-19). All pavement restoration in bituminous pavement shall be constructed in accordance with the construction standard in Detail RD-19 of the Township of Brighton Minimum Construction Standards and Details.
- (11) Paving notch Detail (RD-15). New asphalt pavement shall meet existing asphalt pavement in accordance with the construction standard in Detail RD-15 of the Township of Brighton Minimum Construction Standards and Details.
- (12) Two-phase paving. When the bituminous paving is in a subdivision or other land development being developed at that time and it is anticipated that construction activity and heavy material hauling will be taking place for an extended period of time. A one-inch skim coat of 9.5mm WMA wearing course material shall be applied. The final bituminous wearing course material shall be installed as specified in the developer's agreement.
- (13) Curb ramps. The location and design of all curb ramps for access by disabled persons shall be approved by the Engineer. Such approval does not represent compliance with the Accessibility Guidelines of the Americans with Disabilities Act.⁴⁷ Curb cuts in straight curbs shall be in accordance with the current edition of PennDOT RC-67M.

C. Street design criteria.

- (1) All street classifications. Geometric design shall be in accordance with § 180-21, Transportation and street requirements, of the Township Code and Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details.⁴⁸
 - (a) Clear sight triangle. No obstructions shall be located within the right-of-way or lot that obscures visibility at the intersection of two streets or of a street and a residential driveway. A clear sight triangle, as defined by this Code, shall be maintained free of any obstructions. The sides of the clear sight triangle shall be measured along the center line of the intersecting streets and shall meet the minimum standards shown in Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details. The clear sight triangle shall be shown on the final plat for recording if it is beyond the boundary of the right-of-way.
 - (b) Minimum sight distance. When a new street intersects an existing street, the minimum sight distance at the intersection shall be provided in accordance with the requirements of minimum sight distance shown in Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details.
 - (c) Roadway design grade specification. The minimum allowable street grade shall be 1%. The maximum allowable street grade shall be 12% in accordance with Detail RD-07 of the

47. Editor's Note: See 42 U.S.C. § 12101 et seq.

48. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

Township of Brighton Minimum Construction Standards and Details.

- (d) Sight distance for vertical curves, shall be of adequate length in order to provide minimum sight distances in accordance with Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details.
 - (e) Minimum center-line radii for horizontal curves shall be of adequate length to provide a minimum sight distance in accordance with Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details.
 - (f) Minimum right-of-way and cartway width shall be as per Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details unless otherwise required by Township Code § 180-21N(2).
 - (g) Minimum transient distances between reverse curves shall be as specified in Detail RD-07 of the Township of Brighton Minimum Construction Standards and Details.
- (2) Local residential (RD-08) and commercial cul-de-sac (RD-09): Cul-de-sac shall meet the minimum standards shown in Details RD-08 and RD-09 of the Township of Brighton Minimum Construction Standards and Details, the Township Code, and this Code.
 - (3) Barricade for dead-end roads (RD-22). A barricade for dead-end roads meeting the standard in Detail RD-22 of the Township of Brighton Minimum Construction Standards and Details shall be provided by the developer when required by the Engineer.
 - (4) Pavement marking. All stop bars, symbols, transverse markings and crosswalks shall be cold white plastic meeting Pennsylvania Department of Transportation specifications. All longitude lines shall be Traffic Zone Paint, Type II Waterborne.
 - (5) Cul-de-sac with island: planting requirement to allow emergency, maintenance and delivery vehicles. Refer to Detail RD-10 of the Township of Brighton Minimum Construction Standards and Details.
 - (6) Temporary hammerhead: turnaround shall meet the minimum standards shown in Detail RD-11 of the Township of Brighton Minimum Construction Standards and Details.
 - (7) Cul-de-sac with island: residential or commercial, refer to Details RD-12 and RD13 of the Township of Brighton Minimum Construction Standards and Details.

§ 180-91. Stormwater management facilities.

See Chapter 173 for stormwater management and MS4 prohibited discharge provisions.

§ 180-92. Sanitary sewer and public water systems.

Design standards. All sanitary sewage facilities and all public water facilities shall be constructed in accordance with the design standards and requirements of all public boards or bodies having jurisdiction.

§ 180-93. Pedestrian circulation.

- A. Sidewalks (concrete). All sidewalks shall be constructed in accordance with the following standards and as illustrated in Details RD-20 and SD-08 of the Township of Brighton Minimum Construction Standards and Details.⁴⁹ Ramps for the physically challenged shall be provided at intersections and

crosswalks.

B. Walkways.

- (1) Minimum width. Walkways shall be a minimum of five feet wide. In parking lots they shall be an additional 30 inches wide or separated by an additional 30 inches of green space on each side where automobiles or other vehicles may overhang the walkway.
- (2) Height. Walkways in relation to parking lots and driveways shall be raised to the same height as sidewalks in relation to streets. Refer to Details RD-04 and SD-08 of the Township of Brighton Minimum Construction Standards and Details.

C. Multipurpose walking and biking paths.

- (1) Eight feet minimum; 10 feet desirable.
- (2) Multipurpose walking and biking paths shall be constructed as per Detail RD-21 of the Township of Brighton Minimum Construction Standards and Details.
- (3) Material shall be asphalt paving or other material if approved by the Township.

§ 180-94. Driveways; access on to Township streets.

- A. General requirements. All driveways shall be located, designed, constructed, and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the street.
- B. General location restrictions. All driveways shall be permitted at locations in which:
 - (1) Sight distance is adequate to safely allow each permitted movement to be made into or out of the access driveway.
 - (2) The free movement of normal highway traffic is not impaired.
 - (3) The driveway will not create a hazard.
 - (4) The driveway will not create an area of undue traffic congestion on the highway.
 - (5) Adequate sight distance at all driveways shall conform to PENNDOT latest Publication 282 (Highway Occupancy Permit Handbook) and Pennsylvania Code Title 76 Transportation, Chapter 441 (Access to Occupancy of Highways by Driveways and Local Roads).⁵⁰
- C. Residential driveway (SD-01 and SD-02). Within the right-of-way of Township streets, residential driveways shall be constructed in accordance with Details SD-01 and SD-02 of the Township of Brighton Minimum Construction Standards and Details.⁵¹
- D. Grade. Driveways shall be constructed to conform to the grade of the finished shoulders. All descending or ascending grades of driveways shall begin at the street right-of-way. No stormwater shall be permitted to drain onto Township streets.

§ 180-95. Parking areas and driveways on lots.

49. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

50. Editor's Note: See 76 Pa. Code Chapter 441.

51. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

A. Minimum paving standards.

- (1) For driveways and parking areas for single-family: none.
- (2) All driveways and parking areas other than single-family shall have an aggregate base course, a bituminous binder course and a bituminous wearing course with sufficient structural strength to carry anticipated wheel loads.

B. Parking area standards.

- (1) Slopes.
 - (a) Maximum 5% cross slope (along length of vehicle).
 - (b) Maximum 7% longitudinal slope (perpendicular to vehicle).
 - (c) Minimum 1% cross slope or longitudinal slope.
- (2) Concrete mountable curbs (SD-06). When required, mountable curbs shall be constructed to the standard in Detail SD-06 of the Township of Brighton Minimum Construction Standards and Details.⁵²
 - (a) Concrete curb detail (SD-10). When required, concrete curbs shall be constructed to the standard in Detail SD-10 of the Township of Brighton Minimum Construction Standards and Details.
 - (b) Depressed concrete curb detail (SD-11). When required, depressed concrete curbs shall be constructed to the standard in Detail SD-11 of the Township of Brighton Minimum Construction Standards and Details.
 - (c) Typical street section with depressed concrete curb detail (SD-11) or depressed bituminous curb (RD-18). When required, typical street section with depressed concrete curbs shall be constructed to the standard in Details SD-11 and RD-18 of the Township of Brighton Minimum Construction Standards and Details.
 - (d) Plain concrete curb with gutter detail (SD-12). When required, plain concrete curb with gutter shall be constructed to the standard in Detail SD-12 of the Township of Brighton Minimum Construction Standards and Details.
- (3) Curb ramps. The location and design of all curb ramps for access by disabled persons shall be approved by the Engineer. Such approval does not represent compliance with the accessibility guidelines of the Americans with Disabilities Act.⁵³
- (4) Accessible parking sign (SD-09). Parking spaces required or designated to be accessible for the physically challenged shall be identified by the installation of an accessible parking sign meeting the requirements Detail SD-09 of the Township of Brighton Minimum Construction Standards and Details.

§ 180-96. Water systems and fire hydrants.

- A. Water system extensions shall be designed to meet the requirements of the Pennsylvania Department

52. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

53. Editor's Note: See 42 U.S.C. § 12101 et seq.

of Environmental Protection as stipulated in the Public Water Supply Manual, as amended. All extensions shall also meet the Township's requirements pertaining to fire hydrant delivery at minimum residual pressures under specific conditions.

- B. The locations of fire hydrants on both public and private property (including standpipes, etc.) shall be approved by the Township Fire Chief before subdivision or land development is approved.
- (1) Standpipe systems shall be required to be installed throughout all multifamily residential, commercial and industrial multistory buildings where:
- (a) Three or more stories above grade plane where the building is protected by an approved automatic sprinkler system.
 - (b) Two or more stories above grade plane where the building is not protected by an approved automatic sprinkler system.
 - (c) More than 30 feet above grade plane and containing intermediate stories or balconies.
 - (d) More than one story below grade plane.
 - (e) More than 20 feet below grade plane.
 - (f) The floor level of the highest story is located more than 30 feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet below the highest level of fire department vehicle access in accordance with International Fire Code requirements.
- (2) Location and orientation of standpipes are subject to review and approval by the Township Fire Chief.
- C. Fire hydrants installed on water line extensions are required to meet or exceed fire-flow requirements for buildings in accordance with the International Fire Code (latest edition). Residential single-family developments with structures proposed less than 3,600 square feet are required to demonstrate that the water line extension will provide a minimum of 1,000 gallons per minute (gpm) at a minimum residual pressure of 20 pounds per square inch (psi). Developments are required to stipulate type of dwelling/commercial development, square footage for structures proposed.
- D. For permitted reductions in the fire flow requirements, for example, installation of automatic sprinkler system, applicant, is required to provide calculations bearing the seal of a licensed engineer with experience in fire protection engineering. Any proposed reduction in fire-flow requirements are subject to review by the Township Fire Chief and applicant shall provide a copy of approval before land development is approved.
- E. Should the proposed extension be incapable of supporting the fire hydrant flows as required, off-site water line construction, subject to the review and approval of the appropriate Municipal Authority and Township, will be required to be constructed to reinforce the water system to facilitate meeting the required fire hydrant flows and pressures. All costs associated with the construction of the off-site water line shall be the responsibility of the applicant.
- F. For nonresidential developments requiring a greater delivery of water at higher residual pressures, such as for a sprinkler system in a multiple story building, etc., the off-site water system shall be upgraded, if needed, to meet these site-specific requirements. All costs associated with the off-site water system upgrade will be the responsibility of the applicant.

- G. Applicant is to contact the appropriate Municipal Authority to schedule a hydrant flow test. The Municipal Authority will provide flow and pressure data for the existing fire hydrants tested. This data is to be used only to determine existing system losses at the flow rate witnessed at the specific fire hydrant being tested. All cost(s) associated with obtaining this data is the responsibility of the individual(s) making the request for this test data. Applicant is to utilize test data to design water system extension, the system losses shall be mathematically adjusted to account for changes as follows:
- (1) Hydraulic calculations provided by the applicant are subject to the review and approval of the Township. The calculations shall be accompanied by a written report describing in detail the design of the water system extension and refer to the field testing results. The report shall bear the seal of a registered professional engineer proficient in these types of designs. This individual shall be registered to practice engineering in the Commonwealth of Pennsylvania.
 - (2) Hydraulic calculations provided by the applicant may be evaluated by the appropriate Municipal Authority utilizing the Municipal Authority's system wide water distribution model to determine the available fire-flow for any proposed water line extensions. Applicant is to reimburse the Municipal Authority for this evaluation.

§ 180-97. Type 31 strong post guiderail.

All guide rails shall be constructed in accordance with PennDOT Publication 13M (latest edition) and Publication 72M (latest edition).

§ 180-98. Cable television.

Where Cable television is to be installed, it shall be installed pursuant to the specifications of the body having jurisdiction.

§ 180-99. Electric.

Where electric is to be installed, it shall be installed pursuant to the specifications of the body having jurisdiction.

§ 180-100. Gas.

Where gas is to be installed, it shall be installed pursuant to the specifications of the body having jurisdiction.

§ 180-101. (Reserved)

§ 180-102. Underground utility installation.

A. General conditions.

- (1) All street excavation within a Township right-of-way or easements shall require a road opening permit.
- (2) No street opening shall extend across more than half of the cartway at a time. No street shall be closed at any time without prior approval from Brighton Township.
- (3) Two-way traffic should be maintained whenever possible.

- (4) Access to driveways and/or buildings located within the work zone shall maintained at all times.
 - (5) No more than 250 linear feet of excavation shall be opened at any one time.
 - (6) Traffic control shall be maintained in accordance with Pennsylvania Department of Highways Publication 203. The permittee shall furnish and maintain such signs, barricades, lights and flag persons as may be necessary to provide a safe and compliant work zone. The Township may require a separate traffic control plan under special circumstances.
 - (7) Provisions shall be made to accommodate stormwater runoff at all times. The work shall not be permitted to interfere with the normal flow of surface or subsurface water.
 - (8) Future maintenance shall be the responsibility of the permittee during the first two years after completion.
- B. Pavement cuts. Open cutting of any street surface is not permitted unless authorized by the Township Engineer.
- (1) Cuts in the bituminous surface shall be a neat straight line the entire length and width of the trench using a concrete saw. Cuts through cement concrete shall be made to a sufficient depth to enable the removal of the concrete in a clear straight break.
 - (2) All excavated material should be stored in such a manner as to not interrupt pedestrian or automobile traffic. Pedestrian crosswalks and sidewalks shall be kept clear at all times. Loose material shall be promptly cleaned from the streets and sidewalks using appropriate measures.
 - (3) Special backfill requirements may be set by the Township Engineer. Backfill requirements will be determined at the time of application.
 - (4) Restoration of asphalt pavement.
 - (a) Temporary pavement shall consist of the appropriate compacted backfill material and topped with not less than eight inches of cold patch. The temporary pavement shall be replaced with the permanent repair immediately upon suitable weather conditions or when the work is completed.
 - (b) Permanent repair shall be in accordance with Detail RD-19 of the Township of Brighton Minimum Construction Standards and Details.⁵⁴
- C. Opening of berm or yard areas.
- (1) All work performed in areas other than the improved surface (asphalt or concrete) shall be performed in compliance with Detail SD-21 of the Township of Brighton Minimum Construction Standards and Details.
 - (2) All disturbed yard areas shall be graded, seeded, mulched and restored to their original condition.

§ 180-103. Monuments and markers.

- A. Type, material and size.

54. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

- (1) Monuments. Monuments shall be of cast in place or precast reinforced concrete at least six inches in diameter or four inches square and at least 30 inches in depth, with a metal center plug. The actual survey point shall be indicated by a one-sixteenth-inch hole drilled in the metal plug.
 - (2) Markers. Markers shall be iron pins or pipes at least 1/2 inch in diameter and not less than 30 inches in length or other material acceptable to the Engineer.
- B. Detection. Monuments and markers shall be detectable with conventional ferrous metal or magnetic locators.
- C. Acceptance of public improvements. No private or public improvements shall be accepted by the Township until all required monuments have been set and as-built drawings have been submitted and certified to, by a professional land surveyor. As-built drawings shall be submitted as follows: three full-size reproducible copies (24 inches by 36 inches), electronically submitted .pdf, electronically submitted in AutoCAD (latest version), and electronically submitted as a shape file (GIS) format compatible with the Brighton Township GIS platform. Surveyor's Certification language shall be in accordance with Construction Standard Detail AC-09.
- D. As-built drawings. As-built drawings shall include, but need not to be limited to, the following items:
- (1) Commercial as-built drawings. Buildings and location in relationship to; property lines; setback lines; property lines (bearings and distances); property corner monuments; parking delineation; line painting; right-of-way lines; easements; sanitary sewer lines; water lines, fire hydrants, Fire Department connections, handicap ramps, signage, parking; monument signs; sidewalks; site lighting; paving areas (asphalt/concrete); curb (asphalt/concrete); concrete pads; dumpster enclosure; driveways-radius, width, highway occupancy permit number, landscaping required by Code; regulatory/warning signage; retaining walls; guide rail; impervious/pervious computation; surveyors certification block.
 - (2) Residential as-built drawings. Concrete monuments; monument signs; easements; sanitary sewer lines, water lines, fire hydrants; line painting; street lighting; centerline bearings and distances for all public roadways; regulatory/warning signage; sidewalks; handicap ramps; right-of-way lines; retaining walls; guiderail; surveyors certification block.
 - (3) All as-built field surveys of the stormwater collection and detention facilities shall include the top and invert elevations of all inlets and manholes, endwalls and headwalls, easements and rights-of-way, rock rip rap and grass swales, pipe sizes and materials, detention basin storage volumes, outlet structure elevation with orifice size and elevation with computation documenting that the stormwater collection and detention facilities will manage and control the approved allowable full range of storm events.

§ 180-104. Traffic regulatory and guidance signs.

All installations, locations, and materials shall comply with Township and PA DOT standards.

- A. Traffic regulatory sign details and procedures.
- (1) Stop signs.
 - (2) Speed limit signs (25 mph, unless noted).
 - (3) No outlet signs.

- (4) Yield signs.
 - (5) Weight, size and load restrictions.
 - (6) Turning restrictions.
 - (7) Stopping, standing and parking restrictions.
 - (8) Hazardous grade speed limits.
 - (9) No-passing zones.
 - (10) No turns on red restrictions.
 - (11) Removal of traffic hazards.
 - (12) School zones and school zone speed limits.
 - (13) Special speeds on bridges or elevated structures.
 - (14) Creation of one-way streets.
- B. All traffic control signs (other than street names signs) must use the following specifications:
- (1) One sign per post.
 - (2) Must use easy erect channel.
 - (3) Ten-foot long galvanized steel posts.
 - (4) Three-foot counter sink posts.
 - (5) Break-away hardware.
 - (6) Theft proof nuts and bolts.
 - (7) All traffic control signs must be at least seven feet to the bottom of the sign, and two feet to five feet behind the curb.
 - (8) Signs, when not at an intersection should be placed between lots, on lot lines.
 - (9) Arrows indicate flow of traffic.
- C. Street name signs.
- (1) Developers may order street signs through the Township.
 - (2) The standard Brighton Township street sign will have the following specifications:
 - (a) The street name shall appear on street name signs in capital letters six inches high.
 - (b) Prefixes such as "North" shall be abbreviated to N.
 - (c) Suffixes such as "Drive" shall be abbreviated to DR.
 - (d) Prefixes and suffixes shall be four inches high.
 - (e) The street name sign shall have 3M or equal white reflective lettering, on 3M 7725-58 or

equal greenish background.

- (f) Signs shall be mounted on nine-inch-wide extruded aluminum blanks predrilled to accept vandal-proof hardware.
 - (g) Required length of sign shall be determined by the road name.
 - (h) Post brackets and cross brackets for mounting the signs must have a twelve-inch long slot for securing the signs and also be drilled to accept vandal-proof hardware.
 - (i) The vandal-proof hardware shall consist of bolts with a 12 part socket head.
 - (j) Sign posts shall be galvanized, 10.5 feet by 2.25 inches OD by two feet ID round posts.
- (3) Location.
- (a) All street name signs should be located on the corner opposite of where a stop sign will be.
 - (b) Post must be embedded in 24 inches to 30 inches of concrete and two feet to five feet behind the curbs.
- (4) Developers may install custom-made street name signs. The specifications shall be as follows:
- (a) Letter height must be four-inch minimum.
 - (b) Letter width must be one-and-one-half-inch minimum.
 - (c) Letter stroke width must be three-fourths-inch minimum.
 - (d) Letter color must be white or white reflective material
 - (e) The background color must be contrasting from that of the letters.

*NOTE: All custom-made street name signs shall be the responsibility of the respective homeowners' association and shall be identified in the homeowners' association documents, in the event that a custom-made sign for any reason may need to be replaced, it shall be replaced in a reasonable amount of time or the Township may replace it with a standard Brighton Township sign.

- (5) Type of installation required:
- (a) Four-way signs shall be installed at all intersections where at least one of the connecting roads are throughways that lead to another street. If one of the streets has no outlet, then only a two-way sign shall be required.
 - (b) Two-way signs shall be installed at intersections where none of the streets are throughways that lead to another street.
- D. Where required by the Township, the developer shall install one "No Street Parking by Brighton Township Ordinance" sign at the street entrance or entrance(s) to every plan. Specifications.
- (1) The sign must be installed within the first 100 feet of the entrance(s) to every development on the right-hand side of the street.
 - (2) The sign design must be provided using specifications below (i.e., red lettering on reflective

white background).

- (a) Sign dimensions are 24 inches wide and 30 inches in height;
- (b) The background must be white and be reflective;
- (c) The lettering must be red;
- (d) The sign must be outlined in red which is to be five-eighths-inch stroke width;
- (e) The lettering for "No Street Parking" is to be four inches in height and five-eighths-inch stroke width;
- (f) The lettering for "by Brighton Township Ordinance" is to be two inches in height and three-eighths-inch stroke width;
- (g) The layout of the sign shall be in accordance with current Penn DOT regulations.

E. Final approval.

- (1) All identification and traffic warning and regulatory signage must be installed prior to the Township issuing any building permits.
- (2) Bonds shall not be released for the streets until all signage installations receive final approval from the Township Engineer.
- (3) When all signs have been installed, the developer must request the Township to review the installations. The Township will give written acceptance/denial. (A copy must go to the Township.)
- (4) All developers must purchase and install all signs on their own. The Township will not order, pay for, receive, store or install any signs, posts, etc., for the developer.

* NOTE: All PA DOT publications can be obtained from:

PA Dept. of Transportation

Publication Sales Store

P.O. Box 134

Middletown, PA 15057

§ 180-105. Street lighting (SD-07).

The Township may require developers to install street lighting along those streets in the development to be dedicated to public use. All street lighting shall be installed in compliance with Township standards for work in Township rights-of-way. (See Detail SD-07 of the Township of Brighton Minimum Construction Standards and Details.⁵⁵) Payment for the energizing and maintenance of the street lights shall be the responsibility of the developer and/or the appropriate homeowners' association.

§ 180-106. Landscaping.

55. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.

- A. Street tree planting specifications. Trees shall be of substantially uniform size and shape and have straight trunks. Trees shall be properly planted and staked and provisions made by the developer for regular watering and maintenance until the development is complete and Township acceptance of streets. Dead and dying trees shall be replaced by the developer during the next planting season after the initial planting. The following standards shall be used during planting as approved by the Engineer:
- (1) (SD-03) Evergreen/deciduous tree planting detail: See Detail SD-03 of the Township of Brighton Minimum Construction Standards and Details.
 - (2) (SD-04) Shrub planting detail: See Detail SD-04 of the Township of Brighton Minimum Construction Standards and Details.

§ 180-107. Site design guidelines.

The maximum allowable slope on an embankment shall be two horizontal: one vertical (ratio). All embankments steeper than 2:1 shall require a retaining system.

§ 180-108. Lighting.

All exterior parking lots, driveways, vehicular access aisles, pedestrian access areas and loading spaces shall be sufficiently illuminated so as to provide safe on-site movements.

- A. Illumination shall be by sharp cutoff fixture-type with flush-mounted lens cap only.
- B. Fixtures shall be mounted parallel to the ground surface. Lighting for the purpose of highlighting a structure or landscape feature shall be exempt from this requirement, provided that the source of such light shall not be visible from the property lines or public right-of-way.
- C. Illumination shall not exceed one footcandle at all property boundaries.
- D. There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any R-District.

ARTICLE XIX
(Reserved)

§ 180-109. through § 180-129. (Reserved)

ARTICLE XX

Legal Responsibilities and Remedies**§ 180-130. Control of construction of public and private improvements by developers.**

All construction of public and private improvements in the Township must comply with §§ 180-65 through 180-68 of this Code and shall be conducted in accordance with §§ 180-84 through 180-140 of this Code.

- A. Notice prior to start of work. In order that the Township may provide inspection and emergency services during construction, the developer shall file with the Township a notice of commencement in a form set forth in Article XVIII not less than two days prior to start of work and shall also submit the following:
- (1) Names, addresses and telephone numbers of the superintendent, contractor and subcontractors and other responsible persons to be contacted in case of emergencies.
 - (2) A general schedule of construction which is to be updated during construction if changes are made.
- B. Supervision and superintendence.
- (1) The developer shall supervise and direct the work and be solely responsible to see that the work is done in accordance with the construction standards and specifications.
 - (2) The developer shall have available at all times while construction is continuing a competent superintendent, who may be contacted during an emergency. The superintendent will be the developer's representative at the site and shall have authority to act on behalf of the developer. All communications given to the superintendent shall be as binding as if given to the developer. If the superintendent is replaced, the developer shall give written notice thereof to the Township immediately.
 - (3) The developer shall be fully responsible for the acts and omissions of the contractors, the subcontractors, persons and organizations directly or indirectly in his employ.
- C. Site appearance. The developer shall keep the site free from accumulation of waste materials, rubbish and other debris resulting from the work. At the completion of the work, the developer shall remove all waste materials, rubbish and debris from and about the site as well as all tools, construction equipment and machinery, and surplus materials and shall leave the site clean.
- D. Parking. No construction vehicles, vehicles of construction employees, equipment, materials or supplies shall encroach onto a public street. In the case where there is a private street or proposed public street, not yet accepted by the Township, the developer shall maintain an eighteen-foot unobstructed clear path on such street for emergency vehicle purposes.
- E. Hours of construction. The operation of heavy construction or excavation machinery, including but not limited to bulldozers, high-lifts, backhoes, trucks, power shovels, pumps and jackhammers, and the operation of equipment such as saws and drills or any other type of machinery in conjunction with the construction of public and private improvements which causes noise sufficient to disturb the peace and general tranquility of the general public, shall be prohibited in the entire Township between the hours of 8:00 p.m. and 7:00 a.m., Monday through Saturday, and all day Sunday and holidays.
- F. Dust control. The developer shall maintain the site so as to control the dust. The developer shall employ measures necessary to control dust. At the Township's direction the Township may require

routine maintenance of the site for dust control should, in the opinion of the Township, the developer is not maintaining the site in a reasonable manor.

- G. Responsibility for compliance. The developer shall have the sole responsibility to comply with all federal, state, and local laws, and the Township disclaims any duty to enforce any violation of such laws or inform the developer of noncompliance.

§ 180-131. Control of construction of utilities by public utility companies.

- A. Township road occupancy permit is required for the installation of all utilities located within an existing public street in accordance with the procedures and requirements set forth in the Township Code.

§ 180-132. Violations; enforcement notice.

- A. It shall be unlawful for any developer, owner or public utility company to construct public or private improvements regulated by this Code, or cause the same to be done, in conflict with or in violation of any of the provisions of this Code.
- B. Enforcement notice.
- (1) If any violation of this Code has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
 - (2) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
 - (3) An enforcement notice shall state at least the following:
 - (a) The name of the owner of record and any other person against whom the Township intends to take action.
 - (b) The location of the property in violation.
 - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Code.
 - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (e) That the recipient of the notice has the right to appear to the Township Board of Supervisors within a prescribed period of time in accordance with procedures set forth in this Code.
 - (f) That failure to comply with the notice within the time specified, unless extended by appeal to the Township Board of Supervisors, constitutes a violation with possible sanctions clearly described.
- C. Any person who shall violate a provision of this Code or who shall fail to comply with any requirement thereof shall be subject to the penalties of the Township Code. Each day that a violation continues shall be a separate offense.
- D. Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the

Township from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to stop an illegal act.

§ 180-133. Enforcement; violations and penalties.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Code shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality 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 District Justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating the Code 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 District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Code shall be paid over to the Township.
- B. (Reserved)
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

§ 180-134. Legal remedies; causes of action.

In case any building, structure, landscaping or land is or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted by the Township, the Board of Supervisors, or with the approval of the Board, an officer of the Township may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

§ 180-135. Severability.

- A. Should any section, clause, provision or portion of this Code be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect or impair the validity of any other section, clause, provision or portion of this Code.
- B. It is hereby declared to be the intent of the Board of Supervisors of the Township, that this Code would have been adopted by the Township had such invalid or unconstitutional provision not been included herein, and the remaining portion declared invalid or unconstitutional had never been a part hereof.

§ 180-136. Stop-work order.

- A. Notice to stop work. Upon notice from the Township that work on the installation of public or private improvements is being prosecuted contrary to the provisions of this Code, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the developer, or to the person doing the work. The stop-work order shall state the conditions under which the work

may be resumed.

- B. Unlawful continuance. Any person who shall continue any work in or about a work site having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for the violations and penalties set forth herein.

§ 180-137. Procedure for acceptance of public improvements.

The procedure for acceptance of public improvements shall be in accordance with Article IX, Conditions of Acceptance, of the Subdivision and Land Development Code of the Township.

§ 180-138. Enactment of amendments to Code.

This Code may be amended by action of the Supervisors in accordance with the Township Code; and the Township of Brighton Minimum Standards and Details may be amended by resolution of the Supervisors upon recommendation of the Engineer and Township Manager.

§ 180-139. Mediation of disputes.

- A. Should there arise any dispute between the developer and the Township with regard to any provisions of this Code, the developer and Township may elect to use the provisions of this section to mediate such dispute. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate.
- B. Parties may agree to enter into mediation agreement provided it contains at least the following minimum provisions.
- (1) Identification of the selected mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and engineering practices. The mediator shall have demonstrated skills in mediation.
 - (2) Time frame in which the mediation will be conducted and completed.
 - (3) Provisions for suspension of time limits if necessary, for applications subject to the same in regards to subdivision, land development, PRD or other application or procedures pursuant to the Pennsylvania Municipalities Planning Code.⁵⁶
 - (4) Identification of all parties and affording them the opportunity to participate.
 - (5) Subject to legal restraints determining whether the mediation sessions or parts thereof shall be open to the public.
 - (6) Identification as to whether the results of such mediation shall be binding upon the parties.
- C. Funding for mediation shall be born equally between the Township and the developer.
- D. Mediated solutions shall be in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body when necessary.
- E. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

⁵⁶. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE XXI

Figures

§ 180-140. Specifications and details.

Refer to the Township of Brighton Minimum Construction Standards and Details⁵⁷ as adopted and may be amended by resolution of the Board of Supervisors.

57. Editor's Note: The Township of Brighton Minimum Construction Standards and Details are on file in the Township office.