

Code of Ordinances of
the
Township of Lynn
Lehigh County, Pennsylvania

Published by Authority of the Township

2017

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Officials of the

Township of Lynn

County of Lehigh, Pennsylvania

ELECTED OFFICIALS

BOARD OF SUPERVISORS

Chairman	<i>Justin N. Smith</i>
Vice Chairman	<i>Brian C. Dietrich</i>
Member	<i>Steve I. Feinour</i>

Tax Collector	<i>Mary Ann Metzger</i>
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Auditors	<i>Robert Hamm</i> <i>Dennis Snyder</i> <i>Carson Bear</i>
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APPOINTED OFFICIALS

Secretary	<i>Tammy White</i>
Treasurer	<i>Tammy White</i>
Codes Officer	<i>Codemaster</i>
Solicitor	<i>Marc Fisher, Esquire</i>
Engineer	<i>Keystone Consulting Engineers, Inc.</i>

FOREWORD

History

This comprises the codification of the ordinances of the Township of Lynn. The Township of Lynn was originally settled in 1732.

The Code of Ordinances of the Township of Lynn was prepared by Keystate Publishers, Inc., and adopted by the Township of Lynn Board of Supervisors on _____ by Ordinance Number _____.

Organization

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

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

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 An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix.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

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

The Township of Lynn hereby ordains:

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

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

Section 2. Citation and Effective Date. The codification referred to in Section 1 of this ordinance shall be known and cited officially as the "Township of Lynn Code of Ordinances," and all future ordinances shall make reference thereto. This ordinance shall become effective in accordance with law.

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

Section 4. Consolidation and Revision. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. *Consolidations.*

Section	Subject	Ordinance No., Section
15, Entire Chapter	Motor Vehicles and Traffic	1998-1; 2001-1; 2001-4; 2004-1; 2006-2; 2006-3; 2006-4; 2007-2; 2008-1

B. *Revisions.*

Section	Subject	Ordinance No., Section
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[Reserved]

Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. *New Enactments.*

Section	Subject
§§1-101–1-111	Preliminary Provisions
§§1-401-1-402	Intergovernmental Cooperation Agreement
§1-201	Planning Commission
§§7-301–7-313	Emergency Response and Reimbursement Ordinance 15,
Chapter 12	Entire Chapter. Intergovernmental Cooperation Law
Chapter 15	Entire Chapter. Motor Vehicles and Traffic
§§24-101–24-107	Earned Income and Net Profits Tax

B. *Amendments.*

Section	Subject	Ordinance No., Section
§6-107	Penalties	1981-1, §7
§7-207	Penalties	2008-3, §7
§8-110	Start of Construction	1983-2, §10; 1997-6, §1
§8-113	Enforcement	1983-2, §13
§10-107	Penalties	1988-1, §7
§10-206	Penalties for Violations	1986-2, §6
§10-303	Prohibition of Nuisances	1967-1, §3
§10-305	Penalties	1967-1, §5
§11-106	Penalties	2001-2, §6
§13-112	Penalties	1964-3, §12
§15-201	Maximum Speed Limits	13-4, §2
§15-402	Prohibited Parking	14-3, §1-3
§15-411	Penalties	14-3, §3-5
§16-104	Enforcement	2008-2, §4
§18-102	Individual Sewage System or Community Sewage System	1975-3, §2
§18-103	Application for a Sewage Permit	1975-3, §3
§18-106	Outstanding Sewage Permit	1975-3, §6
§18-112	Penalties	1975-3, §12
§18-127	Exclusiveness of Rights and Privileges	1990-1, §7
§18-129	Violations	1990-1, §9
§18-138	Exclusiveness of Rights and Privileges	1990-2, §8
§18-140	Violations	1990-2, §10
§18-205	Remedies, Fines and Penalties	1978-6, Art. V

Section	Subject	Ordinance No., Section
§18-212	Building Sewers and Connections	1979-1, Art. II
§18-213	Rules and Regulations Governing Building Sewers and Connections to	1979-1, Art. III; 1979-5, §1
§18-218	Miscellaneous Provisions	1979-1, Art. VIII
§20-107	Penalties and Remedies	1986-1, Art. VIII
§20-108	Separability and Amendment	1986-1, Art. IX
§21-106	Enforcement	2002-1, §6
§21-201	Permit Required	1974-2, §1
§21-206	Penalties	1974-2, §6
§21-310	Penalties	1993-3, §10
§21-407	Violations	1996-5, §7
§23-901	Right of Entry	2007-1, §901
§23-905	Penalties	2007-1, §905
§24-218	Fines and Costs	1989-3, §18
§24-312	Penalties	1994-1, §XIII
§24-504	Fee	1991-2, §5
§26-105	Violations	1992-1, §6
§27-102-103	Zoning	13-2, §§1-2
§27-201-209	Zoning	13-1, §§1-23
§27-301-309	Zoning	13-2, §§3-16; 14-1, §1; 14-4, §1
§27-310	Zoning	14-4, §4
§27-402	Zoning	13-2, §17-18
§27-403-410	Zoning	13-1, §§24-39; 13-2, §17-40
§27-502-503	Zoning	13-2, §§41-44
§27-601-607	Zoning	13-2, §§45-52
§27-701	Zoning	13-2, §§53-54
§27-702	Zoning	13-1, §§40-44; 13-2, §§55-56
§27-703	Zoning	13-2, §§62-73
§27-706	Zoning	13-2, §§74-75
§27-804	Zoning	13-1, §§45-47
§27-901	Zoning	13-2, §§76-77; §1; 14-4, §3
§27 Appendix C, E, F	Zoning	13-1, §§48-50

C. *Repeals.*

Ordinance/Resolution

Subject

Section 6. Adoption of Standard Codes by Reference. As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

Section

Short Title

[Reserved]

Section 7. Land Use Amendments. The Township of Lynn Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

A. *New Provisions.* The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

Section

Subject

[Reserved]

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

Section	Subject	Ordinance No.
§22-204	Submission of the Preliminary Plan	1980-2, §230; 1996-3, §1; 1997-7, §3; 1999-1, §7;
§22-302	Preliminary Plan	1980-2, §310; 1981-2, §1; 1994-4, §5; 2002-2, Art. II, §3; 2006-7, §1
§22-303	Final Plan	1980-2, §320; 1981-2, §2; 1993-1, §3; 1994-4, §§6–8; 1997-7, §3; 1999-1, §§1, 8; 2002-2, Art. II, §4; 2006-7, Art. II, §1; 2007-4, §§1,2
§22-405	Sanitary Sewage Disposal	1980-2, §440
§22-407	Storm Drainage Systems	1980-2, §470; 1981-2, §5
§22-410	Environmental Protection and Common Open Space Preservation	1980-2, §490; 1981-2, §5; 1989-5, §2; 1994-4, §16; 1997-7, §§4–8; 1999-1, §§2, 3; 2002-2, Art. II, §6; 2006-7, Art. II, §1
§22-502	Required Improvements	1980-2, §510; 1981-2, §6; 1994-4, §17
§22-603	Enforcement Remedies	1980-2, §620; 1989-5, §4; 1994-4, §19
§22-702	Definitions	1980-2, §710; 1981-2, §§9, 10; 1984-2, §1; 1989-2, §2; 1989-5, §6; 1994-4, §§21, 22; 1997-7, §3; 2002-2, Art. II, §7; 2003-2, §1
Appendix 22-A	Design and Construction Standards for Centralized Water Systems	1980-2, App. A; 1993-1, §§8–12; 1994-4, §23
Appendix 22-B	Storm Drainage Runoff Calculation	1980-2, App. B; 1993-1, §13
Appendix 22-C	Information - Major and Minor Subdivisions	1980-2, App. C; 1981-2, §§11, 12; 1993-1, §14; 1994-4, §24; 1997-7, §2
§27-402	Environmental Protection Areas	1982-1, §420; 1987-1, §3; 1993-2, §§20 and 21; 1994-3, §11; 2003-3, §3
§27-503	Standards Relevant to Individual Uses	1982-1, §530; 1987-1, §5; 1989-4, §5; 1991-1, §2; 1993-2, §§33–37; 1994-3, §§13 and 14; 1997-5, §§1–4; 1999-2, §§4, 8, 9; 2002-2, Art. I, §10; 2005-1, §4; 2006-5, §3
§27-602	Building Permits	1982-1, §620; 2002-2, Art. I, §11; 2002-3, §1

Section	Subject	Ordinance No.
§27-606	Violations and Enforcement	1982-1, §660; 1989-4, §6

C. *Repealed Provisions.* The following provisions of the Code are repealed, the text of which indicates deletions by ~~strike-through~~, and are as follows:

Section	Subject	Ordinance No.
	[Reserved]	

Section 8. Procedural Changes. The following minor procedural changes have been made to existing Township of Lynn ordinances:

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

Section 9. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed or added as follows:

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

Section 10. Responsibility for Code of Ordinances. It shall be the responsibility of the Township of Lynn Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Township of Lynn Code of Ordinances and shall be available for public inspection.

Section 11. Penalties. It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Township of Lynn. Whosoever shall violate this Section shall be guilty of an offense under §4911, "Tampering with Public Records or Information," of the Crimes Code, 18 Pa.C.S.A. §4911, and shall be prosecuted under that Section of the law.

Section 12. Severability of Parts of Codification. It is hereby declared to be the intention of the Township of Lynn that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that

invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this _____ day of _____, 20____.

ATTEST:

Township of Lynn

Secretary

Chairman, Board of Supervisors

Fee Resolution

A resolution establishing fees for the filing of applications, permits and licenses for the Township of Lynn.

WHEREAS, the Board of Supervisors of the Township of Lynn has adopted a codification, consolidation and revision of the ordinances of the Township of Lynn; and,

WHEREAS, it is the desire of the Board of Supervisors of the Township of Lynn to eliminate all filing fees, permit fees and license fees from the Code of Ordinances and enact them instead by resolution; and,

NOW, THEREFORE BE IT RESOLVED THAT and it is hereby resolved by the Board of Supervisors of the Township of Lynn that all fees are hereby fixed as follows:

Subject		Fees
PARKS		
Application Permits	§16-103	
Upper/new pavilion		\$100
Lower/old pavilion		\$100
Band shell		\$100
Butterfly garden		donations accepted
Covered bridge		donations accepted
TAX CERTIFICATIONS		
Fee	§24-504	\$10 per certification
SEWER CONNECTIONS		
Building Sewers and Connections	§18-212	
Permit		\$10
Rules and Regulations Governing Building Sewers and Connections to Sewers	§18-213	
Observation of test Fee		\$10

RESOLVED this ____ day of _____, 20____. ATTEST:

Township of Lynn

Secretary

Chairman, Board of Supervisors

Chapter 1

Administration and Government

Part 1

Preliminary Provisions

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

Part 2

Commissions and Committees

A. Planning Commission

- §1-201. Creation of Commission

B. Northwestern Recreation Commission

- §1-211. Recreation and Park Board Created
- §1-212. Members
- §1-213. Power to Enact By-laws and Rules and Regulations
- §1-214. Terms of Acceptance
- §1-215. Contract or Incur Any Debt or Obligation

C. Environmental Advisory Committee

- §1-221. Advisory Committee
- §1-222. Committee
- §1-223. Appointing Committee Members
- §1-224. No Compensation for Services
- §1-225. Advise and Coordinate
- §1-226. Organization of Committee
- §1-227. Powers of the Committee
- §1-228. Meetings
- §1-229. Subcommittees
- §1-230. Records
- §1-231. Appropriation of Funds by the Board of Supervisor

**Part 3
Tax Collector**

A. Appointment as Delinquent Tax Collector

§1-301. Appointment

§1-302. Delinquent Tax Collector

**Part 4
Intergovernmental Cooperation Agreement**

A. Appointment as Delinquent Tax Collector

§1-401. Purpose

§1-402. Joint Use of Municipal Equipment

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

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

(A.O.)

§1-102. Citation of Code of Ordinances.

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

(A.O.)

§1-103. Arrangement of Code.

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

§1-104. Headings.

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

§1-105. Tenses, Gender and Number.

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

(A.O.)

§1-106. Construction.

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.
2. *Effect of Repeal or Expiration of Code Section.*
 - A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.
 - B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.
3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations of the Township of Lynn, it is the intention of the Board of Supervisors that no ordinance or regulation of the Township be amended, revised or repealed by implication.
4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Board of Supervisors of the Township of Lynn (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, at the time of their passage by the Board of Supervisors. Such "resolutions" are included herein for ease of reference and the Board of Supervisors does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Board of Supervisors that such actions of the Board of Supervisors that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(A.O.)

§1-107. Normal Numbering.

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

(A.O.

§1-108. Special Numbering Problems.

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

§1-109. Amending Code.

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Board of Supervisors.
2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:
 - A. *Amendment or Revision.* "Chapter____, Part____, Section____, Subsection____, is hereby amended (revised) to read as follows" The amended or revised provisions may then be set out in full as desired.
 - B. *Addition.* "Chapter , Part , Section , Subsection , is hereby amended by the addition of the following" The new provision shall then be set out in full as desired.
 - C. *Repeal.* "Chapter , Part , Section , Subsection , is hereby repealed in its entirety."
3. It is the intention of the Board of Supervisors that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Board of Supervisors that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Board of Supervisors hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

(A.O.)

§1-110. Altering Code.

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

(A.O.)

§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Township any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:
 - A. *Violations of Health, Safety and Welfare Provisions.* For violations of

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

- (1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
- B. *Other Violations.* All other penalties, except for penalties in Chapter 15, "Motor Vehicles and Traffic" (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinances adopted under the authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:
- (1) Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Part, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney's fees and costs incurred by the Township. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.
 - (2) The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Township may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.
- (A.O.

Part 2 Commissions and Committees**A. Planning Commission****§1-201. Creation of Commission.**

A Township Planning Commission, to be composed of seven members, appointed as provided by law, 53 P.S. §10202, is hereby created in and for the Township. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Township planning agencies; provided, the Planning Commission previously created in and for the said [Municipality] shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission hereafter occurring shall be filled in the manner and for the term provided in the law governing Township planning commissions in effect at the time of the happening of the said vacancy.

(A.O.)

B. Northwestern Recreation Commission**§1-211. Recreation and Park Board Created.**

There is hereby created a recreation and park board known as the “Northwestern Recreation Commission.”

(Ord. 1984-4, 7/11/1984, §2)

§1-212. Members.

The Board shall be composed of seven members, two members of which shall be appointees of the Northwestern School Board. Each Township shall appoint one of its Supervisors and one member shall be appointed at large by a majority vote of the participating townships. All appointments shall be made in accordance with 53 P.S. §66903.

(Ord. 1984-4, 7/11/1984, §3)

§1-213. Power to Enact By-laws and Rules and Regulations.

The Northwestern Recreation Commission shall have all those powers set forth in the enabling legislation, specifically 53 P.S. 66901 *et seq.*, and shall have the power to enact by-laws and rules and regulations which are not inconsistent with the provisions of the enabling legislation.

(Ord. 1984-4, 7/11/1984, §4)

§1-214. Terms of Acceptance.

The Northwestern Recreation Commission may accept, by grant, gift, bequest or donation of services, equipment, real estate or money from any individual or group to be used as specified by the donor or by the terms of acceptance.

(Ord. 1984-4, 7/11/1984, §5)

§1-215. Contract or Incur Any Debt or Obligation.

The Northwestern Recreation Commission shall have no authority to enter into any contract or incur any debt or obligation binding upon the participating municipalities and the school district, other than current obligations or contracts to be fully executed within the then current fiscal year and within the budget appropriation made by the governing bodies of the participating municipalities and school district; except, the Northwestern Recreation Commission shall be empowered to enter into a certain proposed lease agreement for a term up to 5 years in which Waldemar Artes is the lessor under terms and as the Northwestern Recreation Commission shall deem appropriate.

(Ord. 1984-4, 7/11/1984, §6)

C. Environment of Advisory Council**§1-221. Advisory Committee.**

An advisory committee, to be known as the "Lynn Township Environmental Advisory Committee," is hereby created and shall continue to function until this Part 2C is revoked.

(Ord. 2006-6, 11/2/2006, §1)

§1-222. Committee.

The Committee shall be composed of between three and five residents of this Township.

(Ord. 2006-6, 11/2/2006, §2)

§1-223. Appointing Committee Members.

Committee members shall be appointed in accordance with the following procedures:

1. All committee members shall be appointed by and serve at the pleasure of the Board of Supervisors of Lynn Township.
2. Committee members' terms of office shall expire on the first Monday in January following the last year of their term of office.
3. Duly appointed committee members shall serve a term of 3 years, except that initial appointment shall be so staggered that the terms of approximately one-third of the membership shall expire each year.
4. Whenever possible, one member shall also be a member of the Planning Commission.

(Ord. 2006-6, 11/2/2006, §3)

§1-224. No Compensation for Services.

Committee members shall receive no compensation for their services, but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties, provided such expenses were pre-approved by the Township Administrator or the Board of Supervisors.

(Ord. 2006-6, 11/2/2006, §4)

§1-225. Advise and Coordinate.

The Committee is to be advisory to and shall coordinate its activities with the elected officials, Planning Commission, Historical Commission, and other such local governmental agencies.

(Ord. 2006-6, 11/2/2006, §5)

§1-226. Organization of Committee.

During the annual organizational meeting of the Board of Supervisors, the Board of Supervisors shall designate the chairman of the Committee, who shall serve at the pleasure of the Board of Supervisors, to preside over all meetings of the Committee. In

the event of a vacancy in such chairmanship, the Board of Supervisors shall retain power to fill such office. Annually, as the first order of business of the Committee at the first meeting of the Committee following the Supervisors' annual organizational meeting, the Committee shall elect from its members a Vice-Chairman, Secretary and Assistant Secretary, provided such person(s) shall have received a simple majority vote of the membership of the full Committee. The Vice-Chair shall perform all duties of the Chairman in the event the Chairman is absent from the Township for more than 14 days and/or during any meeting of the Committee (or any part thereof) which is not attended by the Chairman. The Secretary shall keep the minutes and records of the Committee and shall prepare the agenda of regular and special meetings under the direction of the Chair, provide notice of all meetings to Committee members and as required by the Sunshine Act, attend to correspondence of the Council and such other duties as are normally carried out by a Secretary. The Assistant Secretary shall perform all duties of the Secretary in the event the Secretary is absent from the Township for more than 14 days and/or during any meeting of the Committee (or any part thereof) which is not attended by the Secretary. In the absence of the Chair and Vice-Chair, or of the Secretary and Assistant Secretary, during any meeting, the Committee members in attendance may, by majority vote, designate a person to temporarily fill the position for such meeting, provided a quorum of Committee is present.

(Ord. 2006-6, 11/2/2006, §6)

§1-227. Powers of the Committee.

The Committee shall have the following powers:

1. Identify environmental problems.
2. Recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the area of this Township.
3. Make recommendations as to the possible use of open land areas of this Township.
4. Promote community environmental programs.
5. Keep an index of all open areas, publicly or privately owned, including, but not limited to, the Kittatinny Ridge, flood prone areas, swamps, and other unique natural areas.
6. Advise the appropriate local governmental agencies in the acquisition of property, both real and personal.
7. To undertake such environmental tasks as requested by the Board of Supervisors.

(Ord. 2006-6, 11/2/2006, §7)

§1-228. Meetings.

1. Regular meetings will be held by the Committee on a periodic, recurring basis. The Committee shall establish the time(s) of day, date(s), and place(s) of such regular meetings by official action. It shall be presumed that the Committee will hold all of its regular meetings at the time, on the date, and at the place designated unless a meeting

is canceled by the Chair for cause and notice given to Committee members. In the event of a conflict with holidays or other events, a majority vote at any meeting may change the date and place of a regular meeting. The order of business at regular meetings shall be:

- A. Roll call.
 - B. Reading of minutes of previous meeting and action thereon.
 - C. Report of officers and committees.
 - D. Old business.
 - E. New business.
 - F. Public comment.
 - G. Adjournment.
2. A quorum shall consist of a simple majority of the total Committee membership. The number of votes necessary to transact business relating to the Committee itself is a simple majority vote of the quorum. It shall require a vote of a simple majority of the entire Committee membership to transact business in which persons have an interest, there is widespread community interest in a matter in the Township, or the action is likely to effect the long-term future development of the Township such as, but not limited to, the adoption of plans, official maps, and regulations, and review of subdivision plans and land developments; and action on zoning matters and planned commercial, industrial, agricultural, public works, and recreational developments. All business being considered during any meeting shall cease whenever a quorum of the Committee fails to be present.
 3. Special meetings may be called by the Chair. It shall be the duty of the Chair to call a special meeting within 7 days when requested to do so by a majority of members of the Committee. The Secretary shall strive to notify all members of the Committee in writing no less than 3 days in advance of such special meetings. Special meetings should be convened sparingly and to conduct business which could not otherwise ordinarily wait for the next regularly-scheduled meeting of the Committee.
 4. *Sunshine Act*. The Sunshine Act, 65 Pa. C.S.A. §701 *et seq.*, shall apply to all meetings of the Committee, and advertisements of same shall likewise conform to such Act. All meetings or portions of meetings at which official action is taken shall be open to the public. However, the Committee may meet in closed session if authorized by the Sunshine, 65 Pa. C.S.A. §701 *et seq.* Public notices required by the Act shall be placed in the Northwestern Press newspaper, unless an emergency exists such that advertisement in such newspaper is not feasible. The Chairman of the Board of Supervisors shall determine whether a sufficient emergency exist so as to justify the calling of a special meeting of the Committee.
 5. Unless otherwise specified, *Robert's Rules of Order* shall govern the proceedings at meetings of this Committee. A motion from the floor must be made and passed in order to dispense with any item on the agenda.
 6. All meetings not called to order for any reason within 15 minutes of the time designated may be canceled.
 7. The Committee shall not have to power to hire consultants without the advance express approval of the Board of Supervisors. Legal questions arising, or expected to arise, during Committee meetings shall be directed to the Township Solicitor exclusively. Engineering questions arising, or expected to arise, during Committee meetings shall be directed to the Township Engineer exclusively. (*Ord. 2006-6, 11/2/2006, §8*)

§1-229. Subcommittees.

The Chair may appoint subcommittees for specific, limited purposes as necessary, provided such special subcommittees render reports to the Committee for further consideration. No subcommittee shall have powers broader than those herein granted to the Committee itself.

(Ord. 2006-6, 11/2/2006, §9)

§1-230. Records.

The Committee shall keep records of its meetings and activities and shall make an annual written report to the Planning Commission and Board of Supervisors. Minutes of each meeting, as approved by the Committee, shall be forwarded to the Board of Supervisors and be available as public records of the Township.

(Ord. 2006-6, 11/2/2006, §10)

§1-231. Appropriation of Funds by the Board of Supervisors.

The Board of Supervisors may in its sound discretion appropriate funds for the expenses incurred by the Committee.

(Ord. 2006-6, 11/2/2006, §11)

Part 3 Tax Collector**A. Appointment as Delinquent Tax Collector****§1-301. Appointment.**

The Board of Supervisors hereby appoints the elected tax collector as the delinquent tax collector.

(Ord. 2002-4, 12/27/2002, §1)

§1-302. Delinquent Tax Collector.

The delinquent tax collector shall have the same powers, rights privileges duties, and obligations as set forth in 24 P.S. §6-686 of the Public School Code of 1949.

(Ord. 2002-4, 12/27/2002, §2)

Part 4 Intergovernmental Cooperation Agreement**§1-401. Purpose.**

1. The Intergovernmental Cooperation Law (53 Pa C.S.A. §2301 et al.) authorizes local governments to jointly cooperate in the exercise or in the performance of their respective governmental functions, powers and responsibilities.
2. The Townships of Weisenberg, Heidelberg, Lowhill and Lynn deem it in the best interest of their respective Townships to from time to time jointly purchase, own, use and dispose of municipal equipment.

§1-402. Joint Use of Municipal Equipment.

1. In furtherance of this Ordinance, the Townships may from time to time jointly purchase specific equipment by resolution duly adopted in accordance with the 2nd Class Township Code and all state statutes and Township Ordinances.
2. The municipal equipment that is the subject of this Ordinance shall be held in joint ownership by the Townships of Weisenberg, Heidelberg, Lowhill and Lynn (the "Joint Townships".)
3. Each of the Joint Townships shall pay one-fourth of the cost of insurance, maintenance and repair of the municipal equipment.
4. Each Township shall provide at least one person who is trained to operate the municipal equipment. The municipal equipment shall be operated only by employees of the Joint Townships.
5. The Joint Townships may establish guidelines and fees for renting the Municipal equipment to other municipalities when the Municipal equipment is not being utilized by one of the Joint Townships. Any receipts from the renting of the Municipal equipment shall be deposited into a Joint Fund Account for this equipment. The renting municipality shall also directly reimburse the individual Joint Township which employs the accompanying operator of the Municipal equipment for the costs of the employee's labor. Each of the Joint Townships may establish their own rates for the costs of the labor.
6. Each of the Joint Townships may use the Municipal equipment at no charge. A fee schedule for use may at some time be established for use of the Municipal equipment only if all of the Joint Townships agree. Any fees collected for use of the Municipal equipment shall be deposited into the existing Joint Fund Account. Lynn Township shall be the custodian of the records, financial statements, and documents of the account and shall prepare and provide an accounting and such reports of financial transactions as may be requested by any of the Joint Townships.
7. The funds deposited in the aforementioned account shall be disbursed only for maintenance, repairs, replacement of parts and replacement of the Municipal equipment or other equipment that is owned by the Joint Townships. Two individuals who are employees or officials from two of the Joint Townships shall be designated by unanimous consent to jointly authorize any payments from the account. If the account fund is insufficient to cover the costs

of the authorized expenditures, each of the Joint Townships shall contribute the funds necessary to meet the deficiency on the basis of their proportionate contribution to the account during the preceding twelve months. Each municipality shall be solely responsible for damages to the Municipal equipment directly attributable to the negligent operation by the employee or employees of the township or the failure to properly maintain the Municipal equipment while it is within its custody.

8. Each of the Joint Townships agrees to the terms established by Lehigh County as part of the "Lehigh County Community Revitalization Grant Agreement" of 2013. Whereas, Lehigh County has awarded each of the four Joint Townships a matching grant for \$7,100.00 to assist in the purchase of the Municipal equipment.
9. By March 1st of each year, the Joint Townships will agree on an annual schedule for the utilization of the Municipal equipment. Conflicts shall be resolved by a majority vote of the Joint Townships
10. Each municipality shall be responsible for purchasing all materials used in their municipality,
11. The term of this agreement is perpetual, but any participating municipality can withdraw from the agreement at any time by giving all other participating municipalities at least sixty (60) days prior written notice of its intention to withdraw.

(Ord. 13-3, 11/13/14, §§1-4)

Chapter 2

[Reserved]

Chapter 3

[Reserved]

Chapter 4

[Reserved]

Chapter 5 Code

Enforcement

Part 1

Uniform Construction Code

- §5-101. Election to Administer and Enforce
- §5-102. Implementation of Uniform Construction Code
- §5-103. Administration and Enforcement
- §5-104. Board of Appeals
- §5-105. Fees
- §5-106. Existing Ordinances Preserved
- §5-107. Existing Ordinances Amended
- §5-108. Report of Inspection of Code Certifications
- §5-109. Savings Clause

Part 1**Uniform Construction Code****§5-101. Election to Administer and Enforce.**

Lynn Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations.

(Ord. 2004-2, 6/3/2004, §1)

§5-102. Implementation of Uniform Construction Code.

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

(Ord. 2004-2, 6/3/2004, §2)

§5-103. Administration and Enforcement

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

- A. By the designation of one or more employees or agents of Lynn Township to serve as a municipal code official.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township.
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Part through an inter-municipal agreement.
- D. By entering into a contract with another municipality for the administration and enforcement of this Part on behalf of this Township.
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 2004-2, 6/3/2004, §3)

§5-104. Board of Appeals.

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

(Ord. 2004-2, 6/3/2004, §4)

§5-105. Fees.

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

(Ord. 2004-2, 6/3/2004, §5)

§5-106. Existing Ordinances Preserved.

All building code ordinances or portions of ordinances, which were adopted by Lynn Township on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

(Ord. 2004-2, 6/3/2004, §6)

§5-107. Existing Ordinances Amended.

All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

(Ord. 2004-2, 6/3/2004, §7)

§5-108. Report of Inspection of Code Certifications.

All persons designated by the Board of Supervisors to conduct inspections required by the Township Municipal Building Code shall, no later than the first Monday in January, annually provide a comprehensive list of all Codes for which he/she is currently certified to inspect, and the date(s) upon which each such certification shall be deemed to expire. Failure to furnish such list shall be treated as though a designated person has no such certifications and will only be permitted to inspect commercial matters for a period of 5 years, and/or noncommercial matters for a period of 3 years, from the date of this Part shall have been initially adopted by the Board of Supervisors.

(Ord. 2004-2, 6/3/2004, §8)

§5-109. Savings Clause.

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

(Ord. 2004-2, 6/3/2004, §9)

Chapter 6

Conduct

Part 1

Drug Device and Paraphernalia

§6-101. Short Title

§6-102. Definitions

§6-103. Possession, Manufacture, and Sale of Paraphernalia or Drug Paraphernalia

§6-104. Construction

§6-105. Exclusions

§6-106. Purpose

§6-107. Penalties

Part 1**Drug Device and Paraphernalia****§6-101. Short Title.**

This Part shall be known as the "Paraphernalia Ordinance of the Township of Lynn."
(Ord. 1981-1, 4/2/1981, §1)

§6-102. Definitions.

The following words and phrases when used in this Part shall, for the purposes of this Part, have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

Cocaine spoon - a spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a "cocaine" spoon or "coke" spoon.

Controlled substance - any drug, substance or immediate precursor enumerated in §4 of the Act of April 14, 1972, P.L. 233, No. 64, as amended, 35 P.S. §780-104, being §4 of what is commonly known as the "Controlled Substance, Drug, Device and Cosmetic Act" of 1972.

Marijuana or hashish pipe - a pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than lawful smoking tobacco, and which may or may not be equipped with a screen.

Paraphernalia or drug paraphernalia - all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this Part, it includes but is not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.

- (5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, marmite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
- (7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- (9) Capsules, balloons, envelopes or other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in, parenterally injecting controlled substances into the human body.
- (12) Objects used, intended for use or designed for use in ingesting inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - (b) Water pipes.
 - (c) Carburetion tubes and devices.
 - (d) Smoking and carburetion masks.
 - (e) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - (f) Miniature cocaine spoons and cocaine vials.
 - (g) Chamber pipes.
 - (h) Carburetor pipes.
 - (i) Electric pipes.
 - (j) Air-driven pipes.
 - (k) Chillums.
 - (l) Bongs.
 - (m) Ice pipes or chillers.

In determining whether an object is "paraphernalia" or "drug paraphernalia," a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (a) Statements by an owner or by anyone on control of the object concerning its use.

- (b) Prior convictions, if any, of an owner or of anyone in control of the object, under any Township ordinance, State or Federal law relating to any controlled substance.
- (c) The proximity of the object, in time and space, to a direct violation of this Part.
- (d) The proximity of the object to controlled substance.
- (e) The existence of any residue of controlled substances on the object.
- (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons whom he knows, intend to use the object to facilitate a violation of this Part; the innocence of an owner or of anyone in control of the object, as to direct violation of this Part shall not prevent a finding that the object is intended for use or designed for use as “drug paraphernalia” or “paraphernalia.”
- (g) Instructions, oral or written, provided with the object concerning its use.
- (h) Descriptive materials accompanying the objects which explain or depict its use.
- (i) National and local advertising concerning its use.
- (j) The manner in which the object is displayed for sale.
- (k) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
- (l) The existence and scope of legitimate uses for the object in the community.
- (m) Expert testimony concerning its use.

Person - an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association.

Place of display - any museum, library, school or other similar public place upon which business is not transacted for profit.

Premises - a business establishment and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of patrons.

(Ord. 1981-1, 4/2/1981, §2)

§6-103. Possession, Manufacture, and Sale of Paraphernalia or Drug Paraphernalia.

1. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Part.
2. It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it

will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this Part.

3. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(Ord. 1981-1, 4/2/1981, §3)

§6-104. Construction.

This Part shall not be construed to prohibit the display of police or other police sanctioned authorities of drug paraphernalia or paraphernalia for educational or demonstrative use.

(Ord. 1981-1, 4/2/1981, §4)

§6-105. Exclusions.

The prohibitions contained in this Part shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, paramedics, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists or embalmers in the normal lawful course of their respective businesses or professions, nor to common carriers or warehousemen or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to person, suffering from diabetes, asthma or any other medical condition requiring self-injection.

(Ord. 1981-1, 4/2/1981, §5)

§6-106. Purpose.

This Part is hereby declared to be a measure necessary for the preservation of the public health, safety and welfare of the Township of Lynn, and for the further reason that the sale and/or use of drug paraphernalia is a presently existing and/or potentially serious danger to youths and other residents of the Township which requires regulation.

(Ord. 1981-1, 4/2/1981, §6)

§6-107. Penalties.

Any person who shall violate any of the provisions of this Part shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$50 nor more than

\$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1981-1, 4/2/1981, §7; as amended by A.O.)

Chapter 7

Emergency Management Services

Part 1

Recognizing and Authorizing Activities of Fire Companies

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- §7-102. Authorized Activities of the Fire Companies
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Part 1**Recognizing and Authorizing
Activities of Fire Companies****§7-101. Fire Companies Recognized.**

The Lynnport Fire Company and the New Tripoli Fire Company organized and existing in the Township of Lynn, Lehigh County, Pennsylvania, are hereby designated as the officially recognized fire companies for the Township.

(Ord. 1993-6, 9/2/1993, §1)

§7-102. Authorized Activities of the Fire Companies.

1. The fire companies recognized by the Township are hereby authorized to provide such services to the Township as may be necessary for the protection of property and persons situate therein, which include, by way of example and not of limitation, the extinguishment and prevention of loss of life and property from fire, automobile accidents, medical emergencies, hazardous materials incidents and other dangerous situations.
2. The fire companies may also provide nonemergency and public service functions, such as, again by way of example and not of limitation, removing water from property after storms, and assisting in the removal, abatement and prevention of damage or injury to persons, property, whether through natural causes or man-made situations.
3. The fire companies may also conduct and participate in such training activities and drills, either within or outside of the Township, as may be deemed necessary by the officers of the fire company to maintain proficiency in providing service.
4. The fire companies may also respond to calls and provide services to municipalities outside of the township.

(Ord. 1993-6, 9/2/1993, §2)

§7-103. Authorized Activities of Members of the Fire Companies.

1. In addition to actually participating in the activities of the fire companies as authorized above, or in going to or returning from any activity, the members of the fire companies recognized by the Township are also authorized to do the following things:
 - A. Engage in any type of drill, training, ceremony, practice, test or parade when duly called for or authorized by an officer or officers of the fire companies.
 - B. Engage in fundraising activities for the fire companies, when authorized by an officer or officers of the fire companies.
 - C. Engage in the performance of any other duties or activities authorized by any officer of the recognized fire companies.

(Ord. 1993-6, 9/2/1993, §3)

§7-104. Purpose.

The purpose of this Part is to recognize the Lynnport Fire Company and the New Tripoli Fire Company as the official fire companies of the Township, and to state additional authorized activities for firefighters for workmens' compensation and immunity purposes.

(Ord. 1993-6, 9/2/1993, §4)

Part 2 Open Burning

§7-201. Title.

This Part shall be known and may be cited as the “Lynn Township Open Burning Ordinance.”
(Ord. 2008-3, 6/12/2008, §1)

§7-202. Declaration of Purpose.

It is hereby declared to be the policy of Lynn Township as a matter of public health and safety to regulate fires and open burning in Lynn Township for the purposes of controlling air pollution and protecting buildings, housing, property and the well-being of its citizens.
(Ord. 2008-3, 6/12/2008, §2)

§7-203. Definitions.

Open burning or open fire - any fire which is not burning within a fully enclosed and fire resistant container.

Permanent burning structure - any masonry structure permanently and expressly placed in or on the ground for burning and which is capable of safely isolating combustible materials to be burned from all other matter and person(s).

Person - a business, governmental body, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

Right-of-way - a strip of land acquired by deed, reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied as a road, crosswalk, railroad, thoroughfare and/or the actual or potential placement of and/or ingress/ egress and use of electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, public utilities and other similar uses.

Vegetative matter - trees, leaves, grass clippings, plant cuttings, and limbs of trees up to 4 inches in diameter.

Wood and wood products - tree stumps of any size, tree trunks of any size, and limbs of trees exceeding 4 inches in diameter and all products of or made from, wood that have not been treated with a preservative, painted, stained, or coated.

(Ord. 2008-3, 6/12/2008, §3)

§7-204. Open Fires Allowed Without a Permit.

The following types of open fires are allowed without a permit:

1. Wood and wood products, provided all of the following are met at all times:
 - A. Except as provided in paragraph D, all open fires shall be in a permanent burning structure or metal container, such as a 55-gallon drum.
 - B. A screen or wire mesh shall cover all containers during fires to prevent flying burnt/burning particles from floating in the air.

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- C. All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible for and capable of preventing the spread of the fire or hazardous conditions.
 - D. Wood and wood products shall not be transported into Lynn Township for the purpose of incineration, open burning, or inclusion in an open fire.
 - E. The burning of wood and wood products shall comply with section 5 (relating to general regulations) of this Part.
 2. Vegetative matter, provided all of the following are met at all times:
 - A. All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible for and capable of preventing the spread of the fire or hazardous conditions.
 - B. The footprint of the fire shall not exceed a 400 square feet.
 - C. No vegetative matter may be delivered for burning from the property of another person.
 - D. The burning of vegetative matter shall comply with §7-205 (relating to general regulations) of this Part.
 3. Burning of established farm field, provided all of the following are met at all times:
 - A. The burning of established farm field may occur for the limited purpose of weed or brush control.
 - B. The person desiring to burn a field for weed or brush control shall first notify the Lehigh County Communications Center at (610) 437-5252, or such other number as may be designated by the county, to report the planned burning prior to ignition.
 - C. All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible for and capable of preventing the spread of the fire or hazardous conditions.
 - D. The burning of fields for farm purposes shall comply with section relating to §7-205 (general regulations) of this Part.
 4. Residual lumber from any construction undertaken pursuant to a permit issued by Lynn Township or remaining following the demolition of any structure authorized pursuant to a permit issued by Lynn Township, provided all of the following are met at all times:
 - A. All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible for and capable of preventing the spread of the fire or hazardous conditions.
 - B. The footprint of the fire shall not exceed 400 square feet.
 - C. No residual lumber may be delivered for burning from the property of another person or transported into Lynn Township for the purpose of incineration, open burning, or inclusion in an open fire.
 - D. The burning of residual lumber shall comply with §7-205 (relating to general regulations) of this Part.
 5. *Selected Open Fires.* The following types of open fires are allowed without

a permit subject to §7-205.B through .F (relating to general regulations) of this Part:

- A. Fires solely for cooking of food for immediate consumption.
- B. Camp fires for warmth, fellowship, food preparation, or ceremonial purposes.
- C. Indoor open fires initiated and kept entirely within approved and properly maintained fireplaces, flues, and chimneys.
- D. Fires set in the authorized performance of public duty by any fireman. Any fires set in the authorized performance of public duty by any fireman shall not be subject to the restrictions of §7-205 (relating to general regulations).

(Ord. 2008-3, 6/12/2008, §4)

§7-205. General Regulations.

Any open burning shall be subject to the following general regulations:

1. No open fire shall be permitted between dusk and dawn.
2. All open fires shall be conducted only on premises, exclusive of all rights of way, owned by the person responsible for such fire.
3. No open fire shall be conducted closer than 20 feet from any building, structure, shrubbery, tree, property line or combustible material.
4. No open fire shall be allowed whenever drought or extreme weather conditions exist or when a ban on burning has been put into effect by the Commonwealth of Pennsylvania or Township. Notices of such restriction or weather conditions shall be given by notice in a newspaper or by posting a notice at the Township office or at the fire companies.
5. No open fire shall violate the provisions of any federal or state law or regulation.
6. The person attending the fire and responsible for controlling the fire must be 18 years of age or older.
7. No material to be burned in an open fire shall be stacked or accumulated in such a way to exceed 6 feet in height, or 10 feet in height when burning matter on an established farm field from such field, at the time of or subsequent to ignition.

(Ord. 2008-3, 6/12/2008, §5)

§7-206. General Prohibition.

Except as provided above, no other open fires or open burning shall be permitted within Lynn Township. This shall include igniting, burning, and or feeding any indoor open fire (except in approved fireplaces) or outdoor open fire which creates noxious or objectionable emissions, or is prohibited by prevailing state and/or federal laws and regulations, or includes the burning in any manner whatsoever of the following:

1. Tires or other rubber products.
2. Roof shingles or other roofing materials.
3. Treated wood/lumber.

4. Electrical wire insulation.
5. Fiberglass or home insulation.
6. Plastic and vinyl products.
7. Asbestos containing materials.
8. Paint, oil or petroleum products.
9. Painted or stained wood.
10. Mattresses, box spring or other home furnishings.
11. Any metal objects.
12. Television sets, electronic devices, light bulbs of all types, or appliances
13. Automobiles, automobile parts including batteries.
14. Diapers.
15. Human and animal waste.
16. Animal hides, furs or skins.
17. Recyclable material currently accepted by the Township at the Township's recycling/transfer center.
18. Clothing attire, shoes or accessories.
19. Drywall, carpet and carpet padding.

(Ord. 2008-3, 6/12/2008, §6)

§7-207. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. This penalty section is enacted pursuant to 53 P.S. §66601(c.1)(2), for health, fire, public safety, and for air and water pollution purposes.

(Ord. 2008-3, 6/12/2008, §7; as amended by A.O.)

Part 3**Emergency Response and Reimbursement Ordinance****§7-301. Title.**

This Part shall be known as the “Lynn Township Emergency Response and Reimbursement Ordinance.”

(A.O.

§7-302. Definitions.

1. Terms used in this Part which are defined in the Pennsylvania Hazardous Material Emergency Planning and Response Act, 35 P.S. 6022.101 *et seq.*, or any amendments thereto, shall be presumed to have the same meaning as set forth in that Act, unless expressly defined differently herein.
2. Terms used in this Part which are defined in the 1992 and 1994 amendments to the Pennsylvania Insurance Company Law, Acts 1992-98 and 1994-93 respectively, 40 P.S. §63, or any subsequent amendments thereto, shall be presumed to have the same meaning as set forth in that Act, unless expressly defined differently herein.
3. *Specifically Defined Terms:*

Accidental false alarm - any false alarm which is not intentionally caused and which occurs when an actual intrusion, crime, fire, or other emergency has not taken place.

Alarm - any siren, bell, horn, or other device which is attached to the interior or exterior of a structure and emits a warning signal audible outside the structure, or transmits a prerecorded voice alarm or other signal and is designed to attract attention, or transmits a message to an emergency communication center, when activated by a criminal act or other emergency requiring emergency response agencies to respond. The term “alarm” shall include automatic protection devices and sensory devices.

Alarm device - a device designated to automatically transmit an alarm by wire, telephone, radio signal, or other means (1) to the Lehigh County Communication Center or any fire department directly or (2) to a person who is instructed to notify the Lehigh County Communication Center.

Automatic protection device - an electrically operated instrument composed of sensory apparatus and related hardware which automatically transmits a prerecorded voice alarm or other similar message over telephone line, by direct or indirect connection to an emergency communication center, upon receipt of a stimulus from sensory apparatus that has detected a physical force or other stimulus inherently characteristic of a fire intrusion.

Board - the Board of Supervisors of Lynn Township, Lehigh County, Pennsylvania.

Emergency communication center - a protection system or group of such systems, operated privately for customers or publicly by a person, firm, corporation, or governmental entity which maintains, supervises, or accepts recorded messages

from automatic protection devices at a central station having operators that have the duty to take appropriate action upon receipt of a signal or message.

Emergency incident - an occurrence involving a risk of harm and/or imminent threat to private or public property, life, or a potential threat to the environment or public health or safety including, but not limited to, fires; petroleum, chemical, or hazardous materials spills and releases; and building, well, trench, or sinkhole collapses.

Emergency response agencies - fire companies, ambulance corps, fire police, and other emergency providers serving the residents of the Township or responding to requests for and/or assistance pursuant to any mutual aid agreement duly authorized by the Township, and Township employees responding to an emergency incident at the request of an emergency response agency.

Emergency service costs - all direct and indirect costs and expenses incurred or expended by the Township or any emergency response agency, or both, in connection with any emergency incident including, but not limited to, the following:

- 1) The costs of labor calculated by determining the actual hourly wage rate plus the hourly cost of fringe benefits (and including overtime rates, if applicable) normally paid by the Township to the Township personnel involved in responding to any emergency incident, times the number of hours worked in response to any emergency incident, or, in the case of emergency response agencies, volunteer personnel, the reasonable hourly value of the volunteer personnel as determined by the Township Board of Supervisors from time to time, taking into account the funds expended to train and properly equip each such volunteer, times the number of hours worked by each such volunteer in response to any emergency incident.
- 2) The costs of all non-reusable materials and all contaminated or consumed materials utilized in connection with any emergency incident.
- 3) The costs of all equipment, calculated by estimating the number of hours of the useful life of such equipment and dividing the same into the replacement cost plus the maintenance cost of said equipment and then multiplying the result by the number of hours such equipment was "in service" in response to any emergency incident.
- 4) The administrative cost of record keeping, information processing and compilation of a bill of costs.
- 5) The reasonable attorney's fees and costs (including witness fees) of pursuing any and all enforcement or collection actions for emergency service costs against responsible parties.

False alarms - any alarm or signal activated by an automatic protection device, or any other kind of direct or indirect signal given to an emergency communication center, or any signal given from a sensory device, to which fire or emergency personnel respond, which is not the result of weather extremes, burglary, robbery, fire, or similar emergency.

Fire loss - any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including all endorsements or riders to the policy.

Insuring agent - any fire or casualty insurer which provides reimbursement for emergency

response agency costs or expenses in the event of an emergency incident.

Remote station protective signaling system - an installation using supervised dedicated circuits, installed to transmit alarm, supervisory and trouble signals from one or more protected premises to a remote location at which appropriate action is taken.

Responsible party/parties - the following person(s) or legal entity(s) shall, for the purposes of this Part, be deemed responsible parties:

- (1) The owner of any petroleum, petroleum distillate or by-product, hazardous material or chemical, and any carrier, including pipeline owner, of any such material, which is spilled, released, dumped, deposited or stored and to which there is a response by an emergency response agency.
- (2) The owner of the real property on which any petroleum, petroleum distillate or by-product, hazardous material or chemical is spilled, released, dumped, deposited, or stored and to which there is a response by an emergency response agency.
- (3) The owner of real or personal property on or in which there occurs an unfriendly fire; a building, well, trench, or sinkhole collapse requiring rescue efforts or otherwise threatening life, property, or the environment, or vehicular accidents involving fire, personal injury or loss of life, to which there is a response by an emergency response agency.
- (4) All person(s) and legal entity or entities found to be legally responsible in any court of competent jurisdiction for causing of any emergency incident.

Silent alarm - a protective system that does not emit an audible signal or tone when activated at a protected site and is monitored by an intermediary or an emergency communication center.

Township - the Township of Lynn, Lehigh County, Pennsylvania.

Unfriendly fire - a fire which is undesirable, out of control, threatening to persons or property, deemed to be a nuisance by the Township, or any one of the foregoing or combination thereof.

(A.O.)

§7-303. Insured Emergency Incidents.

1. *Payment of Municipal Claims and Lienable Amounts.*

A. *Certificates of Municipal Claim.* The Township's designated officer shall, upon the written request of the named insured specifying the tax description of the property, name, and address of the insuring agent and the date agreed upon by the insuring agent and the named insured as the date of the receipt of a loss report of the claim, furnish the insuring agent with either of the following within 14 days of the request:

- (1) A certificate to the effect that, as of the date specified in the request, the Township has not certified any amount as total costs incurred by the Township for the removal, repair, or securing of a building or other structure on the property.

- (2) A certificate and bill showing the amount of the total costs, if any, certified by the Township Treasurer that have been incurred for the removal, repair, or securing of a building or other structure on the property. For the purpose of this clause, the emergency response agency shall provide to the Township Treasurer the total amount, if any, of such costs, if available, or the amount of costs known to the emergency response agency at the time of the Township Treasurer's certificate.
- (3) A cost or charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the Township under applicable law.

B. *Fire Losses.*

- (1) Upon receipt of a certificate and bill pursuant to subsection .1.A(2) of this Section, the insuring agent shall return the bill to the Township Treasurer and transfer to the Township Treasurer an amount from insurance proceeds necessary to pay the charges and costs as shown on the bill, or the full amount of the insurance proceeds, whichever is the lesser amount. The Township shall receive the amount and apply or credit it to payment of the items shown in the bill. Further, the terms of subsection .1.B.3 shall be followed, if applicable. Nothing in this Section shall be construed to limit the ability of the Township to recover any deficiency.
- (2) Upon receipt of a certificate pursuant to subsection .1.A of this Section, the insuring agent shall pay the claim of the named insured in accordance with policy terms, except that if the fire loss agreed upon by the named insured and the insuring agent equals or exceeds 60 percent of the aggregate limits of liability on all fire insurance policies covering the building or other structure, the following procedures shall be followed:
 - (a) The insuring agent shall transfer from any insurance proceeds to the Township Treasurer the sum of \$2,000 for each \$15,000 of the policyholder's claim and for each fraction of that amount of a claim. If the total claim is \$15,000 or less, the amount transferred to the Township shall be \$2,000.
 - (b) If, at the time of a fire loss report, the named insured has submitted a contractor's signed statement of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under subsection .1.B(2)(a) above, the insuring agent shall transfer to the Township from the insurance proceeds the amount specified in the estimate.
 - (c) The transfer of proceeds to the Township shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the Township shall be disbursed in accordance with the policy terms.
 - (d) After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the Township Treasurer shall return the amount of the funds transferred to the Township in excess of the estimate to the named insured, if the Township has not commenced to remove, repair

or secure the building or other structure.

(e) Upon receipt of proceeds under this Section, the Township shall do the following:

- i. The Township Treasurer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the Township. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Township in connection with such removal, repair or securing of the building or any proceedings related thereto.
- ii. It is the obligation of the insuring agent when transferring the proceeds to provide the Township with the name and address of the insured. Upon receipt of the transferred funds and the name and address of the named insured, the Township Treasurer shall contact the named insured, certify that the proceeds have been received by the Township, and notify the named insured that the procedures under this subsection shall be followed.
- iii. When repairs, removal, or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Township and the required proof of such completion received by the Township Treasurer, and if the Township has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Township has incurred costs for repairs, removal, or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Township shall transfer the remaining funds to the named insured.
- iv. To the extent that interest is earned on proceeds held by the Township pursuant to this Section, and such proceeds are not returned to the named insured, such interest shall belong to the Township. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

C. *Claim Payment Limitations and Fire Losses.* No insuring agent doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Township where the amount recoverable for the fire loss to the structure under all policies is in excess of \$7,500, unless the insuring agent is furnished by the Township Treasurer with a municipal certificate pursuant to §638(a) of the Insurance Law and subsection .1 of this Section, and unless there is compliance with §638(c) and §638(d) of the Insurance Law, 40 P.S. §638, and with the provisions of this Part.

2. *Emergency Service Cost Reimbursement.*

A. *Invoicing Procedure.* The Township Treasurer shall, upon the written request of any emergency response agencies, remit invoices to the responsible party/parties involved in any emergency incident which specify the emergency incident, and the request for reimbursement for emergency service costs within 60

days of the invoice date.

- B. The responsible party/parties shall promptly remit the invoice referenced in subsection .2.A above to his/her/its/their insuring agent, if any, which evidences the 60-day response date.
 - C. If the responsible party/parties' insuring agent shall not have paid the invoice remitted to it within the said 60-day period, the responsible party/parties shall be deemed responsible for immediate payment of the emergency service costs evidenced thereby.
3. *Designated Officer.* The Treasurer of Lynn Township or the Treasurer's designee is hereby appointed as the designated officer authorized to carry out the duties and responsibilities set forth in this Section.
 4. *Limitation of Actions.* Nothing in this Section will be construed to limit the ability of the Township to recover any deficiency by lien, fine, or action in law or in equity. Furthermore, nothing in this subsection shall be construed to prohibit the Township and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.
 5. *Rules and Regulations.* The Board of Supervisors may by Resolution adopt procedures and regulations to implement §508 of the Insurance Law and this Part and may by Resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to the Insurance Law and this Part including, but not limited to, issuance of certificates and bills, performance of inspections, and opening separate fund accounts.
 6. *Penalties for Violations.* Any owner of property, any named insured or any insuring agent who or which violates any provision of §7-303 of this Part shall, upon a judicial determination thereof, be assessed a civil penalty for each such violation of not more than \$1,000 plus costs of suit. All such claims shall be paid to the Township.

(A.O.)

§7-304. All Other Emergency Incidents.

1. *Designation of Nuisances.* The occurrence of unfriendly fires; hazardous material, petroleum, and chemical-type spills and releases; vehicular accidents involving fire, personal injury or loss of life; and unexpected collapse of wells, trenches, structures, and sinkholes requiring rescues or otherwise threatening life, property or the environment, are each declared to be public nuisances and are hereby declared to be emergency incidents.
2. *Liability of Responsible Party/Parties.* The responsible party/parties shall be liable for and shall reimburse the emergency response agency for all or part of the direct or indirect emergency service costs incurred or expended by any emergency response agency, for labor, materials, and equipment including, but not limited to, the removal of any vehicle carcass, or part thereof, used in connection with the emergency incident.

(A.O.)

§7-305. False Alarms.

1. *Accidental False Alarms.* Any person or legal entity causing accidental false alarms for any

reason shall pay to the fire company a charge for each and every accidental false alarm to which the fire service responds which is caused by said person or legal entity, in each calendar year, as follows:

- A. First alarm each year shall be followed by a warning.
 - B. Second alarm each year shall be followed by a warning, which specifically includes the warning that subsequent false alarms will result in a charge.
 - C. Third to fifth alarms each year will be charged as determined from time to time by resolution.
 - D. Six to tenth alarm each year as determined from time to time by resolution.
 - E. Ten or more alarms each year as determined from time to time by resolution.
2. The charges imposed by this Part shall not apply to false alarms due to weather conditions or the first two false alarms which shall occur during the first 3 months from initial installation of the system due to system malfunction.
 3. When an accidental false alarm occurs, the fire company shall notify the person responsible for the alarm device from which the false alarm emanated that a false alarm charge is due and the amount thereof.
 4. An accidental false alarm charge shall be due and payable to the fire company 30 days from the date of this notice of the charge, and otherwise comply with the incident fee schedules and provisions as expressed herein.

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§7-306. Establishment of Incident Fee Schedule.

1. The chiefs of all fire companies within the Township shall prepare a joint proposed written fee schedule, within 30 days after the effective date of this Part, to establish and propose a written schedule of fees for the various classes and items of manpower, equipment, tools, supplies, and consumables which are customarily or likely to be utilized at automobile accidents and other incidents, including false alarms responses, by the fire companies.
2. The schedule may be expressed in terms of hours, gallons, or any other convenient or regularly used unit of measurement.
3. The schedule shall be based upon and reflect either the actual experienced or likely projected costs and expenses as incurred by the fire company for such operations and responses to automobile accidents and other incidents, as best as the fire company is able to compute and establish those amounts.
4. The schedule may include a "minimum" fee for any one or more classes or items, and may also include a percentage "add-on" for overhead and handling.
5. All such schedules shall specifically include the general statement as follows:
"All costs of collection of these fees, including court costs and reasonable attorneys and witness fees and expenses, will be additional if further collection actions are necessary because of delinquent payment."

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§7-307. Review, Revision, and Approval by the Supervisors.

All such proposed incident fee schedules shall be subject to review and approval by the Board of Supervisors, which may in its discretion, add to, alter, amend, change, or revise any item or class of fees. The proposed incident fee schedule, as it may be amended, shall become effective 5 days after approval by the Board of Supervisors by a duly authorized resolution.

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§7-308. Updates and Amendments to Schedules.

Thereafter, the incident fee schedules may be updated and amended in like manner from time to time, upon either a written request by the Board of Supervisors, or receipt of a written joint submission from the fire companies of the Township.

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§7-309. Collection Required.

For all automobile accidents or other incidents to which any fire company or other emergency response agency responds, including both those within Lynn Township, and those which occur on or outside of the several boundary roads of the Township to which a fire company or other emergency response agency responds pursuant to a "mutual aid" agreement or otherwise, the officers of each fire company or other emergency response agency are hereby authorized, empowered and directed to collect fees for the response to those accidents and incidents by that fire company or other emergency response agency, in accordance with the currently approved incident fee schedule, from either any person or persons who are involved in such accident or incident, or any insurance company or other person who is or may be financially responsible or legally liable therefore.

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§7-310. Waiver and Discharge.

The fire chief or his/her designated representative or other designated representative of an emergency response agency of each fire company or emergency response agency are also hereby authorized, empowered, and directed to compromise, settle, waive, modify, reduce, and discharge such incident fees, when, in their opinion, such action is justifiable or reasonable under the circumstances, which may include, but are not limited to, cases where or when:

1. The likely cost of collection will exceed the amount of the incident fees.
2. Liability or responsibility for the incident fees is not clear.
3. More than one person is or may be responsible for the fees.
4. When the actual costs or the amounts of the fees are minimal.
5. Upon other good cause shown.
6. Provided, however, that a brief written explanation of any such action, including the amount, shall be included in the annual report of the fire company or emergency response agency, if required.
7. The fire company or emergency response agency may engage counsel to

assist in its collection efforts, which may but need not be the Township Solicitor; provided, that any legal fees so incurred shall be the sole responsibility of the fire company and not the Township.

(A.O.)

§7-311. Annual Report.

A report of the amounts and collections of all such incident fees shall be included within the annual report which is required to be made to the Township Supervisors for each completed fiscal year of the Township by the Fire Companies by §1803 of the Second Class Township Code, 53 P.S. §66803, as amended, including any waivers or reductions as aforesaid.

(A.O.)

§7-312. Emergency Telephone Number Posting

All commercial structures located within the Township shall have displayed and maintained at all times, in at least one prominent location, on the front side of the structure, the name and telephone number of at least one party designated as the party to contact for emergency incidents related to that particular structure. The contact name and telephone number shall be displayed in characters no less than 2 inches in height and constructed of a reflective material or illuminated by a continuous light source.

(A.O.)

§7-313. Certified Copies.

The Township Secretary is hereby authorized and empowered to issue certified copies of this Part, together with any applicable resolutions approving the incident fee schedules for each fire company or emergency response agency and copies of those incident fee schedules. All such copies shall be accepted and treated the same as the original of this Part or such resolution incident and fee schedule, as the case may be, when bearing or accompanied by the signature of the Township Secretary or a facsimile thereof, and the raised, embossed impression of the Township's seal.

(A.O.)

Chapter 8

Floodplains

Part 1 Floodplains

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Part 1**Floodplains****§8-101. Short Title.**

This Part shall be known as the “Building Permit Ordinance of the Township of Lynn.”
(*Ord. 1983-2, 10/6/1983, §1*)

§8-102. Statement of Intent.

The intent of this Part is to:

1. Promote the general health, welfare and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

(*Ord. 1983-2, 10/6/1983, §2*)

§8-103. Applicability.

It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless, an approved building permit has been obtained from the Building Permit Officer.

(*Ord. 1983-2, 10/6/1983, §3*)

§8-104. Building Permits Required.

Building permits shall be required before any construction or development is undertaken within any area of the Township of Lynn. A building permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved. Building permits shall also be required for any reconstruction, enlargement, alteration, raising or relocation of any building or structure.

(*Ord. 1983-2, 10/6/1983, §4*)

§8-105. Issuance of Building Permit.

1. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
2. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained, including those required the Pennsylvania Sewerage Facilities Act, 35 P.S. §750.1 *et seq.*; the Dam Safety and Encroachment Act, 32 P.S. §693.1 *et seq.*, as amended; the U.S. Clean Stream Act, 35

P.S., §691.1 *et seq.*, as amended. No permit shall be issued until these determinations have been made. No building permit shall be issued for construction within the area served by the Lynn Township Sewer Authority, until a sewer tapping permit has either been previously issued or simultaneously issued and all sewer tapping and other related fees have been paid to the satisfaction of the Lynn Township Sewer Authority. [*Ord. 1997-2*]

3. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Regional Office, Wilkes-Barre. [*Ord. 2001-3*]
4. In addition, the Federal Insurance Administrator (FEMA) and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse. [*Ord. 2001-3*]

(*Ord. 1983-2, 10/6/1983, §5; as amended by Ord. 1997-2, 4/3/1997, §1; by Ord. 2001-3, 12/3/2001, §§1, 2*)

§8-106. Application Procedures and Requirements.

1. Application for a building permit shall be made in writing to the Building Permit Officer on forms supplied by the Township. Such application shall contain at least the following:
 - A. Name and address of applicant.
 - B. Name and address of owner of land on which proposed construction is to occur.
 - C. Name and address of contractor.
 - D. Site location.
 - E. Listing of other permits required.
 - F. Brief description of proposed work and estimated cost.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located within, or partially within, any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:
 - A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
 - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and construction to minimize or eliminate flood damage.
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
3. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in subsection .6.D) as may be required by the Building Permit Officer to make the above determination:

- A. A completed building permit application form.
- B. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the:
 - (1) North arrow, scale and date.
 - (2) Topographic contour lines, if available.
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - (4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
 - (5) The location of all existing streets, drives and other accessways.
 - (6) The location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - (1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
 - (2) The elevation of the 100-year flood.
 - (3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.
 - (4) Detailed information concerning any proposed flood-proofing measures. Said document and statement shall contain appropriate language when necessary to determine compliance with storage requirements (all materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life should be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible in compliance with §8-123, "Development which May Endanger Human Life; Hazardous Materials and Substances," including:
 - (a) The amount, location and purposes of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.
 - (b) A description of the following safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the following dangerous materials or substances listed in §8-123 during a 100-year flood.

[Ord. 2001-3]

- D. The following date and documentation:
 - (1) A document, certified by a registered professional engineer or

- architect, which states that the proposed construction has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact and uplift forces associates with the 100-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
- (2) The appropriate component of the Department of Environmental Protection's, "Planning Module for Land Development." [Ord. 2001-3]
 - (3) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control. [Ord. 2001-3]
 - (4) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point. [Ord. 1987-2]
4. Applicants for special permits shall provide five copies of the following items:
- A. A written request including a completed building permit application form.
 - B. A small scale map showing the vicinity in which the proposed site is located.
 - C. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction and elevations.
 - (5) The location of any existing bodies of water or watercourses, buildings, structures, and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting or affected by the proposed activity or development.
 - (6) The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including the direction and velocities.
 - (7) The location of all proposed buildings, structures, utilities, and any other improvements.
 - (8) Any other information which the municipality considers necessary for adequate review of the application.
 - D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - (1) Sufficiently detailed architectural or engineering drawings including

- floor plans, sections, and exterior building elevations, as appropriate.
- (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associates with the 100-year flood.
 - (4) Detailed information concerning any proposed flood-proofing measures.
 - (5) Cross-section drawings for all proposed streets, drives or other accessways, and parking areas, showing all rights-of-way and pavement widths.
 - (6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:
- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
 - (2) Certification from a registered professional engineer, or architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.
 - (3) A statement, certified by a registered professional engineer, architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life.
 - (4) A statement certified by a registered professional engineer or architect which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows.
 - (5) A statement, certified by a registered professional engineer or architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevation elevations and flows.
 - (6) The appropriate component of the Department of Environmental Protection's, "Planning Module for Land Development." [Ord. 2001-3]
 - (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control. [Ord. 2001-3]
 - (8) Any other applicable permits such as, but not limited to a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-166, 32 P.S. §679.302. [Ord. 2001-3]
 - (9) An evacuation plan which fully explains the manner in which the site

will be safely evacuated before or during the course of a 100-year flood.

(Ord. 1983-2, 10/6/1983, §6; as amended by Ord. 1987-2, 9/3/1987, §1; and by Ord. 2001- 3, 12/3/2001, §§1, 3)

§8-107. Review of Application by Others.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals including the Township Planning Commission, if any, the Lehigh-Northampton Counties Joint Planning Commission, the Township Engineer, and the Lehigh County Soil Conservation District for further review and comment.

(Ord. 1983-2, 10/6/1983, §7)

§8-108. Changes.

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

(Ord. 1983-2, 10/6/1983, §8)

§8-109. Placards.

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

(Ord. 1983-2, 10/6/1983, §9)

§8-110. Start of Construction.

Work on any proposed project for which a permit is required shall be completed within 1 year after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have been completed upon the issuance of a certificate of occupancy or upon successful completion of the final inspection as required under the Uniform Construction Code [Chapter 5, Part 1].

(Ord. 1983-2, 10/6/1983, §10; as amended by Ord. 1997-6, 10/2/1997, §1; and by A.O.

§8-111. Inspection and Revocation.

1. During the construction period, the Building Permit Officer or other authorized official. Shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
2. In the discharge of his duties, the Building Permit Officer shall have the

authority to enter any building, structure, premises or development in the identified flood-prone area, or otherwise, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Part.

3. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
4. A record of all such inspections and violations of this Part shall be maintained. (*Ord. 1983-2, 10/6/1983, §11*)

§8-112. Permit Fees.

Applications for a building permit shall be accompanied by a fee, payable to the Township in accordance with a schedule of fees adopted by the Board of Supervisors by resolution.

(*Ord. 1983-2, 10/6/1983, §12*)

§8-113. Enforcement.

1. *Notices.* Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation as hereinafter provided. Such notice shall (A) be in writing; (B) include a statement of the reasons for its issuance; (C) allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires; (D) be served upon the property owner or his agent as the case may require; provided, however that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (E) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part, or any part thereof, and with the regulations adopted pursuant thereto.
2. *Penalties.* Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the Township shall be guilty of an offense and, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with this Part shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, razed, or relocated in noncompliance with this Part

may be declared by the Board of Supervisors to be a public nuisance and abatable as such. [A.O.]
(*Ord. 1983-2, 10/6/1983, §13; as amended by A.O.*)

§8-114. Appeals.

1. Any person aggrieved by an action or decision of the Building Permit Officer concerning the administration of the provisions of this Part, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within 30 days after receipt of written notice of the decision or action of the Building Permit Officer.
2. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of considering the appeal. Written notice of the time and place at which the appeal will be heard shall be given to all parties.
3. Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth, including Act 166 of 1978 as amended, the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, and/or the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 1983-2, 10/6/1983, §14*)

§8-115. Identification of Floodplain Areas.

The identified floodplain area shall be those areas of Lehigh County which are subject to the 100-year flood, as identified in the Flood Insurance Study (FIS) dated November 7, 2001, and the accompanying maps prepared for the County/Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof as issued by the Federal Emergency Management Agency (FEMA), or on the most recent Flood Insurance Rate Map (FIRM) issued by FEMA, if such a map has been prepared for the Township of Lynn.

(*Ord. 1983-2, 10/6/1983, §15; as amended by Ord. 1987-2, 9/3/1987, §2; and by Ord. 2001-3, 12/3/2001, §4*)

§8-116. Description of Floodplain Areas/Districts.

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

1. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which 100-year flood elevations have been provided in the FIS.
2. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no 100-year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

3. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or other of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted to sufficient detail to allow a thorough technical review by the Township.
4. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation.
5. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point.

(*Ord. 1983-2, 10/6/1983, §16; as amended by Ord. 1987-2, 9/3/1987, §3*)

§8-117. Changes in Identification of Area.

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person, documents the need or possibility for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

(*Ord. 1983-2, 10/6/1983, §17*)

§8-118. Disputes.

Should a dispute arise concerning any identified floodplain boundary, an initial determination shall be made by the Building Permit Officer and any person aggrieved by such decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

(*Ord. 1983-2, 10/6/1983, §18*)

§8-119. Technical Provisions.

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township.
2. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Regional Office, Wilkes-Barre. [*Ord. 2001-3*]
3. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation. [*Ord. 2001-3*]

(*Ord. 1983-2, 10/6/1983, §19; as amended by Ord. 2001-3, 12/3/2001, §§1, 5*)

§8-120. Elevation and Floodproofing Requirements.

1. *Residential Structures.*
 - A. Within any identified floodplain area, the elevation of the lowest floor

(including basement) of any new or substantially improved residential structure shall be 1½ feet or more above the 100-year flood elevation.

2. *Nonresidential Structures.*

- A. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be 1½ feet or more above the 100-year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
- B. Any structure, or part thereof; which shall not be completely or adequately elevated shall be designed and constructed to be completely or essentially dry manner in accordance with the W1 or W2 Space Classification Standard contained in the publication entitled, "Floodproofing Regulations" published by the U.S. Army Corps of Engineers, (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards. [Ord. 2001-3]
- C. A fully enclosed space below the lower floor (including basement) is prohibited. [Ord. 2001-3]
- D. A partially enclosed space below the lower floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space," also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a net total area of not less than 1 square inch for every square foot of enclosed space.
- (2) The bottom of all openings shall be no higher than 1 foot above grade.
- (3) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

[Ord. 2001-3]

(Ord. 1983-2, 10/6/1983, §20; as amended by Ord. 1987-2, 9/3/1987, §4; and by Ord. 2001-3, 12/3/2001, §6)

§8-121. Design and Construction Standards.

The following minimum standards shall apply for all construction proposed to be undertaken within any identified floodplain area:

1. *Fill.* If fill is used, it shall:

- A. Extend laterally at least 15 feet beyond the building line from all points.

- B. Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - C. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
 - D. Be no steeper than one vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer.
 - E. Be used to the extent to which it does not adversely affect adjacent properties.
2. *Drainage Facilities.* Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
 3. *Water and Sanitary Sewer Facilities and Systems.*
 - A. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - C. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 4. *Other Utilities.* All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
 5. *Streets.* The finished elevation of all new streets shall be no more than 1 foot below the regulatory flood elevation.
 6. *Storage.* All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, and not listed in §8- 124, shall be stored at or above the regulatory flood elevation and/or flood-proofed to the maximum extent possible.
 7. *Placement of Buildings and Structures.* All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
 8. *Anchoring.*
 - A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - B. All air ducts, large, pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
 9. *Floors, Walls and Ceilings.*
 - A. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

- B. Plywood used at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - C. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - D. Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
10. *Paints and Adhesives.*
- A. Paints or other finishes used at or below the regulatory flood elevation shall be of a “marine” or water-resistant quality.
 - B. Adhesives used at or below the regulatory flood elevation shall be of a “marine” or water-resistant quality.
 - C. All wooden components (doors, trim cabinets, etc.) shall be finished with a “marine” or water-resistant paint or other finishing material.
11. *Electrical Components.*
- A. Electrical distribution panels shall be at least 3 feet above the 100- year flood elevation.
 - B. Separate electrical circuits shall serve lower levels and shall be dropped from above.
12. *Equipment.*
- A. Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
13. *Fuel Supply Systems.* All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
14. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point. [Ord. 1987-2]
- (Ord. 1983-2, 10/6/1983, §21; as amended by Ord. 1987-2, 9/3/1987, §5)

§8-122. Special Requirements for Manufactured Homes in Identified Floodplain Areas.

- 1. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

1. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:
 - A. Placed on a permanent foundation.
 - B. Elevated so that the lowest floor of the manufactured home is 1½ feet or more above the elevation of the 100-year flood.
 - C. Anchored to resist flotation, collapse, or lateral movement. (*Ord. 1983-2, 10/6/1983, §22; as amended by Ord. 1987-2, 9/3/1987, §§6, 9.L*)

* * *

structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this Section, in addition to all other applicable provisions:

- (1) Acetone.
 - (2) Ammonia.
 - (3) Benzene.
 - (4) Calcium carbide.
 - (5) Carbon disulfide.
 - (6) Celluloid.
 - (7) Chlorine.
 - (8) Hydrochloric acid.
 - (9) Hydrocyanic acid.
 - (10) Magnesium.
 - (11) Nitric acid and oxides of nitrogen.
 - (12) Petroleum products (gasoline, fuel oil, etc.)
 - (13) Phosphorus.
 - (14) Potassium.
 - (15) Sodium.
 - (16) Sulphur and sulphur products.
 - (17) Pesticides (including insecticides, fungicides and rodenticides).
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any identified floodplain area, any new or substantially improved structure of the kind described in subsection .A above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
 - C. Where permitted within any identified floodplain area, any new or

substantially improved structure of the kind described in subsection .A above, shall be:

- (1) Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.
- (2) Designed to prevent pollution from the structure or activity during the course of any 100-year flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations," U.S. Army Corps of Engineers, June 1972, or with some other equivalent watertight standard.

- D. In addition, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement, the purposes of this Part and to protect the general health, safety and welfare of the public.

(Ord. 1983-2, 10/6/1983, §23)

§8-124. Existing Structures in Floodplain Areas.

Structures existing in any identified flood-prone area prior to the enactment of this Part, but which are not in compliance with these provisions may continue to remain subject to the following:

1. Existing structures located in any identified floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
2. Notwithstanding any provision of this Part to the contrary, any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50 percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.
3. Within any AE Area/District existing structures or uses shall not be expanded, enlarged or reconstructed unless it is demonstrated that the cumulative effect, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point. *[Ord. 1987-2]*

(Ord. 1983-2, 10/6/1983, §24; as amended by Ord. 1987-2, 9/3/1987, §7)

§8-125. Accessory Structures.

1. Structures accessory to a principal building need not be elevated or flood proofed to remain dry, but shall comply, at a minimum with the following requirements:
 - A. The structure shall not be designed or used for human habitation, but shall be limited to, the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.
 - B. Floor area shall not exceed 600 square feet.
 - C. The structure will have a low damage potential.

- D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- E. Power lines, wiring and outlets will be at least 1½ feet above the 100-year flood elevation.
- F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
- G. Sanitary facilities are prohibited.
- H. The structure shall be adequately anchored to prevent flotation movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (1) Minimum of two openings having a net total area of not less than 1 square inch for every square foot of the enclosed space.
 - (2) The bottom of all openings shall be no higher than 1 foot above grade.
 - (3) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(Ord. 1983-2, 10/6/1983, §24.5; as added by Ord. 2001-3, 12/3/2001, §7)

§8-126. Activities Requiring Special Permits.

In accordance with the Department of Community and Economic Development's administrative regulations implementing Act 166 of 1978, the Pennsylvania Flood Plain Management Act, 32 P.S. §691.1 *et seq.*, the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain area unless a special permit is issued: [*Ord. 2001-3*]

- 1. Hospitals (public or private).
- 2. Nursing homes (public or private).
- 3. Jails or prisons.
- 4. New manufactured home parks and manufactured home subdivisions, and substantial improvements to them or existing manufactured home parks. [*Ord. 1987-2*]

(Ord. 1983-2, 10/6/1983, §25; as amended by Ord. 1987-2, 9/3/1987, §9.L; and by Ord. 2001-3, 12/3/2001, §1)

§8-127. Application Review Procedures.

Upon receipt of an application for a special permit by the Township the following procedures shall apply in addition to those of Sections §§8-104, 8-105, 8-106, 8-107, 8-108, 8-109, 8-110, 8-111, 8-112, 8-113, 8-114 and 8-115:

- 1. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Lehigh Valley Planning Commission by registered or certified mail for its review and recommendations, copies of the application shall also be forwarded to the Township Planning Commission, if there be any, and the Township Engineer for

review and comment. [Ord. 2001-3]

2. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.
3. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within 5 working days after the date of approval. [Ord. 2001-3]
5. Before issuing the special permit, the Township shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and the decision made by the Township. [Ord. 2001-3]
6. If the Township does not receive any communication from the Department of Community and Economic Development during the 30-day review period, it may issue a special permit to the applicant. [Ord. 2001-3]
7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit. [Ord. 2001-3]

(Ord. 1983-2, 10/6/1983, §26; as amended by Ord. 2001-3, 12/3/2001, §§1, 8)

§8-128. Special Technical Requirements.

1. In addition to the requirements of §§8-119–8-123 of this Part, the following minimum requirements shall also apply. If there is any conflict between any of the following requirements and those in §§8-119–8-123 of this Part or in any other code, ordinance or regulation, the more restrictive provision shall apply.
2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained manner which will:
 - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - (1) The structure will survive inundation by waters of the 100-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100-year flood elevation.
 - (2) The elevation of the lowest floor (including basement) will be at least 1½ feet above the 100-year flood elevation. [Ord. 2001-3]
 - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.
 - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly

reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development. [Ord. 2001-3]

- C. In approving any application for a special permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Part and to protect the general health, safety and welfare of the public.

(Ord. 1983-2, 10/6/1983, §27; as amended by Ord. 2001-3, 12/3/2001, §§1, 9)

§8-129. Variances.

1. If compliance with any of the requirements of this Part would result in an exceptional hardship for a prospective builder, developer, or landowner, the Township may, upon request, grant relief from the strict application of the requirements.
2. Requests for variances shall be considered by the Township in accordance with the procedures contained in §8-114 and the following:
 - A. No variance shall be granted for any construction, development, use or activity within any floodplain, area that would cause any increase in the 100-year flood elevation.
 - B. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (§8-126 *et seq.*) or to development which may endanger human life (§8-123).
 - C. If granted, a variance shall involve only the least modification necessary to provide relief.
 - D. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Part.
 - E. Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - F. In reviewing any request for a variance, the Township shall consider, but not be limited to, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable local or State ordinance and regulations.
 - G. A complete record of all variance requests and related actions shall be

maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

H. For purposes of this Section, when the "Township" is referred to, it shall mean the Zoning Hearing Board of the Township of Lynn.

I. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the 100-year flood. [Ord. 1987-2]

J. No variance shall be granted for any construction, development, use, or activity within any AE area that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than 1 foot at any point. [Ord. 1987-2]

(Ord. 1983-2, 10/6/1983, §28; as amended by Ord. 1987-2, 9/3/1987, §8)

§8-130. Definitions.

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

Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of structure.

Basement - any area of the building having its floor below ground level on all sides. [Ord. 2001-3]

Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation. [Ord. 1987-2]

Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure including the placement of manufactured homes. [Ord. 1987-2]

Development - any manmade changes to improved or unimproved real estate, and including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filing, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land. [Ord. 2001-3]

Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Flood - a temporary inundation of normally dry land areas.

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

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

Floodway - the designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purpose of this Part, the floodway shall be capable of accommodating a flood of the 100-year magnitude. [Ord. 2001-3]

Historic structure - any structure that is:

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

[Ord. 2001-3]

Identified floodplain area - the floodplain area specifically identified in this Chapter as being inundated by the 100-year flood. [Ord. 2001-3]

Land development - any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 - (b) The division or allocation of land or space, whether initially or cumulatively, or between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, lease holds, condominiums, building groups or other features.
- (2) A subdivision of land. [Ord. 2001-3]

Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfurnished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is a violation of the applicable non-elevation design requirement of this Part. [Ord. 2001-3]

Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. [Ord. 2001-3]

Manufactured home park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use. [Ord. 2001-3]

Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety. [Ord. 2001-3]

Mobile home - the term "mobile home" is replaced with the term "manufactured home" throughout the provisions of this Part. [Ord. 1987-2]

Mobile home park - the terms "mobile home park" and "mobile home subdivision" are replaced with the terms "manufactured home park" and "manufactured home subdivision" respectively, throughout the provisions of this Part. [Ord. 1987-2]

New construction - structures for which the start of construction commenced on or after March 10, 1982, and includes any subsequent improvements thereto. [Ord. 2001-3]

Obstruction - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

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

Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility, limited liability company, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties. [Ord. 2001-3]

Recreational vehicle - a vehicle which is (1) built on a single chassis; (2) not more than 400 square feet, measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light-duty truck; (4) not designed for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel or seasonal use. [Ord. 2001-3]

Regulatory flood elevation - the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain. [Ord. 1987-2]

Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and other similar items. [Ord. 1987-2]

Substantial damage - damage from any costs sustained by a structure or whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent or more of the market value of the structure before the damage occurred. [Ord. 2001-3]

Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

[Ord. 2001-3]

Subdivision - the division or re-division of a lot, track or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 2001-3]

(Ord. 1983-2, 10/6/1983, §29; as amended by Ord. 1987-2, 9/3/1987, §9.I, .J-1, .J-2, .L, .M; and by Ord. 2001-3, 12/3/2001, §§10, 12)

§8-131. Abrogation and Greater Restrictions.

This Chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. If there is a conflict between any of the provisions of this Chapter, the more restrictive shall apply. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

(Ord. 1983-2, 10/6/1983, §30; as amended by Ord. 2001-3, 12/3/2001, §12)

§8-132. Warning and Disclaimer of Liability.

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

(Ord. 1983-2, 10/6/1983, §32)

Chapter 9

[Reserved]

Chapter 10

Health and Safety

Part 1 Nuisances

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- §10-102. Definitions
- §10-103. Declaration
- §10-104. Prohibitions
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- §10-202. Weeds and Other Growth; a Nuisance under Certain Conditions
- §10-203. Responsibility for Removing, Cutting or Trimming by June 1 and by August 15, Annually
- §10-204. Notice to Remove, Trim or Cut; Municipality May Do Work and Collect Cost and Additional Amount
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Part 3 Property Maintenance

- §10-301. Terms
- §10-302. Nuisances
- §10-303. Prohibition of Nuisances
- §10-304. Order of Removal of Any Such Nuisance from Public or Private Property
- §10-305. Penalties
- §10-306. Enforcement

Part 1**Nuisances****§10-101. Short Title.**

This Part shall be known and may be cited as the "Nuisance Ordinance" and is enacted under the authority of the Second Class Township Code, 53 P.S. §65101 *et seq.*

(*Ord. 1988-1, 5/5/1988, §1*)

§10-102. Definitions.

Owner - the person in whom title of the property is vested.

Occupier - one who is in possession of the premises. A tenant, even though absent, shall be deemed to be in possession of the premises and the occupier.

Nuisance - that which endangers life or health, or which is an unreasonable, unwarrantable or unlawful use of property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to another in the legitimate enjoyment of his reasonable rights of persons or property. The accumulation of refuse and garbage shall constitute a nuisance.

(*Ord. 1988-1, 5/5/1988, §2*)

§10-103. Declaration.

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health and welfare of the inhabitants of the Township.

(*Ord. 1988-1, 5/5/1988, §3*)

§10-104. Prohibitions.

From and after the effective date of this Part:

1. The existence of a structure causing a nuisance, whether on private or public land, is hereby prohibited.
2. No person shall cause or aid in causing any nuisance within the Township. (*Ord. 1988-1, 5/5/1988, §4*)

§10-105. Violations.

1. Whenever a structure is causing a nuisance or is found to exist in violation of the terms of this Part, and the existence of such structure is, in the opinion of the Board of Supervisors, such as to constitute an immediate menace to the health and/or safety of persons residing within the Township, then and in such event, the owner or occupier shall, upon written notice from the Township Enforcement Officer of the existence of such structure causing a nuisance, cause the same to be removed within 24 hours of the receipt of such notice and each 24 hours shall be deemed a separate offense.
2. Any person, whether owner or occupier of any real estate within Lynn Township, after receiving notice from any authorized Township official including, but not limited to, a Supervisor or the Township Enforcement Officer, of the existence of a nuisance in violation

of the terms of this Part, whether such notice be written or oral, shall immediately cause the elimination of such nuisance within the time limit established by such communication.

(Ord. 1988-1, 5/5/1988, §5)

§10-106. Failure or Refusal to Act.

1. In the event the owner or occupier, upon receiving the notice described above, fails to eliminate or cease the violation, certified mail notice shall be sent to the owner and occupier in all cases involving a structure or improvement to real estate and, in all other cases, to the occupier of the premises, following which the Board of Supervisors may proceed to remove the nuisance as set forth in this Section.
2. The Township, upon refusal by the owner or occupier to remove any structure causing a nuisance, or to terminate or to remove the nuisance as described in Section herein within the time limits prescribed, may cause the same to be done and collect the costs thereof, together with a penalty provided for in §10-107 or at the option of the Township, may proceed to file and collect said costs plus 10 percent added for administrative costs by way of a municipal lien as is provided by law.

(Ord. 1988-1, 5/5/1988, §6)

§10-107. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1988-1, 5/5/1988, §7; as amended by A.O.)

§10-108. Other Remedies.

Nothing contained herein shall prevent the Township from instituting proceedings in a court of law or equity to enforce the provisions of this Part if such becomes necessary.

(Ord. 1988-1, 5/5/1988, §8)

Part 2**Weed Control****§10-201. Short Title.**

This Part shall be known as the "Weed Control Ordinance of the Township of Lynn."
(*Ord. 1986-2, 4/3/1986, §1*)

§10-202. Weeds and Other Growth; a Nuisance under Certain Conditions.

In the interest of health, safety and welfare of the inhabitants of Lynn Township, no person, firm or corporation, owning, occupying, leasing, or having a present interest in any real estate with the Township of Lynn shall permit any grass or weeds or any vegetation whatsoever, which is not edible, planted for some useful or ornamental purpose, or planted for agricultural purpose, to grow or remain upon such premises as to exceed a height of 12 inches, or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit, which would create or produce pollen. Any grass, weeds or other vegetation so described, growing upon any premises in Lynn Township in violation of any of the provisions of this Section, is hereby declared to be a public nuisance and detrimental to the health, safety, cleanliness and comfort of Lynn Township.

(*Ord. 1986-2, 4/3/1986, §2*)

§10-203. Responsibility for Removing, Cutting or Trimming by June 1 and by August 15, Annually.

The owner of any premises, or the occupant of premises occupied by other than the owner, shall remove and trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of §10-202, above, no later than June 1 and August 15 of each and every year hereafter.

(*Ord. 1986-2, 4/3/1986, §3*)

§10-204. Notice to Remove, Trim or Cut; Municipality May Do Work and Collect Cost and Additional Amount.

1. The Supervisors of Lynn Township, or any officer or employee of Lynn Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation as described aforementioned is growing or remaining in violation of the provisions of §10-202 of this Part, directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Part within 15 days after issuance of such notice.
2. Whenever, in the judgment of the Supervisors of Lynn Township, it shall appear to be impractical to give notice as above provided, either because the owner or occupant cannot be readily found, or because a search of the owner or occupant would entail unreasonable delay, the Supervisors of Lynn Township, or any other officer or employee of Lynn

Township designated hereby for that purpose, shall give notice by posting conspicuously on the property where such nuisance exists a notice or order directing and requiring that such nuisance be abated within 15 days.

3. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated herein, the Supervisors of Lynn Township may order the removal, trimming or cutting of such grass, weeds or other vegetation, and the cost thereof, together with a penalty of 10 percent of the cost thereof, shall be collected by Lynn Township from such person, firm or corporation, in the manner provided by law.

(Ord. 1986-2, 4/3/1986, §4)

§10-205. Exemptions from Compliance for Certain Districts.

Due to the unusual topography and structure of certain lands in Lynn Township, the owners or occupants of those premises which are located in the environmental protection areas as that term is defined by §27-402 *et seq.* of the Zoning Ordinance [Chapter 27] of Lynn Township as amended and as delineated on the Official Zoning Map, shall be exempted from having to comply with the provisions of this Part.

(Ord. 1986-2, 4/3/1986, §5)

§10-206. Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1986-2, 4/3/1986, §6; as amended by A.O.)

Part 3**Property Maintenance****§10-301. Terms.**

Abandoned or junked automobile - be a motor vehicle that is not capable of being moved under its own power; or a motor vehicle without a tire or tires, or a tire incapable of being inflated; or a motor vehicle without a current inspection sticker and/or current registration plates; or a partially disabled, wrecked or junked vehicle which is allowed to remain in such condition for a period of 10 days, except where such motor vehicle is in an enclosed building, or on the premises of a business enterprise where necessary to the operation of such business. [Ord. 1973-7]

Nuisance - when used in this Part, shall signify such a use of property or such a course of conduct as, irrespective of actual trespass against others or of malicious or actual criminal intent, transgresses the just restrictions upon use or conduct which the proximity of other persons or property and the public interest in civilized communities impose upon what would otherwise be rightful freedom.

Person - an individual, a partnership, or corporation.

(Ord. 1967-1, 3/4/1967, §1; as amended by Ord. 1973-7, -/-/----, §1)

§10-302. Nuisances.

It shall be unlawful for any person to erect, set up, establish, maintain, keep up or continue, or to cause to be erected, set up, established, maintained, kept up or continued, any nuisance.

(Ord. 1967-1, 3/4/1967, §2)

§10-303. Prohibition of Nuisances.

1. It shall be unlawful for any person:

A. To place or cause to be placed, throw or accumulate, on any property, public or private, whether owned by such person or not, within the Township, any garbage, offal, dead animals, junk, rubbish, decaying matter or organic waste substance of any kind, not including; however, manure, compost and other fertilizer accumulations.

B. To store, in any manner, abandoned or junked automobiles on any property, public or private within the Township. A junked or abandoned motor vehicle shall include, but not be limited to, any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- (1) Broken windshields, mirrors or other glass, with sharp edges.
- (2) One or more flat or open tires or tubes which could permit vermin harborage.
- (3) Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- (4) Any body parts with sharp edges including holes resulting from rust.

- (5) Missing tires resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.
- (7) Broken head-lamps or tail-lamps with sharp edges.
- (8) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- (9) Protruding sharp objects from the chassis.
- (10) Broken vehicle frame suspended from the ground in an unstable manner.
- (11) Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- (12) Exposed battery containing acid.
- (13) Inoperable locking mechanism for doors or trunk.
- (14) Open or damaged floor boards including trunk and fire-wall.
- (15) Damaged bumpers pulled away from the perimeter of vehicle.
- (16) Broken grill with protruding edges.
- (17) Loose or damaged metal trim and clips.
- (18) Broken communication equipment antennae.
- (19) Suspended on unstable supports.
- (20) Such other defects which could threaten the health, safety and welfare of the citizens of the Township.

[A.O.]

C. To carry on any offensive business or manufacture within the Township.

D. To erect or to maintain a dangerous structure on any property, public or private within the Township.

2. The uses of property and the conduct, herein declared to be unlawful, are declared to be nuisances. The uses of property and the conduct, herein declared to be nuisances, shall not limit the general prohibition of nuisances contained elsewhere in this Part.

(Ord. 1967-1, 3/4/1967, §3; as amended by A.O.)

§10-304. Order of Removal of Any Such Nuisance from Public or Private Property.

In the event that any person shall violate any of the provisions of this Part, the Board of Supervisors shall order the removal of any such nuisance from public or private property after 15 days written notice to the owner or occupant of the premises or to the person responsible for such nuisance to do so; and, upon failure of the owner, occupant, or other person to abate such nuisance, the Supervisors shall abate or remove the same and shall collect the costs of such removal.

(Ord. 1967-1, 3/4/1967, §4)

§10-305. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1967-1, 3/4/1967, §5; as amended by A.O.)

§10-306. Enforcement

In the enforcement of the provisions hereof, the Township may institute proceedings in any court of equity.

(Ord. 1967-1, 3/4/1967, §6)

Chapter 11

Housing

Part 1

Moving Permits

§11-101.	Definitions
§11-102.	Moving Permit Required
§11-103.	Application
§11-104.	Fees
§11-105.	Obligation of Lessor
§11-106.	Penalties

Part 1**Moving Permits****§11-101. Definitions.**

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

Lessor - a person who grants a lease or rents real estate to another person for either business or dwelling purposes.

Person - any natural person, partnership, association, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

Township - the Township enacting this Part. (Ord. 2001-2, 5/3/2001, §1)

§11-102. Moving Permit Required.

It shall be unlawful for any person to move into, out of or from one place to another within the Township without first obtaining a moving permit from the Township. In the case of persons moving into the Township, said notice shall be given within 1 week after moving into the Township. In the case of persons moving out of the Township or from one place to another, notice shall be given at least 24 hours before said move is made. Included in each notice as given shall be the name of the moving person, the address from which the person is moving, and the address to which said person is moving.

(Ord. 2001-2, 5/3/2001, §2)

§11-103. Application.

The application for a moving permit shall include the name and address of the applicant, and any other family or household members, the address and location from which the applicant has moved, and the new address or location to which the applicant is moving.

(Ord. 2001-2, 5/3/2001, §3)

§11-104. Fees.

The Township shall upon application issue a permit. Said permit shall set forth the name of the permittee as well as the name or names of anyone else in the household, and the address from which the household is to be moved and the address to which household is moving. No fee shall be charged for a moving permit.

(Ord. 2001-2, 5/3/2001, §4)

§11-105. Obligation of Lessor.

Any lessor leasing or renting any premise or part thereof within the Township to another person for the purpose of either a business or as a dwelling shall give the Township notice within 1 week after the leasing of said property to a tenant and at least

24-hour's notice of the intention of the lessee or tenant to move from or vacate the leased or rented premises. Lessor shall furnish to the Township by February 1 of each year a complete list of all rental properties and all tenants. If a vacancy occurs during the year, the lessor shall notify the Township within 30 days. If the property's use as a rental or lease terminates, the lessor shall notify the Township within 30 days of such termination. All owners of property leased for either residential or commercial occupancy shall be required to provide written notice to their respective tenants. This can be in the form either as a clause in an executed written lease or, if there be no written lease, in a separate document. This is in order to apprise said tenants of the existence of the Moving Permit Ordinance of the Township of Lynn [this Part].

(Ord. 2001-2, 5/3/2001, §5)

§11-106. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or furnishing fake information to the Township, using fake names or addresses, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2001-2, 5/3/2001, §6; as amended by A.O.)

Chapter 12

Intergovernmental Cooperation Law

Part 1

Health Insurance Cooperative Trust

- §12-101. Short Title
- §12-102. Statute
- §12-103. Purpose
- §12-104. Conditions
- §12-105. Withdrawal
- §12-106. Effective Date
- §12-107. Powers
- §12-108. Structure
- §12-109. Funds
- §12-110. Contracts
- §12-111. Compliance
- §12-112. Provision
- §12-113. Performance
- §12-114. Duration
- §12-115. Determination

Part 2

PSATS Unemployment Compensation Group Trust

- §12-201. Short Title
- §12-202. Statute
- §12-203. Purpose
- §12-204. Conditions
- §12-205. Withdrawal
- §12-206. Effective Date
- §12-207. Powers
- §12-208. Structure
- §12-209. Funds
- §12-210. Contracts
- §12-211. Compliance
- §12-212. Provision
- §12-213. Performance
- §12-214. Duration
- §12-215. Determination

Part 1**Health Insurance Cooperative Trust****§12-101. Short Title.**

This Part shall be known as the “The Pennsylvania Townships Health Insurance Cooperative Trust” (“Trust”), formerly known as the “Board of Trustees Insurance Fund,” as referred to in the authorizing statute for the Pennsylvania State Association of Township Supervisors, 53 P.S. § 66406(j)(2), or, more commonly, the “Trustees Insurance Fund,” originally established in 11266, exists as an intergovernmental cooperative arrangement of municipalities to provide townships and certain other permitted governmental employers in Pennsylvania with a vehicle to pool resources and jointly leverage buying power to develop, administer, and make available cost-effective medical, prescription, dental, life, disability and/or other employee welfare benefit insurance or self-insured programs for their employees.

§12-102. Statute.

Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S.A. § 2301 et seq., a municipality may enter into an intergovernmental cooperative agreement upon the passage of an ordinance by its governing body.

(Ord. 15-1, 1/5/2015)

§12-103. Purpose.

The participation of the Township in the Trust is authorized for the purpose of obtaining high quality, cost-effective medical, prescription, dental, life, disability, vision and/or other employee welfare benefit insurance at a reasonable cost to the Township and its employees.

§12-104. Conditions.

- A. Each Participating Employer must meet the admission and eligibility requirements set forth therein.
- B. That each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees.
- C. That each Participating Employer complies with all other conditions of the Restated Trust Agreement.

§12-105. Withdrawal.

That the Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

§12-106. Effective Date.

That the effective date of the Township’s agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be January 6, 2015.

§12-107. Powers.

That each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

§12-108. Structure.

The organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trust.

§12-109. Funds.

The funds required for the operation of the Trust shall be provided by the Participating Employers through scheduled appropriations as determined by the Board of Trustees.

§12-110. Contracts.

The Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any.

§12-111. Compliance.

As a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

§12-112. Provision.

The Secretary of the Township shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

§12-113. Performance.

The Board of Supervisors is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this Ordinance and comply with the requirements of the Restated Trust Agreement and any duly adopted amendments thereto.

§12-114. Duration.

The duration of the term of the Township's participation in the Trust and obligations under the Restated Trust Agreement shall continue until withdrawal from the Trust by the Township in accordance with the terms of the Restated Trust Agreement.

§12-115. Determination.

The Board of Supervisors hereby specifically finds and determines as follows:

- A. The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein.
- B. The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees at least ninety (120) days in advance to become effective on either June 30 or December 31 of a given Plan year; or in the case of an initial year of participation in the Trust shall participate, for a minimum of one (1) year.

- C. The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreement.
- D. The manner and extent of financing of the Restated Trust Agreement are that (i) funds to implement the Township's obligations under the Restated Trust Agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required.
- E. The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement.
- F. All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement.
- G. The Trust, in accordance with the Restated Trust Agreement, shall be empowered to enter into contracts for policies of group insurance and employee welfare benefits to be offered to Participating Employers for their eligible employee and dependents.

(Ord. 15-1, 1/5/2015)

Part 2
PSATS Unemployment Compensation Group Trust

§12-201. Short Title.

This Part shall be known as the “PSATS Unemployment Compensation Group Trust” (“Trust”), originally established in 1980, exists as an intergovernmental cooperative arrangement of municipalities to provide townships and certain other permitted governmental employers of Pennsylvania with a vehicle to pool resources and jointly leverage buying power to develop and maintain unemployment compensation insurance coverage

§12-202. Statute.

Pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S.A. §2301 et seq., a municipality may enter into an intergovernmental cooperative agreement upon the passage of an ordinance by its governing body.

§12-203. Purpose.

The participation of the Township in the Trust is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance for Participating Employers at reasonable cost.

§12-204. Conditions.

As set forth in greater detail in the Restated Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trust:

- A. Each Participating Employer must meet the admission and eligibility requirements set forth therein;
- B. Each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees; and
- C. Each Participating Employer complies with all other conditions of the Restated Trust Agreement.

§12-205. Withdrawal.

The Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

§12-206. Effective Date.

The effective date of the Township’s agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be January 6, 2015.

§12-207. Powers.

Each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

§12-208. Structure.

The organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trust.

§12-209. Funds.

The funds required for the operation of the Trust shall be provided by the Participating Employers through scheduled appropriations as determined by the Board of Trustees.

§12-210. Contracts.

The Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any. That as a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

§12-111. Compliance.

As a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

§12-212. Provision.

The Secretary of the Township shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

§12-213. Performance.

The Board of Supervisors of the Township is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this Ordinance and comply with the requirements of the attached Restated Trust Agreement and any duly adopted amendments thereto.

§12-214. Duration.

The duration of the term of the Township's participation in the Trust and obligations under the Restated Trust Agreement shall continue until withdrawal from the Trust by the Township in accordance with the terms of the Restated Trust Agreement.

§12-215. Determination.

The Board of Supervisors hereby specifically finds and determines as follows:

- A. The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein.
- B. The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees in accordance with the terms of the Restated Trust Agreement.
- C. The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreement.

- D. The manner and extent of financing of the agreement are that (i) funds to implement the Township's obligations under the agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required.
- E. The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement.
- F. All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement.
- G. The Trust in accordance with the Restated Trust Agreement shall be empowered to enter into contracts for policies of group insurance and employee welfare benefits to be offered to Participating Employers for their eligible employee and dependents.

(Ord. 15-2, 1/5/2015)

Chapter 13

Licenses, Permits and General Business Regulations

Part 1

Junk Dealers, Junkyards and Scrapyards

§13-101.	Short Title
§13-102.	Definitions
§13-103.	Unlawful to Maintain Junkyard or Scrapyard Except in Compliance with this Part
§13-104.	Permit Required
§13-105.	Application for Permit
§13-106.	Issuance of Permit
§13-107.	Permit Fee
§13-108.	Transfer of Permit
§13-109.	Transfer Fee
§13-110.	Regulations
§13-111.	No Junkyard and Scrapyard in Existence of the Effective Date
§13-112.	Penalties

Part 2

Lynn Township Television Franchise Ordinance

§13-201.	Short Title
§13-202.	Definitions
§13-203.	Grant of Authority
§13-204.	Franchise Term
§13-205.	Franchise Fee
§13-206.	Records and Reports
§13-207.	Rates
§13-208.	Liability and Indemnification
§13-209.	Local Office Compliant Procedure
§13-210.	System Construction Maintenance and Procedures
§13-211.	Line Extension
§13-212.	Street Occupancy
§13-213.	Compliance with Standards
§13-214.	Company Rules and Regulations
§13-215.	Franchise Ordinance Costs
§13-216.	Procedures
§13-217.	Approval of Transfer
§13-218.	Notices
§13-219.	Revocation
§13-220.	Activities Prohibited
§13-221.	Emergency Cable Casting Authority
§13-222.	Noncompliance

Part 1**Junk Dealers, Junkyards and Scrapyards****§13-101. Short Title.**

This Part shall be known as the “Junk Dealer, Junkyard and Scrapyard Ordinance.”

(Ord. 1964-3, 7/10/1964, §1)

§13-102. Definitions.

For the purpose of this Part, the following terms shall have the meanings respectively ascribed to them in this Section, unless from the particular context it clearly appears that some other meaning is intended:

Automobile junk or grave yard - any place where more than one automobile, which does not bear a current Pennsylvania State inspection sticker and is not fit for immediate highway use, is stored or disassembled.

Board - Board of Supervisors of Lynn Township, Lehigh County, Pennsylvania.

Junk dealer - any person, persons, firm or corporation engaged in the business of collecting, accumulating, buying, selling, storing, disassembling, treating, or processing of scrap metal automobiles not fit for highway use, second hand building materials, rags, bottles, scrap paper, and all other items not intended to be repaired to reuse.

Junkyard and scrapyard - an automobile junk or grave yard, and any place where scrap metal, second hand building materials, rag, bottles, scrap paper, and all other items not intended to be repaired for reuse, are collected, accumulated, stored, disassembled, treated or processed.

(Ord. 1964-3, 7/10/1964, §2)

§13-103. Unlawful to Maintain Junkyard or Scrapyard Except in Compliance with this Part.

From and after the effective date of this Part, it shall be unlawful for any person, persons, firm, or corporation to engage or continue to engage in business as a junk dealer or to establish or maintain or continue to engage in business as a junk dealer or to establish or maintain a junkyard and scrapyard within the limits of the Township, except as provided in this Part.

(Ord. 1964-3, 7/10/1964, §3)

§13-104. Permit Required.

All persons, firms, or corporations engaged or intending to engage in business as a junk dealer, or operating or maintaining or intending to establish or maintain a junkyard or scrapyard within the limits of the Township, shall obtain a permit from the Secretary of the Township of Lynn, for which a fee in accordance with the schedule hereinafter set forth shall be paid to the use of the Township. The permit shall expire 1 year after the date of its issuance but may be renewed under the provisions of this Part, for additional periods of 1 year each. *(Ord. 1964-3, 7/10/1964, §4)*

§13-105. Application for Permit.

The permit provided for in this Part shall be issued by the Board after written application shall have been made therefor by the person desiring to be permitted. Such permit shall state the name of the person to whom such permit is issued and the premises on which such business is to be conducted, or such junkyard is to be maintained, such permit shall be posted conspicuously upon the premises permitted thereunder. The written application for the permit hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such permit.

(Ord. 1964-3, 7/10/1964, §5)

§13-106. Issuance of Permit.

Upon receipt of an application by the Board, the Board shall issue a permit or shall refuse to issue a permit to the person applying therefor after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the permit, the character of the properties located nearby and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a permit, it may impose upon the permit and the person applying therefor such terms and conditions, in addition to the regulations herein contained and adopted pursuant to this Part, as may be deemed, necessary to carry out the spirit and intent of this Part.

(Ord. 1964-3, 7/10/1964, §6)

§13-107. Permit Fee.

1. The permit fee shall be paid immediately upon the issuance or renewal of a permit. The amount of the permit fee shall be calculated in accordance with the following schedule as determined by the actual land to be used by the person to whom the permit is issued, excluding all set-back areas:
 - A. Less than 15,000 square feet.
 - B. More than 15,000 square feet, but less than 40,000 square feet.
 - C. More than 40,000 square feet.
2. No permit shall be issued for the use of a tract of land in excess of 20 acres excluding setback area.

(Ord. 1964-3, 7/10/1964, §7)

§13-108. Transfer of Permit.

No permit issued by the Board shall be transferrable by the permittee to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his permit shall notify the Board in writing, which notification shall be accompanied by an application for a permit, as described in §13-105 of this Part by the transferee.

(Ord. 1964-3, 7/10/1964, §8)

§13-109. Transfer Fee.

In the event the Board shall approve the transfer of a permit, the transferee shall immediately pay to the Township a transfer fee of.

(Ord. 1964-3, 7/10/1964, §9)

§13-110. Regulations.

Every person permitted under this Part shall constantly maintain the permitted premises in accordance with any special provisions imposed by the Board, and in the manner prescribed by this Section and any subsequent regulations adopted by the Board:

- A. From and after the effective date of this Part, no junkyard or scrapyards shall be established closer to any street or side property line than feet and must be entirely enclosed within a solid wall or fence no less than feet high.
- B. There shall be established and maintained in all junkyards and scrapyards parallel aisles or roadways of not less than feet in width, and not more than feet apart and intersecting vertical aisles or roadways of not less than feet in width and not more than feet apart. All aisles or roadways must be kept clear of weeds and brush at all times.
- C. No inflammable liquid shall be permitted to remain in any junked container, whether the container is a separate item or is an integral part of another item, at any time.
- D. All rags, bottles, and scrap paper must be kept within the walls of a building constructed of fire-resistant material and no garbage or other organic waste shall be stored in such premises.
- E. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby, or a place for the breeding of rodents and vermin.
- F. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate the access for firefighting purposes.
- G. A person permitted under this Part shall not burn more than one motor vehicle or its equivalent at any one time. No oil, grease, tires, gasoline, or other similar materials that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junkyard at any time. Burning of vehicles must be attended and controlled at all times.

(Ord. 1964-3, 7/10/1964, §10)

§13-111. No Junkyard and Scrapyard in Existence of the Effective Date.

No junkyard and scrapyards, in existence of the effective date of this Part shall be added to or extended unless in compliance with the provision of §13-110.A of this Part as to said addition or extension.

(Ord. 1964-3, 7/10/1964, §11)

§13-112. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1964-3, 7/10/1964, §12; as amended by A.O.)

Part 2**Lynn Township Television Franchise Ordinance****§13-201. Short Title.**

This Part shall be known and may be cited as the “Lynn Township Television Franchise Ordinance.”

(Ord. 1997-4, 8/7/1997, §1)

§13-202. Definitions.

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

Cable television system or community antenna television system or CATV or system - any facility which:

- (1) In whole or in part receives directly or indirectly over the air and amplifies or otherwise modifies the signals and programs broadcasted by one or more television or AM or FM radio station and distributes such signals by wire or cable to subscribing members of the public who pay for such services.
- (2) Distributes by cable or wire news, weather, or other information, including civil defense type information as an incidental part of CATV service to all subscriber.
- (3) Distributes any and all other lawful communication of a specialized nature to include any television programs or events for which a separate and distinct charge is made to the subscriber in a manner commonly known and referred to as pay television, as may be permitted by the Federal, State and/or local regulatory agency.

Company - the grantee of rights under this Part awarded a franchise.

Gross subscriber revenues - those revenues received by the company for monetary shares of any character whatsoever, including donations, contributions, dues, membership fees or monthly service charges (whether periodical or otherwise) charged or paid in any manner from and by the general public directly or indirectly, for the privilege of receiving any television signal or electronic impulse which is transmitted through the cables to wire of the cable television system of the company which passed on, over, under or along the streets, alleys and public ways of the Township and which are paid by the subscribers or residents located within the said Township. Gross subscriber revenues shall not include the revenues received by the company as installation charges and shall not include fees for reconnection, inspection, repairs or modifications of any installations or fees from advertising.

Federal Communications Commission or FCC - that agency as presently constituted by the Communications Act of 1934 as remanded or any successor

agency.

Franchise - nonexclusive rights granted hereunder to construct and operate a cable television system along the public ways within all areas in Lynn Township, Lehigh County, Pennsylvania.

Person - any person, partnership, association, corporation, company or organization of any kind in the partners, in partnership and officers of corporations.

Public ways - the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive or other public right of way, including public utility easements, or rights of way, now or hereafter held by Lynn Township, Lehigh County, Pennsylvania, and the grantee to the use thereof for the purpose of installing and maintaining the grantee's cable television system.

Township - the Township of Lynn located in Lehigh County, Pennsylvania. (*Ord. 1997-4, 8/7/1997, §2*)

§13-203. Grant of Authority.

The Township hereby grants to the respective companies a nonexclusive franchise, right and privilege, subject to the provisions of existing Township ordinances pertaining to streets and roads, other ordinances and resolutions to construct, erect, operate, modify in, maintain in, upon, along, across, above, and over and under the highways, streets, alleys, sidewalks, public extensions thereof, and additions thereto, in and of the Township, poles, wires, cable, underground conduit, man holes and other television conductors and fixtures necessary for the maintenance and operation in the Township of the cable television system for the purpose of distributing television and radio signals and other electronic impulses in order to furnish television and radio programs in various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes herein set forth, and does not infer any exemption from Federal, State or local taxes. Notwithstanding anything to the contrary contained herein, company shall not disturb any public ways without prior consent of Township, which consent shall not be withheld unreasonably. Company shall obtain occupancy permits as required by Pennsylvania Department of Highways or from Lynn Township as the case may be.

(*Ord. 1997-4, 8/7/1997, §3*)

§13-204. Franchise Term.

The term of this franchise grant shall commence as of May 12, 1997, and shall continue until December 31, 2008.

(*Ord. 1997-4, 8/7/1997, §4*)

§13-205. Franchise Fee.

The company shall, for and in consideration of the privileges and rights granted herein, pay to the Township for the period May 12, 1997 to December 31, 1997, the sum of \$55 and during each subsequent year of operation of this franchise, pay to the Township the maximum percentage allowed by law (currently 5 percent) of the annual gross subscriber revenues received by the

company as herein defined. The said payment shall be made annually. At the time of this annual payment the company shall furnish the Township with an operating report showing the company's annual gross subscriber revenues during the preceding year and such other information as the Township shall reasonably require with respect the company's services within the Township for such a period. If the company pays a percentage of gross subscriber revenues in excess of the maximum percentage allowed by law to any municipality in its service area in eastern Pennsylvania pursuant to an order, instruction or approval, the Township shall have the right to petition and apply to the FCC for a similar higher percentage increase which, if approved by the FCC, shall become the percentage paid by the company to the Township pursuant to the terms hereof. If the company substantially changes the manner of charging for cable services so that gross subscriber revenues are eliminated or significantly decreased, the franchise fee to be paid shall be renegotiated. Payment of the annual franchise fee shall be payable to the Township at the expiration of each calendar year.

(Ord. 1997-4, 8/7/1997, §5)

§13-206. Records and Reports.

The company shall keep full, true, accurate and current books of account which books and records shall be made available for inspection and copying by an authorized representative of the Township, at all reasonable times.

(Ord. 1997-4, 8/7/1997, §6)

§13-207. Rates.

All rates for service shall be fair, just, reasonable, compensatory, nondiscriminatory and uniform.

(Ord. 1997-4, 8/7/1997, §7)

§13-208. Liability and Indemnification.

The company shall pay, and by its acceptance of this franchise the company expressly agrees that it will pay, all damages and penalties which the Township may be legally be required to pay as a result of the company installation, operation or maintenance of the cable television system authorized herein. The company further agrees as follows:

- A. Company shall carry workmen's compensation insurance, with statutory limits, and employer's liability insurance with coverage of at least \$100,000, which shall cover all operations to be performed by company as a result of this Part.
- B. Company shall carry comprehensive general liability and comprehensive automobile liability insurance with bodily injury coverage of at least \$100,000 per occurrence and property damage coverage of at least \$300,000 per occurrence.
- C. Company shall carry contractual liability insurance coverage for all liability which the company has contractually assumed hereunder including the indemnification obligations assumed by the company in this Section, the coverage under said policy to be the same as the limits set forth in the preceding §13-202 of

this Part.

- D. Company's workmen's compensation, comprehensive general liability and comprehensive automobile liability and contractual liability insurance shall be written by an insurance company with a capital and/or surplus of at least \$3,000,000 and company agrees to furnish with certified copies or certificates of insurance of said policies which shall provide that said insurance cannot be cancelled unless 10 days' prior notice thereof is given by the insurance carrier to the Township. Insurance company must be authorized to business in Pennsylvania.

(Ord. 1997-4, 8/7/1997, §8)

§13-209. Local Office Compliant Procedure.

During the term of this franchise and any renewal thereof company shall maintain within the Township a local business office or agent, for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters. The provisions of this Section shall be deemed to be complied with if the company maintains a local business headquarters within 25 airline miles of the principal coordinates of the Township, which office may be reached by local toll-free telephone call, and provides the Township Administrator's office with the name, address and phone number of a person who will act as the company's agent to receive complaints regarding quality of service, equipment malfunctions and similar matters. The local office shall be open to receive inquires or complaints by subscribers during normal business hours, and in no event less than 9 a.m. to 5 p.m., (or an equivalent length of time between the hours of 7 a.m. and 7 p.m.) Monday through Friday. Any complaints from subscribers shall be investigated and acted on as soon as possible, but at least within 3 business days of their receipt. The company shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint and the time and date thereof. This log shall be made available for periodic inspection by the Township. The company shall by appropriate means such as card or brochure, as subscribers are connected or reconnected to the system furnish information concerning the procedures for making inquiries and/or complaints, including the name, address and local telephone number of the local employee or employees or agent with whom such inquires or complaints are to be addressed. The Township appoints its administrator or his designated Township employee as responsible for implementation of the complaint procedures and continuing administration of the franchise.

(Ord. 1997-4, 8/7/1997, §9)

§13-210. System Construction Maintenance and Procedures.

1. Upon granting this franchise to construct and maintain a community television system in the Township, the company may enter into contract with any light, gas and water and sewer divisions of the Township, any public utility companies or any other owner or lessee of any utility pole located within or without the Township to whatever extent such contract or contracts may be expedient and of advantage to the company for the use poles and posts necessary for proper installation of the system, obtain the right of way permits from appropriate Township, State, County and Federal officials necessary to cross highways or roads under the respective jurisdiction to supply main trunk lines for the company receiving antennas, obtain permission from the Federal

Aviation Authority to erect and maintain antennas suitable to the needs of the system and its subscribers and obtain whatever permit the Township, County, State or any Federal agency may require. In the construction, installation and maintenance of its system, the company will use steel, cable and electronic divides, all of specialized and advanced design and type, in the operation of its system, the company will employ personnel with training, skill and experience in electronics and communications. It is understood, under FCC regulations, that such material and personnel may not be available to the company in the event of a war or other similar national emergencies.

2. The company's system, poles, wires, appurtenances and all other of its equipment and facilities shall conform to the Township ordinances, the National Electric Code, Pennsylvania Public Utility Commission and the FCC and shall be so located erected and maintained so that none of the facilities shall endanger or interfere with the lives of persons or interfere with any improvements the Township may deem proper to make, or unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, easements or public property.
3. In the event that the Township shall annex further territory authorized by law or new areas of the Township are developed the company shall extend energized trunk cable to these portions of the Township within 1 year thereafter, unless additional time is granted by the Board request of the company for good cause shown. Extension of service shall not be required into any area which does not meet the requirements set forth in §13-211 of this franchise agreement.
4. All transmission and distribution structures, lines and equipment erected by the company within the Township shall be so located as to cause minimum interference with the proper use of street, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places.
5. In case of any disturbance of pavement, sidewalk, lawn, driveway or other surfacing, the company shall, at its own cost and expense, in a manner approved by the Township, replace and restore all paving, sidewalk, driveway, lawn or surface, any street or alley, disturbed, in as good condition as before said work was commenced.
6. In the event that any time during the period of this franchise the Township shall lawfully elect to alter or change the grade of the street, alley or other public way, the company, upon reasonable notice by the Township, shall remove, relay and relocate its poles, wires, cables and underground conduits, manholes and other fixtures at its own expense.
7. The company shall not place poles or other fixtures where the same will interfere with gas, electric, sewer or telephone fixtures, water hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the other edge of the sidewalk and inside the curb line and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such manner as not to interfere with the usual travel of said streets, alleys and public ways.
8. The company shall on the request of any person holding a building moving permit, issued by the Township, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the company shall have the authority to require such payment in advance. Company shall be given not less than 48 hours' advance

notice to arrange for such temporary wire changes.

9. The company shall, subject to the Township Board of Supervisors, have the authority to trim trees upon the overhanging streets, alleys, sidewalks, from coming in contact with the wires and cables of the company, all trimming to be done under the supervision and direction Township and at the expense of the company.
10. The company shall provide, upon request and without charge, basic service to any municipal building owned and operated by the Township and to any public or parochial school located within, the Township by providing an energized cable to such buildings for such service. The cost of any internal wiring shall be borne by the institution. If the Township emergency communications systems can make use of the cable system without interference of the company usage, such use shall be permitted free of charge.
11. The Township specifically reserves the right to withhold approval for antenna or towers, as set forth in the foregoing Section, until a public hearing has been held, if deemed necessary by the Township, in regard to these items.

(Ord. 1997-4, 8/7/1997, §10)

§13-211. Line Extension.

It shall be the obligation of the company to serve all residents of the Township except to the extent that a lack of density of homes, adverse terrain or other factors render providing service impracticable, technically infeasible or economically non-compensatory. All charges for line extensions shall be fair and reasonable considering the particular circumstances. The company shall furnish the Township with its line extension policy.

(Ord. 1997-4, 8/7/1997, §11)

§13-212. Street Occupancy.

1. Company shall utilize existing poles, conduit and other facilities wherever possible.
2. All transmission lines, equipment and structure shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners who adjoin on any street. Suitable barricades, flags, lights, flares or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public.
3. Company shall at its own expense and in a manner approved by the Township restore to the original condition any damage or disturbance caused to the public ways or to private property as a result of its operation or construction on its behalf.

(Ord. 1997-4, 8/7/1997, §12)

§13-213. Compliance with Standards.

All facilities and equipment of the company shall be constructed and maintained in accordance with the requirements and specifications of the National Electrical Safety Code and such applicable ordinances and regulations set forth by the Township and/or any other local, State or Federal agencies.

(Ord. 1997-4, 8/7/1997, §13)

§13-214. Company Rules and Regulations.

The company shall have the authority to promulgate such reasonable rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the company to exercise its rights and performance obligations under this franchise, and to assure an uninterrupted service to each and all of its customers. Provided; however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of Federal and State laws.

(Ord. 1997-4, 8/7/1997, §14)

§13-215. Franchise Ordinance Costs.

Company shall pay the Township a sum of money sufficient to reimburse the Township for the preparation and passage of this Part and the rights granted to the company hereunder. Such payment shall be made by company to the Township within 30 days after the Township shall furnish the company with a written statement of such expense.

(Ord. 1997-4, 8/7/1997, §15)

§13-216. Procedures.

If the Township Supervisors deem a public hearing appropriate concerning the renewal of this franchise agreement, the Township shall advertise a public proceeding affording all parties interested due process. No changes in company procedure shall be effective except pursuant to a public notice of 30 days prior thereto. The company shall be a part to any other proceeding in which its rights, privileges or interests would be affected and shall be fully entitled to such due process rights as may be available under applicable laws, ordinances, rules or regulations.

(Ord. 1997-4, 8/7/1997, §16)

§13-217. Approval of Transfer.

The company shall not sell or transfer its system to another company, person, or any other entity, nor transfer any of its rights, duties, privileges or obligations under this franchise to another without written approval by the Township; provided, that such approval shall not be unreasonably withheld if the vendee, assignee or lessee of the company has filed with the appropriate official of the Township an instrument duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of this franchise and agreeing to perform all conditions thereof.

(Ord. 1997-4, 8/7/1997, §17)

§13-218. Notices.

Any notices, requests, instructions or other documents to be given hereunder, shall be in writing and shall be sent by certified mail, return receipt requested.

(Ord. 1997-4, 8/7/1997, §18)

§13-219. Revocation.

1. For the purpose of compelling compliance with their grant and franchise, and to secure efficiency of public service at reasonable rates, and the maintenance of the community

cable system in good condition during the full term of the grant, it is provided that (A) upon failure of the company or its successors or assigns to comply with any of the provisions of the grant, or (B) upon default of the company in any way of its obligations hereunder, except for causes beyond the reasonable control of the company, and upon the failure of the company within 30 days of written notice from the Township to correct or to comment and within a reasonable time complete the correction of such default or noncompliance, the Township shall have the right to revoke and declare terminated this Part and all rights of the company hereunder. In the event that the company shall be judged bankrupt or placed in receivership, the township may declare that the special rights grant herein to be forfeited and terminated. It is understood that during a reasonable interim period while transfer of the system is being arranged, such period being no less than 6 months and no greater than 24 months, the company shall be required to continue service to the public as trustee for its successors in interest, subject to an accounting for net earnings or losses during the interim period which are applicable to the company's operation in the Township.

2. The company shall at its own expense and cost promptly remove or cause to be removed from the streets, alleys and public ways of the Township and from all public property all of the wires, poles and installations of any kind or nature whatsoever which have been installed under the authority of this franchise by the company, successors and assigns. In the event of such removal, company shall restore the streets or other areas from which such property has been removed to a condition satisfactory to the Township. Any property of company permitted by the Township to be abandoned in place, shall be abandoned only in such manner as the Township may prescribe.

(Ord. 1997-4, 8/7/1997, §19)

§13-220. Activities Prohibited.

1. The company shall not allow its cable or other operations to interfere with television reception of persons not served by the company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Township.
2. Except as otherwise provided in this Part the company shall not, as to rate, charges, service facilities, rules, regulations or in any other respect make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage.
3. No landlord shall charge tenants a rate, as rental or otherwise for such cable television service in excess of the rate being charged by the company for comparable service to single family homes. No landlord shall demand or accept payment from the company for permitting the company to provide cable television service on or within said landlord's property or premises. Provided; however, that such landlord may be entitle to reasonable reimbursement for any direct expense incurred by him in connection with the installation of cable television service.

(Ord. 1997-4, 8/7/1997, §20)

§13-221. Emergency Cable Casting Authority.

During any legally declared local, regional or national emergency, the Chairman of the Board of Supervisors of the Township, or any other duly authorized Township

Official shall have the right and authority to interrupt the regular television programs carried on the company cable system to transmit information deemed vital to the public interest. The Township shall have the right to have the company install at the company antenna site, and at the Township's expense, the equipment required to permit the interruption of all regular television programs in order to transmit from said location, on all channels simultaneously, to company subscribers during an emergency period, any equipment so installed by Township shall remain the property of the Township and may be removed at any time by the Township.

(Ord. 1997-4, 8/7/1997, §21)

§13-222. Noncompliance.

If the Township discovers that the company has engaged in pronounced and continuous violations of the terms and provisions of this Part and/or any other applicable local, State or Federal regulations, the Township may file the appropriate action against the company in a court of competent jurisdiction, seeking monetary damages, equitable relief and/or any other appropriate remedy including, but not limited to, the revocation of the franchise herein granted.

(Ord. 1997-4, 8/7/1997, §22)

Chapter 14

[Reserved]

Chapter 15

Motor Vehicles and Traffic

Part 1

General Regulations

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- §15-102. Manner of Adopting Permanent Traffic and Parking Regulations
- §15-103. Provisions to Be Continuation of Existing Regulations
- §15-104. Temporary and Emergency Regulations
- §15-105. Experimental Regulations
- §15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events
- §15-107. Use of Streets by Processions and Assemblages
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- §15-201. Maximum Speed Limits Established on Certain Streets
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- §15-211. No Passing Zones Established
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- §15-1104. Locations Where Pedestrians May Cross Only in Crosswalk
- §15-1105. Penalty for Violation

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

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

(A.O.)

§15-102. Manner of Adopting Permanent Traffic and Parking Regulations.

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

(A.O.)

§15-103. Provisions to Be Continuation of Existing Regulations.

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

(A.O.)

§15-104. Temporary and Emergency Regulations.

1. The *[Designated Official]* shall have the following powers to regulate traffic and parking temporarily and in time of emergency:
 - A. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.
 - B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulation, or who shall, move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such

regulation, upon conviction thereof, shall be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than \$25 together with costs of prosecution.

(A.O.)

§15-105. Experimental Regulations.

The Township may, from time to time by resolution, designate places upon and along the highways in the Township where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter. No person shall operate and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this Section. Any person who shall violate any provision of this Section, upon conviction thereof, shall be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than \$25 together with costs of prosecution; provided, the purpose of this Section is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Township relative to traffic and parking.

(A.O.)

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

1. The Township shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.
2. The Township shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.
3. Any person who violates any provision of this Section, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(A.O.)

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

1. For the purpose of this Section, the words "assemblage" and "procession" shall have the following meanings:
Assemblage - a gathering of people without vehicles, which interferes with the

movement of pedestrian or vehicular traffic on any street.

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

2. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the [Designated Official], which shall be issued without fee. Application for the permit shall be made at least 1 week in advance of the day on which the assemblage is proposed to be held, but in any case where a State-designated highway is proposed to be used, application shall be made at least 3 weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.
3. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the [Designated Official], which shall be issued without fee. Application for the permit shall be made at least 2 weeks in advance of the day when the procession is proposed to be held, but in any case where the State-designated highway is proposed to be used, application shall be made at least 3 weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.
4. Any person who violates any provision of this Section, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(A.O.)

§15-108. Authority of Police Officers.

The police officers of the Township are hereby authorized to direct traffic on the highways of the Township and at intersections thereof and to otherwise enforce the provisions of this Chapter.

(A.O.)

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

1. The Police Department is hereby authorized to use all speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with 75 Pa.C.S.A. §3368.
2. This Section authorizes the use of said devices upon all highways within the Township be they Township, County or State highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the

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

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

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

Street	Between	Maximum Speed Limit
Bausch Road	Schochary Road to the boundary between Lynn Township and Weisenberg Township	30 mph
Flint Hill Road	Schochary Road to Camp Meeting Road	35 mph
Gun Club Road	Allemaengel Road to Route 143	25 mph
Gun Club Road	Route 309 to Lentz Road	25 mph
Gun Club Road	Lentz Road to Kings Highway	35 mph
Halpin Road		25 mph
Koch Court		25 mph
Lentz Road		35 mph
Long Court		35 mph
Madison Street	Decatur Street a distance of 2,064 feet measured along the centerline of Madison Street	35 mph
Old Orchard Court		25 mph
Red Road	Route 863 (sometimes known as Golden Key Road) to the Berks County Line (Albany Township)	40 mph
Slateville Road	Route 143 to Steinsville Road	40 mph
Springhouse Road	Gun Club Road to Route 309	35 mph
Weiss Road	Route 309 to the Heidelberg Township Line	35 mph

(As amended by Ord. 13-4, 12/12/13, §2; A.O.)

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

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

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

Bridge or Elevated Structure	Location	Maximum Speed Limit
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[Reserved]

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

(A.O.)

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

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

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

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

(A.O.)

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

1. A speed limit of 15 miles per hour is established on all streets and roadways in the public parks maintained and operated by the Township, except in the following locations, where the lower maximums, as specified, shall apply:

Park	Street	Location	Maximum Speed Limit
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[Reserved]

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

(A.O.)

§15-205. Traffic Signals at Certain Locations.

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

Location	Type of Signal
	[Reserved]

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

(A.O.)

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

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

Intersection	Vehicles Traveling On	Facing
		[Reserved]

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

(A.O.)

§15-207. One-Way Roadways Established.

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

Street	From	To	Direction of Travel
			[Reserved]

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

(A.O.)

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

1. It shall be unlawful for the driver of any vehicle of the type indicated traveling upon the first-named street at any of the following intersections, in the direction or directions indicated

in each case, to make a left turn and/or a right turn into the second- named street, as indicated, at any time when such a turn is prohibited by this Section:

Vehicles Traveling On	Direction of Travel	Not to Make Turn	Into	When	Type of Vehicle Applicable To
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[Reserved]

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

(A.O.)

§15-209. Right Turns Prohibited at Certain Intersections.

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

Vehicles Traveling On	Direction of Travel	Times	Not To Make Right Turn Into or Travel Straight Across
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[Reserved]

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

(A.O.)

§15-210. U-turns Prohibited at Certain Locations.

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

Street	Portion	Direction of Travel
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[Reserved]

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

(A.O.)

§15-211. No Passing Zones Established.

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

Street	Direction of Travel	Between
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[Reserved]

§15-212. Through Highways Established.

1. The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this Section shall stop the vehicle or yield right-of-way as required by 75 Pa.C.S.A. §§3323(b), 3323(c) of the Vehicle Code, as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that Section of the law:

Highway	Between
	[Reserved]

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

(A.O.)

§15-213. Stop Intersections Established.

1. The following intersections (in addition to intersections with the through highways established by §15-212) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or stop street, in the direction indicated in each case, shall stop the vehicle as required by of the Vehicle Code, 75 Pa.C.S.A. §§3323(b), and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that Section of the law.

Stop Street	Intersecting or Through Street	Direction of Travel
Adams Street	Jefferson Court	East
7481 Allemengel Road		Parking lot/driveway exit
Autumn Road T776	Reeser Road T721	North
Bachman Road T849	Bausch Road T649	South
7140 Behler Road	Behler Road	Parking lot/driveway exit
Blue Mt. House Road T748	Blue Mt. House Road T748	North
Blue Mt. House Road T748	Slateville Road T865	North and south
Borman Road T736	Springhouse Road T719	North
Broadtail Court	Allemaengel Road	North
Brobst Hill Road T757	Hoffadeckel Court T762	West
Brobst Hill Road T757	Uhrich Mill Road T739	East
Decatur Street		
Dresher Road T733	Slateville Road T865	South
Follweiler Court T727	Leaser Road T744	West
Ft. Everett Road T755	Gun Club Road T721	East
Ft. Everett Road T755	Springhouse Road T719	North and south

Stop Street	Intersecting or Through Street	Direction of Travel
Germans Corner Road T723	Autumn Road T776	West
Halpin Road T867	Long Court T670	East
Herring Court T880	Flint Hill Road T774	North
Homestead Road T850	Ross Valley Road T654	West
Hummingbird Road T650	Owl Valley Road T772	East and west
Jefferson Court	Adams Court	North and south
Jefferson Court	Lincoln Court	South
Koch Court T868	Halpin Road T867	East
Laurel Court T877	Lentz Road T759	South
Lentz Road T759	Gun Club Road T721	West
Lincoln Court	Jefferson Court	East and west
Loy Road T767	Hunters Hill Road T779	East
Market Street	Just before the 90 degree turn of	South
Mattos Court T878	Lentz Road T759	South
Mattos Court T878	Whitetail Court T879	North
Memory Road T768	Hummingbird Road T650	North
Miller Road T653	Bausch Road T649	South
Milo Road T648	Schaller Road T763	North and west
Municipal Building	Fort Everett Road	Parking lot exit
North Alley	T758 Behler Road	East
Oakview Road T872	Ponderosa Court T871	West
Old Orchard Ct.T866	Long Court T670	East
Ontelaunee Road T754	Springhouse Road T719	West
Penny Court T874	Behler Road T758	East
Ponderosa Court T871	Trout Lake Road T850	West
Quarry Road T766	Brobst Hill Road T757	South
Quarry Road T766	Springhouse Road T719	North
Rabbit Run Road	Bausch Road	Northeast and Northwest
Rabbit Run Road T753	Bausch Road T649	North
Ross Valley Road T654	Bausch Road T649	South
Sandy Court T873	Flint Hill Road T774	South
Sassafras Road T782	Lentz Road T759	North
Sassafras Road T782	Springhouse Road T719	South

Stop Street	Intersecting or Through Street	Direction of Travel
Saw Mill Road T847	Ontelaunee Road T754	West
Saw Mill Road T847	Springhouse Road T719	East
Springhouse Road T719	Gun Club Road T721	East and west
Springhouse Road T719	Leaser Road T744	West
Springhouse Road T719	Springhouse Road T719	West
St. Peters Road T743	Hummingbird Road T650	West
Stump Road T844	Eile Dahl Road T742	North
Swamp Road T754	Ontelaunee Road T754	South
Swamp Road T754	Springhouse Road T719	North
Sweitz Road T764	Scholler Road T763	South
Trout Lake Road T850	Red Road T749	North
Uhrich Mill Road T739	Springhouse Road T719	North
Utt Road T726	Leaser Road T744	East
Utt Road T726	Slateville Road T865	West
Weavers Court T769	Ulrich Mill Road T739	East
Whitetail Court T879	Laurel Court T877	East
Zimmerman Road T854	Eile Dahl Road T742	West

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

(A.O.

§15-214. Yield Intersections Established.

1. The following intersections (in addition to intersections with the through highways established by §15-212) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by 75 Pa.C.S.A. §3323(c) of the Vehicle Code, and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction of Travel
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[Reserved]

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

(A.O.)

§15-215. Operation of Motor Vehicles Restricted on Public Lands.

1. No motor vehicle including a motorcycle, pedalcycle or minibike shall be operated on any property owned by the Township or any other public agency or instrumentality within the Township without the permission of the property owner and a permit from the *[Designated Official]* of the Township.

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

(A.O.)

§15-216. Rotary Traffic Islands Established.

1. The following locations are designated as rotary traffic islands, and every vehicle passing around a rotary traffic island shall be driven only to the right of the island:

Location

[Reserved]

2. Any person who drives a vehicle otherwise than to the right of any rotary traffic island shall be guilty of a violation of this Section, and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(A.O.)

§15-217. Play Highways Established and Authorized.

1. The following areas upon the streets in the Township are established as play highways:

Street	Between	Days	Hours
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[Reserved]

2. The *[Designated Official]* is authorized to designate as play highways, whenever he deems that action advisable, and for whatever period of time directed by him, any part of any street in the Township where sledding and coasting shall be permitted. That play highway shall be set apart for the purpose under the direction of the *[Designated Official]*.

3. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency, with special permission of the *[Designated Official]* or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this subsection, upon

conviction, shall be sentenced to pay a fine of \$25 and costs. (A.O.)

§15-218. Snowmobile Roads Designated.

1. The following roads and streets within the Township are designated as special snowmobile roads:

Street or Road	Between	Used by Snow- mobiles Only When Closed to Vehicular Traffic	Shared With Vehicular Traffic
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[Reserved]

2. It shall be unlawful for any person to operate a snowmobile on any highway, street or road in the Township other than as provided above. Provided, nothing in this Section shall prohibit any person from operating a snowmobile on any other street in the Township:

A. As authorized by the Vehicle Code, 75 Pa.C.S.A. §7721, for emergency and bridge crossings and for direct crossing of streets or two-lane highways.

B. For special snowmobile events where authorized in advance and the street is blocked off as provided in the Vehicle Code, 75 Pa.C.S.A. §7723. Any person who violates any provision of this Section shall be subject to the penalties prescribed in §7752(a) of the Vehicle Code, 75 Pa.C.S.A. §7752 (a). (A.O.)

Part 3

Restrictions on Size, Weight and Type of Vehicle and Load

§15-301. Vehicle Weight Limits Established on Certain Streets and Bridges.

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Between	Maximum Gross Weight
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[Reserved]

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(a) and 4902(g-1) of the Vehicle Code, 75 Pa.C.S.A. §§4902(a), 4902(g-1) and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

(A.O.)

§15-302. Restrictions on Size of Vehicles on Certain Streets and Bridges.

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions
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[Reserved]

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(a) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. §§4902(a), 4902(g)(1) and, upon conviction, shall be sentenced to pay a fine of \$75 and costs.

(A.O.)

§15-303. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges.

1. By reason of hazardous traffic conditions and other safety factors, by authority granted by §4902(b) of the Vehicle Code 75 Pa.C.S.A. §4902(b), it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street.

Street or Bridge	Between	Restrictions
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[Reserved]

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(b) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. §§4902(a), 4902(g)(1) and,

upon conviction, shall be sentenced to pay a fine of not less than \$25 and not more than \$100 and costs. (A.O.

§15-304. Truck Traffic Restricted on Certain Streets.

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

Street	Between
	[Reserved]

Provided, nothing in this Section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

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

(A.O.

Part 4

General Parking Regulations

§15-401. Vehicles to Be Parked Within Marked Spaces.

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

(A.O.

§15-402. Parking Prohibited at All Times in Certain Locations.

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

Street	Side	Between
Broadtail Court		South Terminus
Market Street	East	Decatur Street
Gun Club Road		Allemaengel Road to Route 143
Lincoln Court		East Terminus
Madison Street	West	Market Street
Market Street	West	Decatur Street

No parking signs shall be erected at the beginning of and at reasonable intervals throughout the restricted area to serve as public notice of the parking prohibition. [Ord. 14-3]

(As amended by Ord. 14-3, 5/8/14, §§2-3; and by A.O.)

§15-403. Parking Prohibited in Certain Locations, Certain Days and Hours.

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

Street	Side	Between	Days	Hours
[Reserved]				

(A.O.

§15-404. Parking of Trucks, Buses and Certain Other Vehicles Prohibited in Certain Locations.

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

Street	Between
[Reserved]	

(A.O.

§15-405. Parking Time Limited in Certain Locations Certain Days and Hours.

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

Street	Side	Between	Days	Hours
		[Reserved]		
(A.O.)				

§15-406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited.

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

Street	Side	Location	Authorized Purpose or Vehicle
		[Reserved]	
(A.O.)			

§15-407. Standing or Parking on Roadway for Loading or Unloading.

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

Street	Side	Between
		[Reserved]
(A.O.)		

§15-408. Angle Parking Required on Portions of Certain Streets.

1. Only angle parking shall be permitted on the following portions of streets:

Street	Side	Between
		[Reserved]

2. On all streets where angle parking is required, every vehicle parked at the angle shall be parked with its front nearest the curb.

(A.O.)

§15-409. Residential Permit Parking.

1. *Findings and Purpose.* The Township finds that:
 - A. Certain residential areas in the Township are subjected to commuter

vehicle parking, therefore depriving the residents of those areas of spaces in which to park their own vehicles.

- B. Those residential streets are also subjected to a high degree of commuter traffic which substantially reduces the quality of the ambient air level.
 - C. The establishment of a parking permit program for certain affected areas should facilitate efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week. Therefore, the Township considers it to be in the interest of the people of the Township to provide for the establishment of a residential permit parking program to insure primary access to available parking spaces by neighborhood residents and also to provide a cleaner ambient air level.
2. *Definitions.* for the purpose of this Section, words and terms listed in this subsection, as follows, shall have the following meanings:

Commuter Vehicle - a motor vehicle parked in a residential area by a person not a resident of that residential area.

Proprietor - a person who owns or leases real estate within a residential area of which he is not a resident, but who owns or manages a business enterprise or professional office maintained at that address. for the purpose of this Section, a proprietor shall be entitled to one parking permit for that business or professional office address.

Resident - a person who owns or leases real property within a residential area and who maintains either a voting residence or bona fide occupancy, or both, at that address.

Residential Area - a contiguous area containing public highways or parts of public highways primarily abutted by residential property or residential and nonbusiness property (such as schools, parks, places of worship, hospitals and nursing homes).

3. *Criteria.* The residential areas designated in subsection .4 of this Section are those deemed impacted and hence eligible for residential parking on the basis of the following criteria:
- A. During any period between the hours of 7 a.m. and 6:30 p.m., Monday through Saturday, except legal holidays, the number of vehicles parked (or standing), legally or illegally, on the streets in the area is equal to 70 percent or more of the legal, on-street parking capacity of the area. for the purpose of this criterion, a legal parking space shall be 20 linear feet.
 - B. During the same period as specified in paragraph .A, 10 percent or more of the vehicles parked (or standing) on the streets in the area are not registered in the name of a person residing in the area. for the purpose of this criterion, the latest available information from the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used.

Provided: in determining that a specific area identified as impacted and eligible for residential permit parking is designated as a residential permit parking area, the following factors are taken into consideration:

- (1) The local and metropolitan needs with respect to clean air and environment.

- (2) The possibility of a reduction in total vehicle miles driven in the Township.
- (3) The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
- (4) The proximity of public transportation to the residential area.
- (5) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection with it.
- (6) The need for parking in excess of the residential permit parking program in proximity to establishments located in the residential permit parking area and used by the general public for religious, health or educational purposes.

4. *Designation of Residential Permit Parking Areas.* The following are designated as residential permit parking areas:

Area

Bounded By and Including

[Reserved]

Signs shall be erected along the streets in each residential permit parking area, indicating the days, hours, locations and conditions under which parking shall be by permit only.

- 5. *Application for Permit.* Application for a residential parking permit shall be made to the Chief of Police by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle who resides on or is a proprietor of property immediately adjacent to a street or other location within a residential parking permit area. A separate application shall be required for each motor vehicle, and each application shall be accompanied by a permit fee, in an amount as established by resolution of the Township, which shall be for the use of the Township, to be applied to the cost of administering the residential permit parking program. Each application shall contain the following information: the name of the owner or the driver, as the case may be, of the motor vehicle; the address of the resident or the proprietor, as the case may be; the make, model and registration number of the motor vehicle; and the driver number as taken from the applicant's current driver's license. At the discretion of the Chief of Police, the applicant shall be required, at the time of making application, to present his driver's license and the vehicle registration card.
- 6. *Issuance of Permit.* Upon receipt of the application and the permit fee, and determination by him that the information upon the application shows that the applicant is entitled to a residential parking permit, the Chief of Police shall issue to the applicant a residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the serial and registration numbers of the motor vehicles, the residential parking area number and the expiration date. The permit shall be renewable annually before the expiration date, upon making application for renewal and payment of the permit fee. It shall be unlawful and a violation of this Section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.
- 7. *Temporary and Exemption Parking Permits.* Temporary parking permits may

be issued by the Chief of Police, upon payment of a fee in an amount as established by resolution of the Board of Supervisors, to bona fide visitors of residents of a designated residential permit parking area, and exemption parking permits may be issued, without payment of a fee, to handicapped persons.

8. *Responsibility of Permit Holder.*

- A. Notwithstanding any provision of this Section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.
- B. A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.
- C. No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this Section by the permit holder and by the person who so used or displayed the parking permit.
- D. It shall constitute a violation of this Section for any person falsely to represent himself as eligible for a residential parking permit or to furnish false information in an application to the Chief of Police in order to obtain a residential parking permit.

9. *Revocation of Permits.* The Chief of Police shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this Section. Upon written notification to the present holder of the revocation, the permit holder shall surrender the permit to the Chief of Police. Failure to do so, when so requested, shall constitute a violation of this Section. Provided, any person receiving such a notice may, within 10 days after the date of the notice, appeal to the Township for a hearing on the revocation, and the decision of the Township shall be final.

(A.O.)

§15-410. Parking Prohibited on Portions of Certain Highways During Street Sweeping Hours.

It shall be unlawful for any person to park a vehicle or to allow the same to remain parked, at any time between [] and [] on any of the following portions of the highways of the Township on the days hereby respectively designated for street sweeping purposes:

Street	Between	Day
	[Reserved]	

(A.O.)

§15-411. Penalties.

Any person who violates any provision of this Part, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs. Provided, it shall be the duty of the police officers and of parking enforcement personnel of the Township to report to the appropriate official all violations of any provision of this Part indicating, in each case, the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$ within hours after the time of the notice, or if he will place the sum of \$ enclosed within the envelope provided in any of the special parking fine boxes installed at various locations within the Township, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

Any person who shall violate Section 402 of this Ordinance shall, upon conviction, be sentenced to pay a fine not exceeding \$15.00, together with the costs of prosecution, and in default of payment shall be committed to the Lehigh County Prison for a term not exceeding five (5) days. Each day's continuance of this offense shall constitute a new offense. [Ord. 14-3]

In addition to the above penalties, the Township through its Supervisors, agents and representatives, shall have the right to tow and remove violating motor vehicles from the prohibited parking areas, with the cost of the towing and removal being sustained and paid for by the owner or owners of such motor vehicles.

(As amended by Ord. 14-3, 5/8/14, §§4-5; and by A.O.)

Part 5

On-Street Metered Parking

§15-501. Parking Meter Zone Established.

Parking meter zones are established upon and along certain streets in the Township as follows:

Street	Between	Rate	Maximum Parking Time
[Reserved]			

(A.O.)

§15-502. Days and Hours Parking Meters in Operation and Parking Time Limits Apply.

Parking meters shall be operated by the deposit of a coin in the meter as prescribed by §15- 505, and the parking rates for specified lengths of time, as well as the maximum parking times prescribed in §15-501, shall apply at all times between the hours of 9 a.m. and 6 p.m. Monday through Thursday and Saturday, and between the hours of 9 a.m. and 9 p.m. Friday, in the parking meter zones listed in §15-501. Provided, however, the requirements of this Part as to parking time limits and as to deposit of coins in meters shall not apply on legal holidays.

(A.O.)

§15-503. Placement and Characteristics of Parking Meters.

Parking meters installed in the parking meter zones established by §15-501 of this Part shall be placed upon the curb or sidewalk, and immediately adjacent to the individual parking spaces described in §15-504 of this Part. Each parking meter shall be placed or set so as to show that the parking space adjacent to that meter is or is not legally occupied. Each parking meter installed shall indicate by a proper legend the legal parking time established by the Township and when the adjacent space is occupied by a vehicle, the parking meter shall indicate on and by its dial and pointer the duration of the period of legal parking and, on the expiration of that period, shall indicate illegal parking or over-parking.

(A.O.)

§15-504. Parked Vehicles to Be Wholly Within Marked Spaces.

Lines and/or markings shall be painted or placed upon the curb, sidewalk or roadway adjacent to each parking meter for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked at any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this Part for any person to park a vehicle across any such line or marking, or to park a vehicle in such a position that the vehicle is not wholly within the area designated by those lines or markings.

(A.O.)

§15-505. Coin Deposit in Meter; Overtime Parking Unlawful.

Whenever a vehicle is to be parked in any space adjacent to a parking meter, at any time in the period of limited parking as prescribed by §15-502 of this Part, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in that parking meter one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle shall remain in any such parking space for any length of time that the meter shall indicate by proper signal that the lawful parking time has expired, that vehicle shall be considered as having been parked overtime, and the parking of a vehicle overtime shall be a violation of this Part.

(A.O.)

§15-506. Unlawful to Deposit Substitute for Coin in Meter.

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this Part any slug or other substitute for a coin of the United States of America.

(A.O.)

§15-507. Unlawful to Deposit Coin in Meter to Extend Parking Time Beyond Legal Limit.

It shall be unlawful and a violation of this Part for any person to deposit or cause to be deposited in any parking meter installed under the provisions of this Part any coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time established for that parking zone.

(A.O.)

§15-508. Unlawful to Remain Parked at Meter Showing Violation.

It shall be unlawful, and a violation of this Part for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this Part when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.

(A.O.)

§15-509. Unlawful to Tamper with Meter.

It shall be unlawful, and a violation of this Part, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Part. Provided, nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the Township under the direction of the *[Designated Official]* or Township.

(A.O.)

§15-510. Ticketing of Vehicles Parked Unlawfully; Effect of Payment Within [] Hours.

1. It shall be the duty of the police officers and parking enforcement personnel of the Township, acting in accordance with the directions of the Chief of Police, to report:
 - A. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this Part.
 - B. The date and hour of the violation.
 - C. The license number of the vehicle.
 - D. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
2. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Part, and instructing the owner or driver that if he will report to the office of the Chief of Police and pay, for the use of the Township, the sum of \$ _____ within _____ hours after the time of the notice, or will place the sum of \$ _____ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Township within the time limit, that act will save the violator from prosecution and from payment of the fine prescribed in §15-511.1 of this Part.

(A.O.)

§15-511. Penalty for Violation.

1. Any person who violates any provision of this Part, with the exception of §15-509, and who fails to pay the fine set forth in §15-510, shall be cited within 15 days of the violation and, upon conviction, be sentenced to pay a fine of not more than \$15 and costs.
2. Any person who violates any provision of §15-509 of this Part, upon conviction, shall be sentenced to pay a fine of not more than \$1,000 and costs and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

(A.O.)

§15-512. Exceptions.

1. By resolution, the Township may temporarily suspend the provisions of this Part requiring coin deposit in meters and establishing a maximum parking time at meters.
2. The Township shall have authority to establish no parking or special-purpose parking zones within any parking meter zone, and to remove parking meters from those areas as previously installed there, and the provisions of this Part shall not apply in those areas where no parking or special-purpose parking is in effect.

(A.O.)

Part 6

Off-Street Metered Parking

§15-601. Metered Parking Lots Established.

The following are established as the metered parking lots established by this Township:

Lot	Location	Rate	Maximum Park- ing Time	Days in Operation	Hours in Operation
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[Reserved]

2. Provided, the parking meters in the metered lots shall be in operation, the parking lots shall be open for parking and the provisions of this Part regulating the operation of parking meters and establishing parking time limits shall be in force on the days and between the hours prescribed for the individual lots. But, on Sundays and legal holidays, no parking time limit shall apply and the placing of coins in meters shall not be required.

(A.O.)

§15-602. Placement and Characteristics of Parking Meters.

Parking meters installed in the parking lots shall be placed immediately adjacent to the individual parking spaces that shall be marked off and maintained in the lots. For each parking meter there shall be a clear indication, through use of a directional arrow, or an identification as to number with the parking space, to show which individual parking space it serves. Each parking meter shall indicate by a proper legend the parking rate and the maximum parking time established by §15-601, and, when the parking space is occupied and the parking meter put into operation by the insertion of one or more coins, the parking meter shall indicate on and by its dial and pointer the duration of legal parking, and, upon the expiration of that period, shall indicate illegal parking or over-parking.

(A.O.)

§15-603. Reserved Parking Spaces for Handicapped May Be Provided.

The Township, at its discretion, may provide, at convenient and suitable locations in any one or more of the metered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful, and a violation of this Part, for any person to park in any such reserved parking space any vehicle unless that vehicle bears or displays either a "handicapped registration plate," a "handicapped parking placard," a "disabled veteran registration plate" or a "disabled veteran placard."

(A.O.)

§15-604. Parked Vehicles to Be Wholly Within Marked Spaces.

Lines and/or markings shall be painted or placed upon the surface of the metered parking lots, adjacent to each parking meter, for the purpose of delineating the parking

space for which that meter shall be used. Every vehicle parked adjacent to any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this Part for any person:

- A. To park a vehicle across any such line or marking.
- B. To park a vehicle in such a position that the vehicle shall not be within the area so delineated by the lines or markings.
- C. To park a vehicle elsewhere in any such lot that in an individual parking space adjacent to a parking meter.

(A.O.)

§15-605. Manner of Parking at Meters.

It shall be unlawful for any person to park a vehicle in any metered parking lot:

- A. Otherwise than with the front of the parked vehicle nearest to the parking meter applicable to that vehicle.
- B. With any Part of the vehicle touching the meter post or head or the raised base or barrier on which meters are erected.

(A.O.)

§15-606. Coin Deposit in Meter; Overtime Parking Unlawful.

Whenever a vehicle is to be parked in any metered parking lot, at any time when the lot is open for use and the meters are to be in operation, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in the proper parking meter, one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle remains in any such parking space for such length of time that the meter indicates that the lawful parking time has expired, that vehicle shall be considered as being parked overtime, and the parking of a vehicle overtime shall be a violation of this Part. Provided, every hour that a vehicle remains parked at a meter showing a violation shall constitute a separate violation of this Part.

(A.O.)

§15-607. Unlawful to Deposit Substitute for Coin in Meter.

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this Part any slug or other substitute for a coin of the United States of America.

(A.O.)

§15-608. Unlawful to Remain Parked at a Meter Showing Violation.

It shall be unlawful and a violation of this Part for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this Part when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which

a coin or coins was deposited in that meter for the parking of that vehicle. (A.O.)

§15-609. Unlawful to Tamper with Meter.

It shall be unlawful and a violation of this Part for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Part. Provided, nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the Township under the direction of the [Designated Official] or Township.

(A.O.)

§15-610. Metered Parking Lots for Certain Types of Vehicles Only.

The metered parking lots established by this Part shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other type of vehicle in any of those lots.

(A.O.)

§15-611. Ticketing of Vehicles Parked Unlawfully; Effect of Payment Within [] Hours.

1. It shall be the duty of the police officers and parking enforcement personnel of the Township, acting in accordance with the direction of the Chief of Police, to report:
 - A. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this Part.
 - B. The date and hour of the violation.
 - C. The license number of the vehicle.
 - D. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
2. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Part, and instructing the owner or driver that if he will report to the office of the Chief of Police and pay, for the use of the Township, the sum of \$ _____ within _____ hours after the time of the notice, or will place the sum of \$ _____ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Township, within that time limit, that act will save the violator from prosecution and from payment of the fine prescribed in §15-612.1 of this Part.

(A.O.)

§15-612. Penalty for Violation.

1. Any person who violates any provision of this Part, with the exception of §15-609, and who fails to pay the fine set forth in §15-611, shall be cited within 15 days of the violation and, upon conviction, be sentenced to pay a fine of not more than \$15 and costs.

2. Any person who violates any provision of §15-609, upon conviction, shall be sentenced to pay a fine of not more than \$1,000 and costs and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

(A.O.

Part 7

Off-Street Unmetered Parking

§15-701. Unmetered Parking Lots Established.

The following are established as the unmetered parking lots operated by the Township:

Lot	Location	Maximum Parking Time	Days in Operation	Hours in Operation
[Reserved]				

(A.O.)

§15-702. Reserved Parking Spaces for Handicapped May Be Provided.

The Township, at its discretion, may provide, at convenient and suitable locations in one or more of the unmetered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful and a violation of this Part for any person to park in any such reserved parking space any vehicle unless that vehicle bears or displays either a “handicapped registration plate,” a “handicapped parking placard,” a “disabled veteran registration plate,” or a “disabled veteran placard.” Provided, all provisions, requirements and restrictions contained in the other Sections of this Part shall apply to vehicles lawfully parked in reserved parking spaces for handicapped.

(A.O.)

§15-703. Unlawful to Park Overtime or When Lot Closed.

It shall be unlawful for any person to park a vehicle or to allow a vehicle to remain parked in any unmetered parking lot:

1. For longer than the maximum parking time prescribed by §15-701.
2. At any time when the lot is not in operation and is closed to public use.

(A.O.)

§15-704. Unmetered Lots for Certain Types of Vehicles.

The unmetered parking lots established by §15-701 shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other kind or class of vehicle in any such lot.

(A.O.)

§15-705. Manner of Parking.

Every vehicle parked in an unmetered parking lot shall be parked wholly within the lines bounding or marking the individual parking space assigned to that vehicle, and shall be parked headed into the parking space. It shall be unlawful for any person:

1. To park a vehicle in a space not rented by him.

2. To park a vehicle otherwise than as required by this Section.
3. To park a vehicle elsewhere than in an individual parking space, the prohibited areas including, but not limited to, the access and exit driveways and turning and maneuvering spaces.

(A.O.)

§15-706. Parking on Rental Basis Only.

The parking spaces in the unmetered parking lots shall be available for parking on a monthly rental basis only. The rental fee shall be fixed by the Township by a resolution and shall be for a calendar month or the part of a calendar month remaining after the rental arrangements are made. The rental fee shall be paid in advance to the *[Designated Official]* for the use of the Township, and after the first month shall be automatically renewable until the renter notifies the Township that he wishes to terminate the rental arrangements. At any time, however, the Township may, by amending §15-701, discontinue provision of a specific unmetered parking lot or a portion of the parking spaces in any such lot, or may change any unmetered parking lot, or part of an unmetered parking lot, to a metered parking lot or to metered parking spaces. The rental parking spaces shall be assigned by the *[Designated Official]*. The name of the renter of a parking space and/or the numbers and/or letters on the registration tag of the vehicle entitled to be parked there shall be posted by the Township at the rental space or shall be painted on the surface of that parking space.

(A.O.)

§15-707. Penalty for Violation.

Any person who violates any provision of this Part, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs. Provided, it shall be the duty of the police officers and of parking enforcement personnel of the Township to report to the appropriate official all violations of any provision of this Part, indicating, in each case, the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and, any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$ _____ within _____ hours after the time of the notice, or if he will place the sum of \$ _____ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Township, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

(A.O.)

Part 8

Removal and Impoundment of Illegally Parked Vehicles

§15-801. Applicability and Scope.

This Part is enacted under authority of §6109(a)(22) of the Vehicle Code, 75 Pa.C.S.A. §6109(a)(22), and gives authority to the Township to remove and impound those vehicles which are parked in a tow-away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others may be towed under the provisions of the Pennsylvania Vehicle Code.

(A.O.)

§15-802. Authority to Remove and Impound.

The Township shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally; provided that the circumstances of its parking were within the conditions stated in §15-801. Provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part or the provisions of the Vehicle Code.

(A.O.)

§15-803. Tow Away Zones Designated.

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

Street	Side	Between	Parking Lot
		[Reserved]	

(A.O.)

§15-804. Designation of Approved Storage Garages; Bonding; Towing and Storage.

Removal and impounding of vehicles under this Part shall be done only by “approved storage garages” that shall be designated from time to time by the Township. Every such garage shall submit evidence to the Township that it is bonded or has acquired liability insurance in an amount satisfactory to the Township as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Township its schedule of charges for towing and storage of vehicles under this Part and, when the schedule is approved by the Township, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Part by any approved storage garage. The Township shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Part.

(A.O.)

§15-805. Payment of Towing and Storage Charges.

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

(A.O.)

§15-806. Reclamation Costs.

In order to reclaim his vehicle, the owner shall pay towing and storage costs plus a \$50 fee, of which \$25 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

(A.O.)

§15-807. Records of Vehicles Removed and Impounded.

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

(A.O.)

§15-808. Restrictions upon Removal of Vehicles.

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

(A.O.)

§15-809. Penalty for Violation.

Any person who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of \$50 together with all costs of disposing of the vehicle under the provisions of the Vehicle Code, 75 P.S. §7301 *et seq.*

(A.O.)

§15-810. Reports and Disposition of Unclaimed Vehicles.

If after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with §7311 of The Vehicle Code, 75 Pa.C.S.A. §§7311 by the person having legal custody of the vehicle. If the vehicle has not been claimed after 30 days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Vehicle Code (75 Pa C.S.A. §7301 *et seq.*).

(A.O.)

Part 9

Snow and Ice Emergency

§15-901. Declaration of Snow and Ice Emergency.

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §15-903 of this Part, the *[Designated Official]*, in his discretion, may declare a snow and ice emergency (designated in this Part as a “snow emergency”). Information on the existence of a snow emergency shall be given by the Township through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

(A.O.)

§15-902. Parking Prohibited, Driving Motor Vehicles Restricted on Snow Emergency Routes During Emergency.

After any snow emergency is declared, it shall be unlawful at any time during the continuance of the emergency for any person:

1. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §15-903.
2. To drive any motor vehicle on any such snow emergency route unless that vehicle is equipped with snow tires or chains.

(A.O.)

§15-903. Snow Emergency Routes Designated.

The following are designated as snow emergency routes:

Street	Between	
	[Reserved]	

(A.O.)

§15-904. Penalty for Violation.

1. If, at any time during a period of snow emergency declared under §15-901 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part and, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs.
2. If, at any time during a period of snow emergency declared under §15-901 of this Part, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(A.O.)

Part 10

Regulation of Pedalcycles and Nonmotorized Vehicles

§15-1001. Riding and Parking of Pedalcycles on Sidewalks Along Certain Streets Prohibited.

1. It shall be unlawful for any person to ride or to park a pedalcycle on the sidewalk along the following portions of the streets in the Township:

Street	Side	Between
		[Reserved]

2. Any person who violates any provision of this Section, upon conviction, shall be sentenced to pay a fine of \$5 and costs.

(A.O.)

§15-1002. Restrictions on Use of Pushcarts.

1. The word “pushcart,” as used in this Section, shall mean a vehicle, including a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.
2. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from the Township as provided in subsection .3 of this Section.
3. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from the Township. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the Township set by the Township by resolution. The permit shall be granted to the applicant, upon payment of the fee, and upon the applicant signing an agreement with the Township that he shall be bound by the conditions imposed by Township and made a part of the permit, dealing with the following matters:
 - A. Restricting or limiting the parking of the pushcart to one or more stated locations upon the sidewalk and to stated days and hours at each location.
 - B. Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on.
 - C. Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.
4. Any person who violates any provision of this Section, or any condition of any permit granted under this Section, upon conviction, shall be sentenced to pay a fine of \$25 and costs. (A.O.)

§15-1003. Skates, Skateboards, Coasters, Sleds and Other Toy Vehicles.

1. It shall be unlawful for any person to ride on a sled upon any sidewalk in the Township, or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of §§15-105 or 15-217. Provided, nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.
2. It shall be unlawful for any person to engage in roller-skating, skateboarding or to ride upon or propel any coaster or other toy vehicle upon:
 1. Any street except in order to cross the roadway.
 2. Any sidewalk located in a business district, except that nothing in this subsection shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.
3. Any person who violates any provision of this Section, upon conviction, shall be sentenced to pay a fine of \$5 and costs.

(A.O.

Part 11 Pedestrian**Regulations****§15-1101. Pedestrians to Obey Traffic-Control Signs.**

At all locations in the Township where official traffic-control signals are installed, pedestrians, except where directed otherwise by pedestrian-control signals installed under §15-1102 of this Part, shall obey the directions of those traffic-control signals, as follows:

1. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk.
2. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway.
3. When facing a steady red signal, a pedestrian shall not enter the roadway.

(A.O.)

§15-1102. Pedestrian-Control Signal Locations Established.

1. At the following locations, official pedestrian-control signals shall be erected (or are ratified if previously erected):

Location

[Reserved]

2. Every pedestrian facing a steady or flashing "Don't Walk" signal shall obey the directions of that signal, as follows:
 - A. When facing a steady "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.
 - B. When facing a flashing "Don't Walk" signal a pedestrian shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication should proceed to a sidewalk or safety zone.

Any pedestrian who fails to obey the directions of a "Don't Walk" signal, as indicated above, shall be guilty of an offense and a violation of this Part.

(A.O.)

§15-1103. Locations Where Pedestrian Crossing in Unmarked Crosswalks Restricted.

Except when authorized by a police officer or other appropriately attired person authorized to direct, control or regulate traffic, it shall be unlawful for any pedestrian to cross the roadway at any of the following streets, at the intersection with that street indicated.

Street	Intersection	Direction of Travel
---------------	---------------------	----------------------------

[Reserved]

(A.O.)

§15-1104. Locations Where Pedestrians May Cross Only in Crosswalk.

It shall be unlawful for any pedestrian:

1. To cross any roadway in a business district within the Township except in a crosswalk.
2. To cross the roadway, in any of the following portions of streets in the Township, except in a crosswalk.

Street	Between
---------------	----------------

[Reserved]

Provided, nothing in this Section shall permit any pedestrian to cross in a crosswalk at any location where that crossing is prohibited by §15-1102 of this Part.

(A.O.)

§15-1105. Penalty for Violation.

Any pedestrian who violates any provision of this Part shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$5 and costs.

(A.O.)

Chapter 16

Parks and Recreation

Part 1

Ontelaunee Park

- §16-101. Hours of Use
- §16-102. Rules and Regulations
- §16-103. Permits
- §16-104. Enforcement

Part 1**Ontelaunee Park****§16-101. Hours of Use.**

The Ontelaunee Park shall be open and available to the general public daily from dawn until dusk, unless posted otherwise.

(Ord. 2008-2, 6/12/2008, §1)

§16-102. Rules and Regulations.

Any visitor to the Ontelaunee Park who fails to comply with the following rules and regulations shall suffer the penalties set forth in this ordinance or such other penalties as may be allowed by law:

- A. The cutting, mutilating, removing, defacing or damaging of any Township property, including but not limited to any structure, equipment, trees, grass, vegetated areas, and/or the grading thereof, is prohibited.
- B. Dumping and/or the abandonment of any matter on Ontelaunee Park grounds ("park grounds") including, but not limited to, refuse, trash or litter, is prohibited, unless placed in receptacles provided by the Township for that purpose.
- C. Fishing is permitted in accordance with current Commonwealth fish laws and regulations promulgated thereunder, unless otherwise posted. However, the digging of bait on park grounds is prohibited.
- D. Pavilion(s) and picnic tables must be returned to the original condition/position immediately following any use thereof.
- E. Parents, guardians and persons in loco parentis are responsible for the actions of any child under his/her supervision on park grounds, including any damage inflicted upon park property, and making restitution therefor, regardless of whether the parents, guardians or persons in loco parentis accompany their children to or at the park.
- F. The presence, distribution, use or consumption of alcohol and/or controlled substances (as defined by Title 35 of the Pennsylvania Consolidated Statutes and/or Federal law) on park grounds is prohibited.
- G. Engaging in conduct which is abusive, insulting, obscene, indecent, or which tends to disrupt good order and to provoke a disturbance, or otherwise constitutes a breach of the peace, is prohibited.
- H. No domesticated animals are permitted unless they are under control by the use of a leash. The owner of the animal shall clean up any defecation rendered by the animal.
- I. Unless otherwise posted, visitor may only build fires in grills provided or brought to the park for that purpose, provided the grill is of a kind manufactured for the purpose of properly and safely containing outdoor fires for cooking.
- J. Camping is prohibited, except upon the specific authorization of the Board of Supervisors of Lynn Township. When camping is authorized, all camp lighting

and fires shall be extinguished at 10 p.m. unless extended by the Board.

- K. All golf is prohibited, except "frisbee golf."
- L. Motor vehicles may be parked or operated only in areas designated for parking or operation, but never on any grassy or finished surface, unless posted by a designated representative of the Lynn Township Board of Supervisors. All motor vehicle operators shall be required to comply with all laws and regulations.
- M. Dirt bikes, all-terrain vehicles, snowmobiles, and/or other motor vehicles not meant for road use are prohibited throughout the park grounds.
- N. Motor vehicles must not exceed a speed of 10 miles per hour on Township properties.
- O. No vehicles can be repaired mechanically, except for emergency break-down, washed, painted or have any other work performed on them while on Township property.
- P. Firearms, tasers, air pistols, air rifles, spring guns, bows and arrows, slingshots and laser pointers are prohibited.
- Q. Merchandise and services shall not be offered or advertised for sale on park grounds, except by consent of the Board of Supervisors.
- R. Failure to comply with the terms and conditions of any permit issued under this Part.

(Ord. 2008-2, 6/12/2008, §2)

§16-103. Permits.

1. Reservation of the upper/new pavilion, the lower/old pavilion, the band shell, and/or butterfly garden and covered bridge by one or more individuals, at least one of whom shall be 21 years or older, to the exclusion of any other person shall occur solely by permit issued by the Township Administrator or his/her designee after proper application and payment of the appropriate fee(s) on such form(s) as the Township Administrator shall direct. Application and payment shall be made at the Township Municipal Building during regular hours at least 5 days in advance of such reservation. Completed applications (which shall include payment of all applicable fee(s)) shall be considered by the Township Administrator or his/her designee in the order received. A copy of the approved permits shall be given to the applicant who shall retain it in his/her/its possession, and have it available for inspection upon demand at the date, time, and location indicated on the permit.
2. To be eligible for a refund of the permit application fee, a written request must be received from the applicant at least 15 days prior to the reserved date to receive full credit. Refunds will not be issued due to inclement weather.
3. If an applicant is unable to reserve the desired facility at the date and time set forth in the application for permit due to a prior reservation, then the Township Administrator or his/her designee shall neither accept the application fee nor issue the permit nor, unless both the applicant and the party with the prior reservation consent to simultaneous use of the facilities by both of them.
4. Unless and until changed by resolution of the Board of Supervisors, the permit fee to be paid at the time of application for a permit shall be in an amount as established from time

to time by resolution of the Board of Supervisors. [A.O.]

5. Checks should be made payable to "Lynn Township/Ontelaunee Park."
6. As a condition of such permit, the applicant for such permit shall be liable for the actions and inactions of all persons utilizing the reserved facility or facilities identified in the permit, including compliance with all park rules and regulations, and shall exonerate, indemnify and hold harmless the Township from and against all claims, lawsuits, and damages (including those for attorney or consultants fees or court costs) based upon, arising out of or occurring during the use of such facility or facilities reserved by the permit.
7. Generally, the Township Administrator or his/her designee shall approve such permit applications as a matter of course, unless the proposed reservation or use will violate this Part or some other ordinance, law, regulation, or other legal requirement, or produce unreasonable level(s) of noise, glare, air pollution, water pollution, fire hazard or other safety hazards, or a material risk to the safety, health or welfare of the public. Appeals from the refusal of the Township Administrator or his/her designee to issue a permit may be taken to the Board of Supervisors.

(Ord. 2008-2, 6/12/2008, §5; as amended by A.O.)

§16-104. Enforcement.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Each 24-hour period that the condition persists shall be deemed to be a separate offense.

(Ord. 2008-2, 6/12/2008, §4; as amended by A.O.)

Chapter 17

[Reserved]

Chapter 18

Sewers and Sewage Disposal

Part 1

On-Lot and Community Disposal Systems

A. Individual or Community Sewage Systems

- §18-101. Definitions
- §18-102. Individual Sewage System or Community Sewage System
- §18-103. Application for a Sewage Permit
- §18-104. Issuing or Denying Permits
- §18-105. Request of a Hearing by the Applicant
- §18-106. Outstanding Sewage Permit
- §18-107. Structure or System Designed to Provide Individual or Community Sewage Disposal
- §18-108. Inspection and Testing of Construction
- §18-109. Tests
- §18-110. Term of a Sewage Enforcement Officer
- §18-111. Fees
- §18-112. Penalties

B. Holding Tanks

- §18-121. Purpose
- §18-122. Definitions
- §18-123. Right and Privileges Granted
- §18-124. Rules and Regulations
- §18-125. Rules and Regulations to be in Conformity with Applicable Law
- §18-126. Rates and Charges
- §18-127. Exclusiveness of Rights and Privileges
- §18-128. Duties of Improved Property Owner
- §18-129. Violations
- §18-130. Abatement of Nuisances

C. Privies

- §18-131. Purpose
- §18-132. Definitions
- §18-133. Right and Privileges Granted
- §18-134. Rules and Regulations
- §18-135. Rules and Regulations to Be in Conformity with Applicable Law
- §18-136. Rates and Charges
- §18-137. Condition of Privy Use
- §18-138. Exclusiveness of Rights and Privileges
- §18-139. Duties of Improved Property Owner
- §18-140. Violations
- §18-141. Abatement of Nuisances

Part 2
Public Sewers

A. Mandatory Connection

- §18-201. Definitions
- §18-202. Use of Public Sewers Required
- §18-203. Building Sewers and Connections
- §18-204. Rules and Regulations Governing Building Sewers and Connections to Sewer
- §18-205. Remedies, Fines and Penalties
- §18-206. Declaration of Purpose

B. Manner of Making Sewer Connections

- §18-211. Definitions
- §18-212. Building Sewers and Connections
- §18-213. Rules and Regulations Governing Building Sewers and Connections to Sewers
- §18-214. Persons Authorized to Do Work Relating to Connections
- §18-215. Reservations
- §18-216. Industrial Wastes and Prohibited Wastes
- §18-217. Housing Developments
- §18-218. Miscellaneous Provisions

C. Sewer Rental and Charges

- §18-221. Definitions
- §18-222. Sewer Rentals or Charges
- §18-223. Computation of Sewer Rentals or Charges
- §18-224. Time and Method of Payment
- §18-225. Liens for Sewer Rentals; Filing and Collection of Liens
- §18-226. Measuring Volume of Sanitary Sewage and Industrial Wastes for Industrial Establishments
- §18-227. Regulations Governing Admission of Industrial Wastes into the Sewer System
- §18-228. Access
- §18-229. Prohibited Waste
- §18-230. Responsibility of Owners of Improved Property
- §18-231. Adoption of Additional Rules and Regulations
- §18-232. Construction and Severability
- §18-233. Declaration of Purpose

Part 1**On-Lot and Community Disposal Systems****A. Individual or Community Sewage Systems****§18-101. Definitions.**

As used in this Part the following definitions shall, apply:

Community sewage system - any system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes serving three or more individual lots.

Individual sewage system - a single system of piping, tanks or other facilities serving one or two lots and collecting and disposing of sewage in whole or in part into the soil of the property or into any waters of this Commonwealth.

Lot - a part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

Person - include any individual, co-partnership, association or private corporation.

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

Subdivision - the division of a single tract or other parcel of land, or a part thereof, into four or more lots, and shall also include changes in street lines or lot lines.

(Ord. 1975-3, 6/5/75, §1)

§18-102. Individual Sewage System or Community Sewage System.

No person shall install, construct, or alter an individual sewage system or community sewage system, or construct, erect or occupy any building or structure, or repair or extend any sewage disposal system regardless of lot size or acreage involved, without first obtaining a sewage permit indicating that the site and the plans and specifications of such system are in compliance with the provisions and standards of this Part and the Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, 35

P. S. 750.1 *et seq.*, and the rules and regulation of the Pennsylvania Department of Environmental Protection, sometimes hereinafter referred to as DEP.

(Ord. 1975-3, 6/5/75, §2; as amended by A.O.)

§18-103. Application for a Sewage Permit.

Application for a sewage permit shall be made by the property owner, in writing, on such form and including such data as the DEP may from time to time prescribe to the Township.

(Ord. 1975-3, 6/5/75, §3; as amended by A.O.)

§18-104. Issuing or Denying Permits.

Permits shall be issued or denied within 7 days after receiving the application for the permit, provided that should the Township find the data submitted by the applicant incomplete, or should the Township be unable to verify the information submitted, then the Township shall so notify the applicant within 7 days after receiving such application, and the time for acting thereon shall be extended 15 days beyond the date of the receipt of adequate supplementary and amendatory data. A denial of a sewage permit application shall be supported by a statement, in writing, specifying the reasons for such denial or other action.

(Ord. 1975-3, 6/5/75, §4)

§18-105. Request of a Hearing by the Applicant.

The applicant may request a hearing before the Township Supervisors, provided that a request be made, in writing, within 30 days from receipt of the denial notice by the applicant.

(Ord. 1975-3, 6/5/75, §5)

§18-106. Outstanding Sewage Permit.

1. An outstanding sewage permit shall be revoked by the Township Sewage Enforcement Officer for any or all of the following enumerated reasons:
 - A. When any change has occurred in the physical condition of any land or the proximate topography that will materially affect the operation of the sewage disposal system.
 - B. When it is discovered that one or more tests required by this Part or by DEP regulations have been conducted improperly. [A.O.]
 - C. When it is discovered that data on the application for the permit has been false or fraudulent.
 - D. When the decision of the Township in issuing a sewage permit has failed to conform with the rules and regulations of the DEP. [A.O.]
 - E. When the permittee has otherwise violated the provisions of this Part or the rules and regulations of the DEP, pursuant to which the permit was issued. [A.O.]
2. The Sewage Enforcement Officer shall not revoke any sewage permits, except by writing to the permittee, and the permittee shall have 10 days from the date of the mailing of a denial notice to request a hearing before the Township, relating to the revocation of such permit.

(Ord. 1975-3, 6/5/75, §6; as amended by A.O.)

§18-107. Structure or System Designed to Provide Individual or Community Sewage Disposal.

No structure or system designed to provide individual or community sewage disposal shall be covered from view or backfilled in any manner until approval to cover or backfill the same has been procured from the body which issued the original permit. Upon the expiration of 72 hours, excepting Sundays and Holidays, from the time the Sewage Enforcement Officer has received written notification by the permittee that construction was or is completed, the applicant-permittee may

cover or otherwise backfill such system or structure, unless within the above mentioned 72-hour period permission has been refused by the Sewage Enforcement Officer.

(Ord. 1975-3, 6/5/75, §7)

§18-108. Inspection and Testing of Construction.

The Township may inspect and make tests at any time, either before, during, or after construction, and may order an installation to be uncovered at the expense of the applicant-permittee if the installation has been covered or otherwise backfilled contrary to the provisions of this Part.

(Ord. 1975-3, 6/5/75, §8)

§18-109. Tests.

The applicant-permittee is responsible for conducting soil tests, pit excavations, digging percolation test holes, and providing water to conduct the percolation test. The Sewage Enforcement Officer shall be notified and it shall be the sewage enforcement officer's duty to verify the soil profile and percolation test.

(Ord. 1975-3, 6/5/75, §9)

§18-110. Term of a Sewage Enforcement Officer.

The Supervisors of the within Township shall appoint for a term of 1 year a Sewage Enforcement Officer. The Township Supervisors shall have the Authority and are herein authorized to appoint an interim Sewage Enforcement Officer, should the office become vacant at any time during a current term thereof. Such interim Sewage Enforcement Officer shall serve until the expiration of the then current term, or upon resignation of office.

(Ord. 1975-3, 6/5/75, §10)

§18-111. Fees.

The Township Supervisors, by resolution, may from time to time adopt fee schedules for the application and/or issue of sewage permits pursuant to this Part.

(Ord. 1975-3, 6/5/75, §11)

§18-112. Penalties.

Any person who shall violate any of the provisions of this Part, or the rules and regulations or standards promulgated hereunder, or who resists or interferes with any officer, agent, or employee of the Township, shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1975-3, 6/5/75, §12; as amended by A.O.)

B. Holding Tanks**§18-121. Purpose.**

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

(Ord. 1990-1, 12/6/1990, §1)

§18-122. Definitions.

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

Authority - the Supervisors of Lynn Township, Lehigh County, Pennsylvania.

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

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

Municipality - the Township of Lynn, Lehigh County, Pennsylvania.

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

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

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

(Ord. 1990-1, 12/6/1990, §2)

§18-123. Rights and Privileges Granted.

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

(Ord. 1990-1, 12/6/1990, §3)

§18-124. Rules and Regulations.

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

(Ord. 1990-1, 12/6/1990, §4)

§18-125. Rules and Regulations to be in Conformity with Applicable Law.

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

(Ord. 1990-1, 12/6/1990, §5)

§18-126. Rates and Charges.

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

(Ord. 1990-1, 12/6/1990, §6)

§18-127. Exclusiveness of Rights and Privileges.

1. The collections and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Authority, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania. [A.O.]
2. The Authority will receive, review and retain pumping receipts from permitted holding tanks.
3. The Authority will complete and retain annual inspection reports for each permitted tank.

(Ord. 1990-1, 12/6/1990, §7; as amended by A.O.)

§18-128. Duties of Improved Property Owner.

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

1. Maintain the holding tank in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.
2. Permit only the Authority or its agent to inspect holding tanks on an annual basis.
3. Permit only the Authority or its agent to collect, transport, and dispose of the contents therein.

(Ord. 1990-1, 12/6/1990, §8)

§18-129. Violations.

Any person who violates any provisions of §18-128 shall upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated

shall constitute a separate offense. *(Ord. 1990-1, 12/6/1990, §9; as amended by A.O.*

§18-130. Abatement of Nuisances.

In addition to any other remedies provided in this Part, any violation of §18-128 above shall constitute a nuisance and shall be abated by the Township or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 1990-1, 12/6/1990, §10)

C. Privies**§18-131. Purpose.**

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

(Ord. 1990-2, 12/6/1990, §1)

§18-132. Definitions.

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

Authority - the Supervisors of Lynn Township, Lehigh County, Pennsylvania.

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

Municipality - the Township of Lynn, Lehigh County, Pennsylvania.

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

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

Privy - a watertight receptacle, whether permanent or temporary, which receives and retains sewage where water under pressure or piped waste water is not available and is designed and constructed to facilitate the ultimate disposal of the sewage of another site.

Sewage - any substance that contains any of the waste products or excrement other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or the animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Streams Law, 35 P.S. §691.1 *et seq.*

(Ord. 1990-2, 12/6/1990, §2)

§18-133. Right and Privileges Granted.

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

(Ord. 1990-2, 12/6/1990, §3)

§18-134. Rules and Regulations.

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

(Ord. 1990-2, 12/6/1990, §4)

§18-135. Rules and Regulations to Be in Conformity with Applicable Law.

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

(Ord. 1990-2, 12/6/1990, §5)

§18-136. Rates and Charges.

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

(Ord. 1990-2, 12/6/1990, §6)

§18-137. Condition of Privy Use.

1. The property owner must show that site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer and that the site meets the 25 Pa.Code, Chapter 73, standards for sewage disposal facilities requirements for the ultimate sewage disposal by an approved on-lot system if water under pressure or piped waste water becomes available to the lot.
2. At such time that water under pressure becomes available, the property owner must remove the privy and replace the privy with an approved on-lot system.
3. The conditions of use described in subsection .1 above do not apply:
 1. To a privy to be used on an isolated lot which is one acre or larger and is not nor will not be served by water under pressure in the future.
 2. To temporary use of portable retention tanks where their use is proposed at construction sites or at the site of public gatherings and entertainment.
 4. Specific conditions for use of privies shall be incorporated in the permit application and permit for the proposed use of a privy.
5. The Authority is provided the opportunity to inspect the privy for proper operation, maintenance and content disposal.

(Ord. 1990-2, 12/6/1990, §7)

§18-138. Exclusiveness of Rights and Privileges.

The collections and transportation of all sewage from any improved property utilizing a privy shall be done solely by or under the direction and control of the Authority, and the disposal, thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

(Ord. 1990-2, 12/6/1990, §8; as amended by A.O.)

§18-139. Duties of Improved Property Owner.

The owner of an improved property that utilizes a privy shall:

1. Maintain the privy in conformance with this or any ordinance of this Township the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.
2. Permit only the Authority or its agent to collect, transport, and dispose of the contents therein.
3. Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved on-lot system meeting 25 Pa.Code, Chapter 73, standards in the event that water under pressure or piped waste water becomes available, to the property.
4. Permit the Authority to enter upon lands to inspect the privy for proper operation, maintenance and contents disposal.

(Ord. 1990-2, 12/6/1990, §9)

§18-140. Violations.

Any person who violates any provisions of Section §§18-138, 18-138 or 18-139 shall upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense

(Ord. 1990-2, 12/6/1990, §10; as amended by A.O.)

§18-141. Abatement of Nuisances.

In addition to any other remedies provided in this Part, any violation of §18-139 above shall constitute a nuisance and shall be abated by the Township or the Authority by either seeking mitigation of the nuisance or appropriate equitable of legal relief from a court of competent jurisdiction.

(Ord. 1990-2, 12/6/1990, §11)

Part 2**Public Sewers****A. Mandatory Connection****§18-201. Definitions.**

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

Authority - Lynn Township Sewer Authority, a Pennsylvania municipality Authority.

Building sewer - the extension from the sewage drainage system of any structure to the lateral of a sewer.

Improved property - any property located within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

Industrial establishment - any room, group of rooms, building or other enclosure used or intended for use in the operation of one business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article, or from which process waste, as distinct from sanitary sewage, shall be discharged.

Industrial wastes - any and all wastes discharged from an industrial establishment other than sanitary sewage.

Lateral - that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of or place in a sewer which is provided for connection of any building sewer.

Owner - any person vested with ownership legal or equitable, sole or partial, of any improved property.

Person - any individual, partnership, company, association, society, trust, corporation or other group or entity.

Sanitary sewage - normal water-carried household and toilet wastes from and improved property.

Sewer - any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

Sewer system - all facilities, as of any particular time, for collecting, pumping, transporting or disposing of sanitary sewage and industrial wastes, to be owned by the Authority and to be leased to this Township for operation and use.

Township - the Township of Lynn, Lehigh County, Pennsylvania, a Pennsylvania municipality, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

(Ord. 1978-6, --/1978, Art. 1)

§18-202. Use of Public Sewers Required.

1. The owner of any improved property accessible to and whose principal building is within 150 feet from the sewer system, shall connect such improved property therewith, in such manner as this Township may require, within 60 days after notice to such owner from this Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.
2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under subsection .1, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.
3. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of subsection .1.

No person shall discharge or permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of subsection .1, except where suitable treatment has been provided which is satisfactory to this Township.
4. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under subsection .1 to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and filled under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned, and, if required by this Township, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.
5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.
6. The notice by this Township to make a connection to a sewer, referred to in subsection .1, shall consist of a written or printed document requiring such connection in accordance with the provisions of this Part and specifying that such connection shall be made 60 days from the date such notice is given. Such notice may be given at any time after a Sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

(Ord. 1978-6, --/1978, Art. II)

§18-203. Building Sewers and Connections.

1. No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any sewer or the sewer system without first making application

for and securing a permit, in writing, from this Township.

2. Application for a permit required under subsection .1 shall be made by the owner of the improved property to be served or his duly authorized agent.
3. No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:
 - A. Such person shall have notified the Secretary of this Township of the desire and intention to connect such improved property to a sewer.
 - B. Such person shall have applied for and obtained a permit as required by subsection .1.
 - C. Such person shall have given the Secretary of this Township at least 24-hours' notice of the time when such connection will be made so that this Township may supervise and inspect the work of connection and necessary testing.
 - D. Such person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping fee charged and imposed by the Authority against the owner of each improved property who connect such improved property to a sewer has been paid.
4. Except as otherwise provided in this subsection .4, each improved property shall be connected separately and independently with a sewer through a sewer building. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Township, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Township.
5. All costs and expenses of construction of a sewer saddle, lateral, and building sewer and all costs and expenses of connection to a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and, such owner shall indemnify and save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a lateral, building sewer or of connection of a building sewer to a sewer. [*Ord. 1980-1*]
6. A building sewer shall be connected to a sewer at the place designated by this Township or the Authority and where the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.
7. If the owner of any improved property located in this Township and accessible to and whose principal building is within 150 feet from the sewer system, after 60-days' notice from this Township, in accordance with §18-202.1, shall fail to connect such improved property, as required, this Township may make such connection and may collect from such owner the costs and expenses thereof. In such case, this Township shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, this Township shall file a municipal lien for said construction within 6 months of the date of the completion

of the construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

(Ord. 1978-6, --/1978, Art. III; as amended by Ord. 1980-1, 3/6/1980, §1)

§18-204. Rules and Regulations Governing Building Sewers and Connections to Sewer.

1. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer.
2. No sewer saddle, lateral, or building sewer shall be covered until it has been inspected and approved by this Township. If any part of a sewer saddle, lateral, or building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer. *[Ord. 1980-1]*
3. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
4. Every excavation for a sewer saddle, lateral, and building sewer shall during its construction be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks, and other public property disturbed in the course of installation of a sewer saddle, lateral, and building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township. *[Ord. 1980-1]*
5. If any person shall fail or refuse, upon receipt of a notice of this Township, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 60 days of receipt of such notice, this Township may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Township.
6. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 1978-6, --/1978, Art. IV; as amended by Ord. 1980-1, 3/6/1980, §2)

§18-205. Remedies, Fines and Penalties.

1. In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure, or land is used in violation of this Part or of any ordinance or other regulation made pursuant thereto, the proper Township authorities, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.
2. For any and every violation of the provisions of this Part:

- A. The owner, general agent, contractor of a building or premises where such a violation has been committed; or the owner, general agent, contractor, lessee, or tenant of any part of a building or premises in which part such violations have been committed or shall exist; or the general agent, architect, builder, contractor, or any other person who knowingly commits, takes part or assists in any such violation or who maintains any buildings or premises in which upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [A.O.]
- B. Whenever any such person or party set forth in paragraph .A above has been notified in writing by the township or by service of process in a prosecution, or in any other official manner, that said party has committed a violation, each day's continuance of such violation after notification shall constitute a separate offense punishable by like fine or penalty.

(Ord. 1978-6, --/1978, Art. V; as amended by A.O.)

§18-206. Declaration of Purpose.

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

(Ord. 1978-6, --/1978, Art. VII)

B. Manner of Making Sewer Connections**§18-211. Definitions.**

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

Authority - Lynn Township Sewer Authority.

Building sewer - the extensions from the sewage drainage system of any structure to the lateral of a sewer.

Connection unit - each individual building or house whether constructed as a detached unit or as one of a pair or row which is designed or adaptable to separate ownership for use as a family dwelling unit or for commercial or industrial purposes. A school, factory, apartment house, office building or other multiple unit structure whose individual apartment or units are connected to a common internal sewerage system and which are not commonly subject to separate ownership shall be considered as one connection unit.

Dwelling unit - any room, group of rooms, building, or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone.

Improved property - any property within the sewered area upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

Industrial wastes - any solid, liquid, or gaseous substance rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

Lateral - that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, extending 15 feet from the center line of the street. Should the sewer system enter the property from the side or rear it shall mean that part of the sewer system extending from the sewer to the property line.

Owner - any person vested with ownership, legal or equitable, sole or partial, of any property located in the sewered area.

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

Sewer - any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes and to which ground surface and stormwater is not admitted intentionally.

Sewer system - all facilities as of any particular time, for collecting, pumping, treating, and disposing of sanitary sewage and industrial wastes, situate in the sewered area and owned and/or operated or to be owned and/or operated by the Authority or Township.

Street - any street, road, lane, court, alley, and public square.

Township - the Township of Lynn, Lehigh County, Pennsylvania.

(Ord. 1979-1, 5/3/1979, Art. I)

§18-212. Building Sewers and Connections.

1. No person shall uncover, connect with, make any opening into, or use, alter or disturb, in any manner, any sewer of the sewer system without first obtaining a permit, in writing, from the Township. Such permit shall be issued to each owner required to connect to a sewer by ordinance of the Township subject always to compliance with this Part and may be issued by the Township to owners not so required to connect.
2. No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:
 - A. Such person shall have applied for and obtained a permit as required by §18-202.1, a fee in an amount as established from time to time by resolution of the Board of Supervisors shall be changed for this permit. No permit may be issued unless the tapping fee has been paid. [A.O.]
 - B. Such person shall have given the Township at least 24-hour's notice of the time when such connection will be made so that the Township may supervise and inspect the work of the connection.
3. Except as otherwise provided in this Section, each connection unit on each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one connection unit on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of the Township, in writing, shall have been secured.
4. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and, such owner shall indemnify and save harmless the Township from all loss or damage that may be occasioned, directly, or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.
5. Material for a building sewer, jointing materials, and methods of installation shall be in accordance with requirements of §18-213 and shall be subject to approval of the Township.
6. A building sewer shall be connected to a sewer main at the lateral. No person shall make a connection directly to or tamper with a sewer main in any manner. The invert of a building sewer at the point of connection to a lateral shall be at a higher elevation than the invert of the sewer main. A smooth, neat joint shall be made and the connection of a building sewer to a lateral shall be made secure and watertight. Special fittings for connection of a building sewer to a lateral may be used only after approval of the Township has been secured.

(Ord. 1979-1, 5/3/1979, Art. II; as amended by A.O.)

§18-213. Rules and Regulations Governing Building Sewers and Connections to Sewers.

1. Building sewers shall be no less than 4 inches in diameter.
2. Pipe used in a building sewer shall be of the following types:
 - A. Cast iron soil pipe - "medium" or "service" weight.

- B. Vitrified clay sewer pipe - standard strength.
 - C. Polyvinyl chloride sewer pipe - Schedule 40.
 - D. Polyvinyl chloride sewer pipe - Schedule 35, provided a 3-inch sand or stone bed is used under the pipe. [Ord. 1979-5]
3. Uniform bearing shall be provided along the entire length of a building sewer; and all joints of a building sewer shall be watertight and rust-proof. No cement mortar joints shall be used.
 4. Where an improved property, at the time of securing a permit under §18-212.1 to connect to a sewer, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer, undiminished in inside diameter, but not less than 4 inches to the lateral. If the existing pipe leading to a septic tank or cesspool is of approved type and size, then it may be extended from the house side of the septic tank or cesspool to the sewer connection.
 5. All pipes of a building sewer laid in a trench must be supported properly over its entire length.
 6. Fittings in a building sewer shall conform to the type of pipe used in construction.
 7. Changes in direction in a building sewer must be made by use of "Y" branches or of Cinch or $\frac{1}{16}$ -inch bends. Caulking of lead or poured joints to angles of more than a $\frac{1}{16}$ -inch bend equivalent shall not be permitted. Long sweeps are permitted.
 8. Fittings or connections in a building sewer which have an enlargement, chamber, or recess with a ledge, shoulder, or reduction of pipe area that shall offer any obstruction to flow shall not be allowed.
 9. All joints must be of the compression type, which is made using a rubber gasket. Such joints shall conform to ASTM Specifications C-564-65T and shall be approved by the Township Engineer.
 10. Joints of vitrified clay sewer pipe in a building sewer shall be either the compression type joint commonly known as the "O-Ring" joint or bell and spigot joints. All "O-Ring" joints shall be in accordance with ASTM designation C-425, Type III and shall be laid according to manufacturer recommendations.
 11. Joints between cast iron soil pipe, vitrified clay, and polyvinyl chloride sewer pipe in a building sewer shall be made by use of a rubber "O-Ring" compression type fitting, as approved by the Township Engineer.
 12. A building sewer shall be provided with a horizontal trap known as a running trap, of not less than 4 inches of inside diameter of cast iron equivalent. Such trap shall be provided with a vent and clean-out openings. Clean-outs shall be provided at changes of direction and at a maximum distance of 50 feet.
 13. The interceptor trap required under subsection .12 shall be located at a point to be determined and approved by the Township Inspector in accordance with the rules and regulations applicable thereto as adopted by the Township. Such trap and its vent shall be on the property side of the curb.
 14. The slope or grade of a building sewer when the inside diameter is 4 inches shall be no less than $\frac{1}{4}$ inch per foot of length and shall be downward in the direction of the flow. If the building sewer has an inside diameter of 6 inches or more, the slope or grade may be no less than Cinch per foot of length.

15. The Township shall observe all testings of a building sewer. All equipment and material required for testing shall be furnished by the owner of the improved property to be connected to the sewer. In the event a building sewer is not approved by the Township, a further inspection shall be made following completion of necessary corrections. A fee in an amount as established from time to time by resolution of the Board of Supervisors shall be charged by the Township for observation of each test subsequent to the initial test. [A.O.]
16. No building sewer shall be covered until it has been inspected, as provided in §18-213.15 and approved. If any part of a building sewer is covered before so being inspected, tested and accepted, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.
17. Every building sewer shall be tested by filling the same with water, completely, so that any Section shall be tested with not less than a 10-foot head of water. Water shall be kept in the building sewer for 15 minutes before inspection starts. If any leakage is observed, the installation shall not be approved. Upon approval of the test of a building sewer by the Township, a certificate of approval will be issued to the owner of the improved property to be connected to a sewer.
18. Whenever the Township has reason to believe any building sewer has become defective, such building sewer shall be subject to inspection. Defects found upon such inspection, of any, shall be corrected as required by the Township in writing, at the cost and expense of the owner of the improved property served through such building sewer.
19. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
20. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks, and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Township.
21. After any section of the sewer system constructed by the Township shall have been completed and after all sewer rental units required to be connected to such section shall have been so connected, the owner of each additional connection unit thereafter connected to such section shall comply with respect to such connection with the provisions of §18-212 and this Section.

(Ord. 1979-1, 5/3/1979, Art. III; as amended by Ord. 1979-5, 9/6/1979, §1; and by A.O.)

§18-214. Persons Authorized to Do Work Relating to Connections.

1. Any person not possessing a permit as required under §18-212.1 shall not perform any plumbing work upon any improved property which is connected to a sewer or which is to be connected to a sewer.
2. Any improved property upon which plumbing work is performed by a person not possessing a permit as required under §18-212.1 will not be approved for a connection to a sewer.

3. After any section of the sewer system constructed by the Township shall have been completed, and after all connection units required to be connected to such section shall have been so connected, any person desiring to do plumbing work with respect to the connection of any additional connection unit to such section shall first obtain the permit required by this Part.

(Ord. 1979-1, 5/3/1979, Art. IV)

§18-215. Reservations.

1. If any person shall fail for 60 days after written notice from the Township to remedy any unsatisfactory condition with respect to a building sewer, the Township may refuse to permit such person to use the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Township.
2. The Township reserves the right to refuse to any person the use of the sewer system, or to compel the pre-treatment of industrial wastes, in order to prevent discharge into the sewer system of harmful wastes.

(Ord. 1979-1, 5/3/1979, Art. V)

§18-216. Industrial Wastes and Prohibited Wastes.

1. *Certain Liquid and Solid Matter Prohibited.* No person shall discharge, or permit to be discharged into the sewer system or into any part thereof: (A) roof or surface water, exhaust water, exhaust steam, or any other unpolluted drainage; or (B) oils, tar, grease, gasoline, benzene, or other combustible gases and liquids, offal or insoluble solids or other substances which would impair, impede, affect, interfere with or endanger, the sewer system or any part thereof, in any manner whatsoever, or the functioning of the processes of the sewage treatment plant.
2. *Industrial Waste; Prohibited Discharge; Violation; Compliance.*
 - A. No person shall discharge or permit to be discharged into the sewer system any industrial waste which would impair, impede, affect, interfere with or endanger the sewer system, or any part thereof, or the functioning of the process of the sewage treatment plant. No permit shall be issued for a connection, nor shall any connection be made, to the sewer system for the purpose of discharging industrial waste therein until the Township shall have first determined that such industrial waste to be discharged into the sewer system is or has been rendered, by pre-treatment or otherwise, reasonably harmless and would not impair, impede, affect, interfere with or endanger the sewer system or any part thereof, or the functioning of the processes of the Township sewage treatment plant.
 - B. The duly constituted representatives of the Township shall have access at all reasonable times to all plants and buildings from which industrial waste is being discharged into the sewer system for the purpose of determining whether any of the provisions of this Part and its rules and regulations are being violated. In the event of any violation of this Section, the Township shall have the right to compel the discontinuance of the discharge of such industrial waste.
3. *Required Control Manhole.* When required by the Township, the owner of any connection unit which shall discharge industrial waste into the sewer system shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be

accessible and safely located and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

4. *Special Arrangements for Unusual Industrial Wastes.* Nothing contained in this Part and its rules and regulations shall be construed as preventing any special arrangement or agreement between the Township and any industrial concern whereby an industrial waste of unusual strength or character may be accepted into the sewer system for collection and treatment, subject to payment therefor by the industrial concern.
5. *Right of Inspection, Testing, Etc.* The duly authorized representatives of the Township shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Part and its rules and regulations.
6. *Required Notice of Change in Industrial Waste.* Any industry which is connected to the sewer system, and is discharging industrial wastes thereto, and shall change its methods of operation so as to alter the type of wastes previously discharged, shall notify the Township at least 10 days previous to such change, so that the Township can sample the waste immediately after the change takes place and determine whether or not the new waste is injurious to the sewer system or treatment plant.

(Ord. 1979-1, 5/3/1979, Art. VI)

§18-217. Housing Developments.

1. *Construction of Extensions.* In cases where a builder or developer is required to provide the subdivision with a public sanitary sewer system and in all other cases where the builder or developer desires to furnish such a public sanitary sewer system in the development, he shall meet all conditions as set forth in this Section and in other such Sections of this Part and its rules and regulations. Plot plans for such a development must be submitted to the Authority for approval prior to any construction. Sewer plans conforming to all original specifications established by the Township as to type of pipe, location of mains, size of pipe, grades, methods of laying pipe, and the type and construction of all necessary appurtenances must be prepared, approved by the consulting engineers of the Authority, and approval obtained from the necessary State agencies. The engineering fees and charges for permits will be paid by the builder or developer. In no case will lesser standards than exists in the sewer system presently to be constructed and as outlined in this Part and its rules and regulations be permitted for any future extensions. Upon approval of such plans by the Authority, the extensions (including the construction of the sewer line from Authority's sewer line to the point of connection with the subdivision's sewer line) shall be constructed by and at the expense of the builder or developer, but only under the inspection of an inspector designated by the Township. The cost of such inspection, including salaries and expenses, shall be borne by the builder or developer making the extension.
2. *Reimbursement.* Where a builder or developer constructs a sewer line from Township's sewer line to the point of connection with the subdivision's sanitary sewer system and if Township obtains additional connections along said extended line, Township may reimburse the builder or developer constructing said extended sewer line

30 percent of all connection charges collected from said additional customers adjoining the extended line.

(Ord. 1979-1, 5/3/1979, Art. VII)

§18-218. Miscellaneous Provisions.

1. The Township shall have the right of access at reasonable times to any part of the improved property served by the sewer system as shall be required for purposes of inspection, measurement, sampling, and testing and for performance of other functions relating to service rendered by the Township through the sewer system.

2. *Additional Rules and Regulations.* The Township reserves the right to amend the rules and regulations of this Part or to adopt additional rules and regulations from time to time as it shall deem necessary and proper in connection with the use and operation of the sewer system, or as may be required to meet necessary costs and expenses.

3. *Variance from Rules.* No officer or employee of the Township is authorized to vary the rules and regulations of this Part without written approval by the Authority.

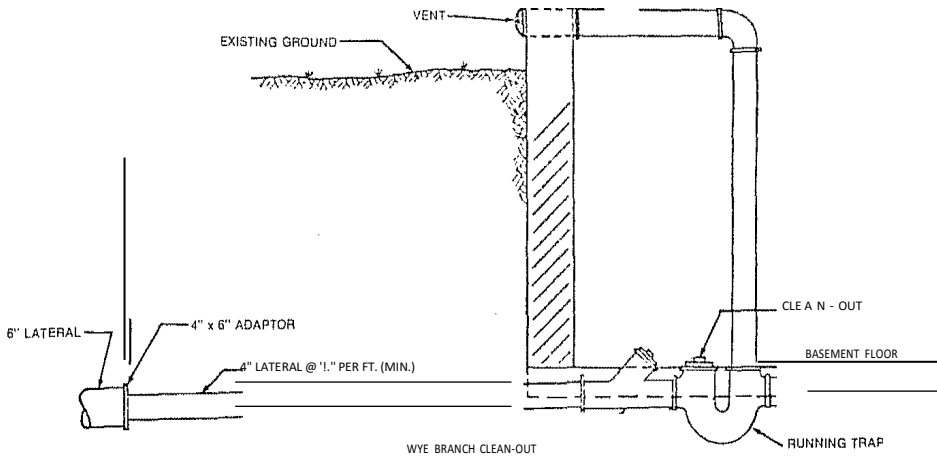
4. *Control of Service.* The Township shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs, or failure from any cause beyond control. The Township reserves the right to restrict the use of sewer service whenever the public welfare may require it.

5. *Notice of Change of Ownership.* Each owner must give the Township 10 days written notice of any change of ownership of any improved property.

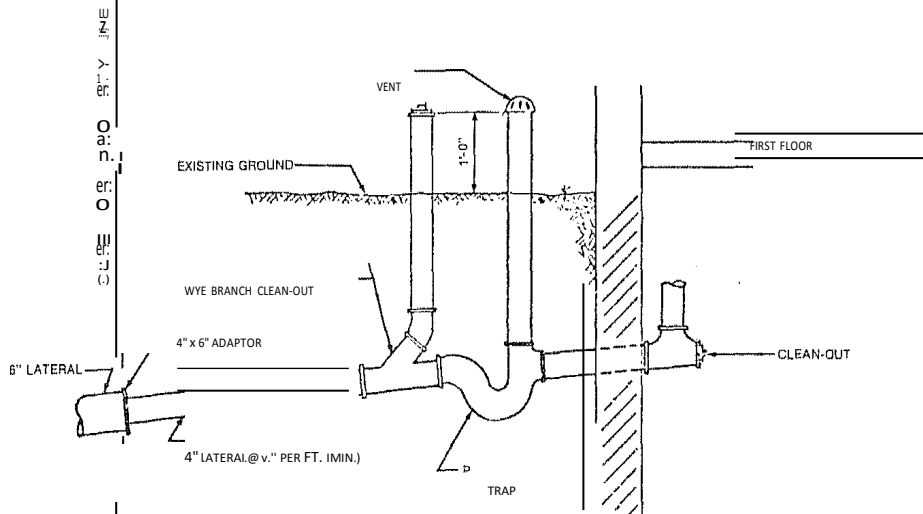
6. *Construction and Severability.* In the event that any provision, Section, sentence, clause, or part of this Part shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or part of this Part, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

7. *Penalties.* Any person who shall violate this Part shall be liable, upon summary conviction for a first offense and upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [A.O.]

(Ord. 1979-1, 5/3/1979, Art. VIII; as amended by A.O.)



BASEMENT DRAIN



FIRST FLOOR DRAIN

STANDARD HOUSE CONNECTION

JUNE, 1972

SCALE:

F & M
ASSOCIATES, INC.
CONSULTING CIVIL
ENGINEERS
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C. Sewer Rentals and Charges

§18-221. Definitions.

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

Authority - Lynn Township Sewer Authority, a Pennsylvania municipality Authority, acting by and through its Board or, in appropriate cases, acting by and through its authorized representatives.

B.O.D. (Biochemical Oxygen Demand) - the quantity of oxygen, expressed in ppm, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for 5 days at 20 degrees Centigrade. The standard laboratory procedure shall be that found in the latest edition of *Standard Methods for the Examinations of Water and Wastewater*, published by the American Public Health Association.

Commercial establishment - any room, group of rooms, building or enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service including medical or other professional service, or used or intended for use for any social, amusement, religious, educational, charitable or public purpose and containing plumbing facilities for kitchens, toilet or washing facilities.

Dwelling unit - any room, group of rooms, building or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person living alone.

Garbage - solid wastes resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce.

Improved property - any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

Industrial establishment - any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling any product, commodity or article from which any process waste, as distinct from sanitary sewage, shall be discharged.

Industrial wastes - any solid, liquid or gaseous substance or water borne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of development, recovery or processing of natural resources, as distinct from sanitary sewage.

Institutional establishment - any room, group of rooms, building or other enclosure which does not constitute a commercial establishment, a dwelling unit or an industrial establishment.

Owner - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

Person - any individual, partnership, company, association, society, corporation or other group or entity, including a municipal Authority and any municipal subdivision.

pH - the logarithm of the reciprocal of the weight of hydrogen ions, expressed in grams per liter of solution, and indicates the degree of acidity or alkalinity of a substance.

Sanitary sewage - the normal water-carried household and toilet wastes from any improved property.

Sewer - any pipe, main or conduit constituting a part of the sewer system and used or usable for collection and transportation of sanitary sewage and industrial wastes.

Sewer system - all facilities, as of any particular time, for collecting, transporting, pumping, treating and disposing of sanitary sewage and industrial wastes, situate in or adjacent to this Township, owned by the Authority and leased to this Township for operation and use.

Township - the Township of Lynn, Lehigh County, Pennsylvania, a Pennsylvania municipality.

Water system - the facilities owned by any person and used for the supply of water to the public in the Township.

(Ord. 1978-7, --/1978, §1)

§18-222. Sewer Rentals or Charges.

Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sewer system, for use of the sewer system, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective as of the date of connection of each improved property to the sewer system and shall be payable as provided herein.

(Ord. 1978-7, --/1978, §2)

§18-223. Computation of Sewer Rentals or Charges.

1. *Flat Rates for Dwelling Units, Commercial Establishments and Institutional Establishments.*
Sewer rentals or charges for sanitary sewage discharged into the sewer system from any improved property constituting a dwelling unit, a commercial establishment or an institutional establishment shall be on a flat rate basis for the following classifications at the following rates per quarter annum:

Classification	Rate Per Quarter Annum
(1) Each dwelling unit	\$75 [Ord. 1986-4]
(2) Commercial establishments:	
a. Each social hall, fire company and ambulance facility	\$108
b. Each church	\$108 [Ord. 1997-3]

Classification	Rate Per Quarter Annum
c. Each motel, hotel or other establishment providing overnight facilities and each nursing or convalescent home.	\$27 per available room
d. Each restaurant, bar room, or other commercial establishment which regularly dispenses food or beverages for consumption on the premises (including and as a charge in addition to (c) above.	\$5 per employee plus \$54 for each public restroom, plus \$3 per seat regularly intended for customer use, subject to a minimum of \$108 This sewer rental or charge shall be computed on the basis of the average daily number of employees and seats for the quarter-annum immediately preceding the date of the bill. An owner shall be considered an employee for purposes of computing sewer rentals.
e. Each establishment providing temporary facilities for travel trailers and campers and the like with tie-ins for sewage disposal.	\$27 per available location with tie-in
f. All other commercial establishments not separately classified under (2)(a), (2)(b), (2)(c), (2)(d), or (2)(e) above. (Combination dwelling unit and commercial establishment located in one structure and owned or occupied and operated by the same person shall be charged both as a dwelling unit and as a commercial establishment.	\$5 per employee plus \$54 for each public restroom, subject to a minimum of \$108 per quarter. This charge shall be computed on the basis of the average daily number of employees for the quarter-annum immediately preceding the date of the bill. An owner shall be considered an employee for purposes of computing sewer rentals.
(3) Schools shall be subject to the same rate as dwelling units above, and for such purpose each 20 units of school population at the Northwestern School Complex shall constitute the equivalent of one dwelling unit. [Ord. 1986-4]	
(a) In determining units of school population, full-time students, teachers, administrators, office workers, custodial, maintenance and cafeteria workers shall be counted as whole units; part-time employees, bus drivers, vo-tech and kindergarten students shall be counted as half units.	
(b) The School District shall certify by November 15 of each year the school population as of October 31, setting forth the breakdown by categories and the total calculated count.	
(c) The Sewer Authority shall reflect any change in units of school population not later than the second quarterly or billing rendered after receipt of the certification required by paragraph .B above.	
This Township reserves the right to require any of the above units or establishments to pay sewer rentals or charges on the basis of metered rates. In such case, such units or establishments shall pay the same	

rentals or charges as are provided herein for industrial establishments; provided, however, that such units or establishments shall not pay less than the above flat rates.

2. *Metered Rates for Industrial Establishments.* Sewer rentals or charges for sanitary sewage and industrial wastes discharged from any improved property constituting an industrial establishment may be based upon: (A) volume of water usage, adjusted, if appropriate, as provided in this Part, where the volume of water usage shall be metered in connection with the water system or otherwise; or (B) actual metered volume of discharge, as permitted in this Part.

In either of the foregoing cases, such sewer rentals or charges shall be computed in accordance with the following metered charge per quarter-annum, or, regardless of volume of water usage or of volume of actual metered waste discharge, a minimum charge of \$54 per quarter-annum.

Metered Rate Schedule

\$108 per quarter for first 15,000 gallons [Ord. 1997-3]

\$7.20 per 1,000 gallons over 15,000 gallons [Ord. 1997-3]

3. *Non-metered Rates for Industrial Establishments.* Sewer rentals or charges for sanitary sewage and industrial wastes discharged from any improved property constituting an industrial establishment, when the volume of water usage shall not be metered in connection with the water system or otherwise, and when the actual volume of discharge shall not be metered as permitted in this Part, shall be computed in accordance with the metered rate schedule provided herein and shall be based upon an estimate by this Township of the water consumption of said improved property constituting an industrial establishment; subject, however, to minimum charges applicable to industrial establishments as set forth herein.
4. *Changes in Flat Rate Classifications.* If the use or classification of any improved property shall change during any quarter-annum period, the sewer rental or charge shall be adjusted by this Township through the Lynn Township Sewer Authority, by proration on a monthly basis to the nearest calendar month, with a credit or charge, as shall be appropriate under the circumstances, being made on the statement for the next succeeding quarter-annum period. [Ord. 1997-3]
5. *Additional Flat Rate Classifications and Modifications of Flat Rate Classifications.* This Township through the Lynn Township Sewer Authority reserves the right, from time to time, to establish additional flat rate classifications and to establish quarter-annum rates therefor; and this Township through the Lynn Township Sewer Authority further reserves the right, from time to time, to alter, modify, revise and/or amend flat rate classifications and the quarter-annum rates applicable thereto. [Ord. 1997-3]
6. *Special Agreements.* Notwithstanding any provision in this Part to the contrary, this Township shall have the right, based upon good reasons and circumstances existing, to enter into special agreements with the owner of any improved property, which improved property shall constitute an industrial establishment, with respect to terms and conditions upon which sanitary sewage and/or industrial wastes may be discharged into the sewer system and with respect to payments to be made to this Township in connection therewith. In such event, such service and payments with

respect thereto shall be governed by terms and conditions of such special agreement.

7. *Annual Review of Operation and Maintenance Charges.* The Township shall review annually the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system, and annually revise the charges for users or user classes to accomplish the following:
- A. Maintain the proportional distribution of operation and maintenance costs among users and user classes as required herein.
 - B. Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works.
 - C. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.
 - D. Each user shall be notified annually with a regular sewer rental bill of the rate and that portion of the user's charge which is attributable to wastewater treatment services.
 - E. The Township shall maintain such records as are necessary to document the charges against a user and such other information as required by this subsection.

[Ord. 1979-4]

8. *Toxic Pollutants.* Any user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment plant shall pay for such increased cost, to be computed as follows:
- A. Whenever the BOD and suspended solids from a user shall exceed the value of 200 parts per million, there shall be a surcharge computed on the basis of the following formula:

BASIS FOR SURCHARGE

Use Formula - $C_s = [B_c(B) + S_c(S) + P_c(P)] V_u$

C_s = surcharge in dollars for excess strength wastewater from user. B_c = operation and maintenance cost per ppm BOD.

B = BOD from user above 200 ppm.

S_c = operation and maintenance cost per ppm suspended solids. S = suspended solids from user above 200 ppm.

P_c = operation and maintenance cost per ppm of any pollutant. P = ppm of any pollutant from user above a base level.

V_u = million gallons per day (MGD) from user above a base level. (EDU).

[Ord. 1979-4]

(Ord. 1978-7, --/1978, §3; as amended by Ord. 1979-4, 9/6/1979; by Ord. 1984-1, 2/2/1984, §1; by Ord. 1986-4, 9/4/1986, §1; and by Ord. 1997-3, 4/3/1997, §§1-4)

§18-224. Time and Method of Payment.

1. Sewer rentals or charges imposed by this Part shall be payable quarterly.
2. All bills for sewer rentals or charges shall be rendered each calendar quarter on the first days of January, April, July and October of each year for service during the preceding quarter-annum.
3. Sewer rentals or charges shall be due and payable 5 days after mailing or delivery by or in behalf of this Township to the person responsible for payment thereof. If sewer rentals or charges are not paid within 30 calendar days after the same become due and payable, an additional sum of 10 per centum shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such 30 calendar day period shall constitute payment within such period. If the end of such 30 calendar day period shall fall on a legal holiday or on a Sunday, payment made on or mailed and postmarked on the next succeeding business day which is not a legal holiday shall constitute payment within such period. Whenever service to any improved property shall begin after the first day or shall terminate before the last day of any quarterly billing period, sewer rentals or charges for such period shall be prorated equitably, if appropriate, for that portion of the quarterly billing period during which such improved property was served by the sewer system.
4. Every owner of an improved property which is connected to the sewer system initially shall provide this Township with and thereafter shall keep this Township advised of his correct address. Failure of any person to receive quarterly bills for sewer rentals or charges shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(Ord. 1978-7, --/1978, §4)

§18-225. Liens for Sewer Rentals; Filing and Collection of Liens.

Sewer rentals or charges imposed by this Part shall be a lien on the improved property connected to and served by the sewer system; and any such sewer rentals or charges which are not paid within 30 days after each quarterly billing date applicable to the particular improved property, at the discretion of this Township, shall be filed as a lien against the improved property so connected to and served by the sewer system, which lien shall be filed in the Office of the Prothonotary of Lehigh County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

(Ord. 1978-7, --/1978, §5)

§18-226. Measuring Volume of Sanitary Sewage and Industrial Wastes for Industrial Establishments.

1. *Methods of Measuring Volume.*
 - A. Whenever the entire water supply of an improved property constituting an industrial establishment, which shall be discharging sanitary sewage and/or industrial wastes into the sewer system, is supplied by the water system, the volume of water furnished, as determined from meter readings of the water system, shall be used as the measure of discharge of sanitary sewage and/or industrial

wastes in computing sewer rentals or charges, subject to adjustment, of appropriate, as provided in this Part.

- B. Whenever an improved property constituting an industrial establishment, which shall be discharging sanitary sewage and/or industrial wastes into the sewer system, shall have a source or sources of water supply in addition to or other than the water system, the owner of such improved property shall provide a meter or meters on such additional or other source or sources of water supply. The total volume of water consumed, as determined from the meter readings of the water system and the meter readings of the meter or meters on such additional or other source or sources of water supply, as appropriate, shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing the sewer rentals or charges, subject to adjustment, if appropriate, as provided in this Part.
- C. Whenever an improved property constituting an industrial establishment, shall use water from the water system and/or water from a source or sources of supply in addition to or other than the water system for cooling or unpolluted commercial or industrial process purposes and all or part of the water so used shall not be discharged into the sewer system, the volume used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges may be adjusted by one of the following methods:
- (1) By installing a meter or other measuring device on the connection to the sewer system. The readings from such meter or measuring device shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges.
 - (2) By installing a meter or other measuring device to measure the volume not being discharged into the sewer system. The readings from such meter or measuring device shall be deducted from the total water meter readings and the remainder shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges.
 - (3) If it is not practical, in the opinion of this Township, to install a meter or other measuring device to determine continuously the volume not discharged into the sewer system, this Township shall determine in such manner and by such method as it may prescribe, the percentage of metered water which is being discharged into the sewer system. The quantity of water used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to such estimated percentage shall be submitted to this Township, after notice of such estimate. The decision of this Township with respect to the matter shall be final for the then current calendar year.
 - (4) Whenever an industrial establishment shall discharge only industrial wastes into the sewer system, the volume of water used, measured as herein provided, shall be used as a measure of the quantity of industrial wastes so discharged.
 - (5) Whenever an industrial establishment shall discharge combined sanitary sewage and industrial wastes into the sewer system, the volume of

water used, measured as herein provided, chargeable as industrial wastes shall be the total volume of water used, less the volume of water determined to be sanitary sewage.

2. *Measuring Devices.* Meters or other measuring devices which shall not be available in connection with the water system, but which shall be required or permitted under provisions of this Part, shall be furnished and installed in accordance with specifications of this Township by the owner of the improved property at his expense, shall be under the control of this Township and may be tested, inspected or repaired by this Township whenever necessary. The owner of the improved property upon which such meter or other measuring device shall be installed shall be responsible for its maintenance and safekeeping; and all repairs thereto shall be made at the expense of the owner, whether such repairs shall be made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by this Township, shall be due and payable immediately upon completion of such repairs and shall be collected in the same manner as quarterly bills for sewer rentals or charges.
3. *Meter Readings.* This Township, except to the extent that meter readings are made by any other person in connection with the water system and are made available to this Township for purposes of this Part, shall be responsible for the reading of all meters or other measuring devices and the same shall be available to this Township at all reasonable times.

(Ord. 1978-7, --/1978, §6)

§18-227. Regulations Governing Admission of Industrial Wastes into the Sewer System.

1. *Approval Required for Industrial Wastes.* No person shall discharge or cause to be discharged into the sewer system any industrial wastes except upon application to this Township and upon receipt of a written permit therefor from this Township.
2. *Required Survey Data.* Any person desiring to make or use a connection to the sewer system through which industrial wastes shall be discharged into the sewer system shall file with this Township an industrial wastes questionnaire, to be furnished by this Township which shall supply to this Township pertinent data, including estimated quantity of flow, characteristic and constituents, with respect to industrial wastes proposed to be discharged into the sewer system. The cost of obtaining all such data shall be borne by the person desiring to make or use a connection to the sewer system.
3. *Control Manholes.* Any person who shall discharge industrial wastes into the sewer system, when required by this Township, shall construct and thereafter properly shall maintain, at his own expense, a suitable control manhole and other devices as may be approved by this Township to facilitate observation, measurement and sampling by this Township of industrial wastes discharged to the sewer system. Any such control manhole, when required by this Township shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by this Township prior to commencement of construction.
4. *Changes in Type of Wastes.* Any industrial establishment discharging Sanitary Sewage and/or industrial wastes into the sewer system and contemplating a change in the method of operation which will alter the characteristics and/or volumes of wastes

at the time being discharged into the sewer system shall notify this Township, in writing, at least 10 days prior to consummation of such change.

5. *Interceptors.* Grease, oil and sand interceptors shall be provided by the owner of any industrial establishment, when required by this Township, for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand or other harmful ingredients. Any interceptor, when required by this Township, shall be of a type and capacity approved by this Township and constructed or installed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by this Township prior to installation or commencement of construction.
6. This Township reserves the right to require industrial establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system.

(Ord. 1978-7, --/1978, §7)

§18-228. Access.

This Township shall have the right of access at reasonable times to any part of any improved property served by the sewer system and any meters used for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by this Township in connection with the sewer system.

(Ord. 1978-7, --/1978, §8)

§18-229. Prohibited Wastes.

1. No person shall discharge or cause to be discharged any storm water, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections, uncontaminated cooling water or unpolluted industrial process waters into any Sewer.
2. This Authority reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system, or to compel pretreatment of industrial wastes by any industrial establishment and to prevent discharges deemed harmful or to have a deleterious effect upon any sewer or the sewer system.
3. No sanitary sewage or industrial wastes shall be discharged to the sewer systems:
 - A. Containing any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquids, solids or gases.
 - B. Containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly, or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to a sewer.
 - C. Having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - D. Containing solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the property

operation of the sewage treatment plant constituting part of the sewer system, such as, but not limited to, ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups or milk containers, either whole or ground by garbage grinder.

- E. Having a temperature higher than 150°F (65°C).
- F. Containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F (0° and 65°C).
- G. Containing any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ horsepower (0.76 hp metric) or greater shall be subject to the review and approval of this Township.
- H. Containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- I. Containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment plant constituting part of the sewer system exceeds the limits established by this Township for such materials.
- J. Containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by this Township as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies for such discharge to the receiving waters.
- K. Containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by this Township in compliance with applicable State or Federal regulations.
- L. Having a pH in excess of 9.5.
- M. Containing materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant constituting part of the sewer system.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs," as such term is used by sanitary engineers.
- N. Containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

4. Where necessary all owners shall install suitable pretreatment facilities in order to comply with subsection .3.
 - A. Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of wastes shall be submitted for approval of this Township and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, in writing, from this Township, and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction.
 - B. Whenever facilities for preliminary treatment and handling of wastes shall have been provided by any owner, such facilities continuously shall be maintained, at the expense of such owner, in satisfactory operating condition; and this Township shall have access to such facilities at reasonable times for purposes of inspection and testing.
5. Nothing contained in this Section shall be construed as prohibiting any special agreement or arrangement between this Township and any person whereby industrial wastes of unusual strength or character may be admitted into the sewer system by this Township, either before or after preliminary treatment.

(Ord. 1978-7, --/1978, §9)

§18-230. Responsibility of Owners of Improved Property.

The owner of each improved property connected to the sewer system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by provisions of this Part.

(Ord. 1978-7, --/1978, §10)

§18-231. Adoption of Additional Rules and Regulations.

This Township reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as part of this Part.

(Ord. 1978-7, --/1978, §11)

§18-232. Construction and Severability.

In the event that any provision, Section, sentence, clause or part of this Part shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, Section, sentence, clause or part of this Part, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

(Ord. 1978-7, --/1978, §13)

§18-233. Declaration of Purpose.

It hereby is declared that the adoption of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

(Ord. 1978-7, --/1978, §14)

Chapter 19

[Reserved]

Chapter 20

Solid Waste

Part 1

Lynn Township Solid Waste Ordinance

§20-101.	Title
§20-102.	Definitions
§20-103.	Storage of Municipal Waste
§20-104.	Transportation of Solid Waste
§20-105.	Disposal of Municipal Waste
§20-106.	Exclusions
§20-107.	Penalties and Remedies
§20-108.	Separability and Amendment

Part 1**Lynn Township Solid Waste Ordinance****§20-101. Title.**

This Part shall be known as the "Lynn Township Solid Waste Ordinance." (*Ord. 1986-1, 1/6/1986, Art. I*)

§20-102. Definitions.

The following words and phrases when used in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

Applicant - a person desirous of being authorized as a "collector."

Collector - a person authorized to collect, transport, and dispose of municipal waste from Lynn Township.

Commercial establishment - any establishment engaged in a nonmanufacturing or non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and theaters.

Disposal - the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the waste or a constituent of the waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

Disposal site - any site, facility, location, area, or premises to be used for the disposal of municipal waste.

Garbage - all animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking, and consumption of foods.

Industrial establishment - any establishment engaged in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries, and the like.

Institutional establishment - any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, and universities.

Management - the entire process or any part thereof, of storage, collection, transportation, processing, treatment, and disposal of municipal waste by any person engaging in such process.

Municipal waste - any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility. (Pennsylvania Solid Waste Management Act 97, §103, 35 P.S. §6019.103).

Person - any individual, partnership, corporation association, institution, cooperative

enterprise, municipal authority, Federal government or agency, State institution and agency, or any other legal entity whatsoever which is recognized by law as being subject to the rights and duties of a person.

Processing - any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part of all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, incinerators, recycling facilities, and resource recovery facilities.

Regular - at least three or more times per month.

Refuse - the collective term applying to all garbage, rubbish, ashes, leaves, and grass trimmings from residential, municipal, commercial, or institutional premises.

Solid waste - any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials. (Pennsylvania Solid Waste Management Act 97, §103, 35 P.S. §6018.103).

Storage - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste, and it shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal.

Township - Lynn Township, Lehigh County, Pennsylvania.

Transportation - the off-site removal of any municipal waste generated or present at any time from the Lynn Township.

(Ord. 1986-1, 1/6/1982, Art. II)

§20-103. Storage of Municipal Waste.

1. *General.* It shall be the duty of every owner of property and every person occupying any dwelling unit, premises or place of business within the Township where municipal waste is produced and is accumulated, by his own expense and cost to provide and keep at all times, a sufficient number of containers to hold all municipal waste which may accumulate during the intervals between collection of such municipal waste by an authorized collector.
2. *Storage on Residential Properties.*
 - A. *Containers.* All municipal waste accumulated by owners of each, residential property and/or the occupants of residential properties shall be placed in containers for collection by an authorized collector. The containers shall be durable, water tight, and made of metal or plastic. Securely tied plastic bags may be used in cases where such bags can be used without being torn open by domestic or wild-animals. The size of each such container shall not exceed a 30-gallon capacity. However, large containers designed for use with special hoisting equipment may be used if the collector serving the residence uses collection vehicles with such special hoisting equipment.
 - B. *Location of Containers.* Each municipal waste container shall be located so as to be accessible to the collector at ground level and at a point on the curblin, of the street, or within no less than 10 feet of the public street or alley right-of-way from which collection from a vehicle can be made. Failure to place containers at such locations may result in discontinuance of service.

3. *Storage on Commercial, Institutional and Industrial Properties.*
 - A. *Containers.* Storage of municipal waste on commercial, institutional and industrial properties shall be done in the same type of containers as are required for residential properties except that containers larger than 30 gallons may be used, where needed, to accommodate larger volumes of municipal wastes. Such containers shall be kept in good working order.
 - B. *Location of Containers.* Containers for collection at commercial, institutional and industrial properties shall be located on such premises at a place which shall not interfere with public or private sidewalks, driveways, roads, streets, highways or entrances and exits or public or private buildings.

(Ord. 1986-1, 1/6/1986, Art. III)

§20-104. Transportation of Solid Waste.

Prevention of Spillage. Any person transporting solid waste within the (name of Municipality) shall prevent or remedy any spillage from vehicles or containers used in the transport of such solid waste.

(Ord. 1986-1, 1/6/1987, Art. V)

§20-105. Disposal of Municipal Waste.

1. *Designated Facilities.* All municipal waste produced, collected, and transported from within the jurisdictional limits of the Township of Lynn shall be, to the extent permitted by law, disposed of at disposal facilities designated by the Township of Lynn and in accordance with any currently effective solid waste management plan of the Township of Lynn. In absence of such designated facilities and/or such currently effective solid waste management plan, municipal waste from the Township of Lynn must be disposed of at a State permitted facility.
2. *Notice to Collectors.* If the Township of Lynn designates the disposal facilities as provided for above, all authorized collectors and other interested persons shall be informed of the location and other information pertaining to the designated disposal facilities to be used for the disposal of municipal waste collected, transported, removed, and disposed.

(Ord. 1986-1, 1/6/1987, Art. VI)

§20-106. Exclusions.

1. *Individuals Not Engaged in Collection.* Nothing contained herein shall be deemed to prohibit any residential property occupant not regularly engaged in the business of collecting municipal waste from hauling his own municipal waste on an irregular and unscheduled basis, to a State permitted disposal facility.
2. *Farming Activities.* Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural waste.
3. *Hazardous and Residual Waste.* The provisions of this Part do not apply to anything but the storage, collection, transportation, and disposal of municipal waste and do not apply, therefore, to hazardous or residual waste as defined by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.* (Ord. 1986-1, 1/6/1987, Art. VII)

§20-107. Penalties and Remedies.

1. *Penalty.* Any person violating any of the provisions of this Part shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [A.O.]
2. *Additional Remedies.* In addition to the foregoing penalty, the Township of Lynn may require the owner or occupant of a property to remove any accumulation of solid waste and should said person fail to remove such solid waste after 10 days following written notice, the Township may cause the solid waste to be collected and disposed of with the costs for such actions to be charged to the owner or occupant of the property in a manner provided by law.
3. *Abatement.* The imposition of the penalties herein prescribed shall not preclude the Township of Lynn from instituting appropriate actions or proceedings to prevent the violation of this Part, to restrain, correct or abate any such violation, or to prevent any act, conduct, business or activity constituting a violation.

(Ord. 1986-1, 1/6/1986, Art. VIII; as amended by A.O.)

§20-108. Separability and Amendment.

1. *Separability.* Should any Section, paragraph, sentence, clause, or phrase of this Part be declared unconstitutional or invalid for any reason, the remainder of this Part shall not be affected thereby.
2. *Effect of Additional Regulations.* This Part shall be subject to all applicable Federal, State, and local laws, ordinances, rules, and regulations, including the rules and regulations as set forth by the Department of Environmental Protection, Commonwealth of Pennsylvania. [A.O.]
3. *Effective Date.* This Part shall become effective 5 days after enactment.
4. *Headings.* The headings of the sections of this Part are inserted for convenience of reference only and shall not be considered a part hereof.

(Ord. 1986-1, 1/6/1986, Art. IX; as amended by A.O.)

Chapter 21

Streets and Sidewalks

Part 1

Driveway and Private Road Permits

- §21-101. Scope and Definitions
- §21-102. Permit Requirements
- §21-103. Construction Plan
- §21-104. Construction Standards
- §21-105. Inspections
- §21-106. Enforcement

Part 2

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Part 1**Driveways and Private Road Permits****§21-101. Scope and Definitions.**

1. This Part shall apply to all driveways and private roads.
2. To the extent the word “driveway” is used in this Part, it shall be construed to mean driveways and private roads.

(Ord. 2002-1, 9/5/2002, §1)

§21-102. Permit Requirements.

1. No person, firm, corporation or other entity shall construct a new driveway, change the use of the driveway, improve an existing driveway or any other means of ingress or egress onto a Township road or install storm drainage facilities or affect the discharge or passage of drainage water, onto or along a Township road unless the Township Administrator has granted a permit for such grading, construction and installation.
2. A permit application shall be signed by the record owner and submitted prior to commencing work on any driveway. The application shall be on forms provided by the Township. A construction plan in accordance with this Part and a filing fee as established by resolution shall accompany the application.
3. All work and procedures shall be performed in strict compliance with this Part and any other Township ordinances regulating the construction of driveways.

(Ord. 2002-1, 9/5/2002, §2)

§21-103. Construction Plan.

1. The plan shall be drawn to scale showing property lines, lot size and a north arrow.
2. A distance to the nearest property line shall locate the driveway.
3. Show the centerline of the driveway, the edge of the existing road (not the right-of-way line) the leveling area and the grade from the leveling area to the building.
4. Show the type of driveway construction within the road right-of-way and outside of the road right-of-way.
5. Show the location of any new and existing storm sewer facilities, including drainage swales.
6. Show all erosion and sedimentation control devices.
7. An erosion and sedimentation control plan must be submitted to the Lehigh County Conservation District if the proposed earth disturbance activities result in a total earth disturbance of 5,000 square feet or more.
8. For driveways with a centerline grade greater than 10 percent a plan must be provided showing grade stakes, so the driveway grade can be verified in the field.

(Ord. 2002-1, 9/5/2002, §3)

§21-104. Construction Standards.

1. Provision shall be made at all intersections of driveways with streets to ensure adequate stormwater drainage. All roadside swales, existing or proposed, must be maintained and continued across the driveway. Where this is not feasible, a drainage pipe, with a minimum pipe diameter 15 inches must be installed under the driveway in the swale area. The cover over the pipe and length of the pipe will be determined in the field by the Roadmaster.
2. Driveways shall be paved, except driveways with access off of a dirt road, from the edge of the road, not the right-of-way line, to the building restriction line. The permittee will have 1 year from date of the issuance of permit to complete paving.
3. Private driveways serving lots abutting both a proposed street and an existing public street shall access directly to the proposed street, and not to the existing public street.
4. Driveways shall be designed to provide access to one lot and be contained entirely on that lot. Common driveways, which are single driveways providing access to more than one lot, will not be permitted unless approved by the Board of Supervisors.
5. The minimum width of the driving surface of the driveway shall be 10 feet.
6. The minimum width of the clear area, which shall be clear of trees, tree branches and brush, shall be 20 feet along the straight sections of the driveway 25 feet along the curve sections of the driveway and at a height of 12 feet along the entire driveway.
7. A tangential arc shall round the edge of pavement intersections with a minimum radius of 20 feet.
8. The inside turning edge of the driving surface of the driveway shall have a minimum radius of 40 feet.
9. The minimum distance between centerline of a driveway and the centerline nearest intersection shall be as follows:

Type of Development	Type of Street or Another Driveway			
	Arterial	Collector	Local	Driveway
Residential	150 ft.	100 ft.	75 ft.	30 ft.
Nonresidential	300 ft.	200 ft.	150 ft.	30 ft.

10. The minimum distance between edge of the driving surface of driveway and the nearest property line shall be 10 feet.
11. The centerline grade of any driveway shall not exceed 11 percent at any point from the end of the leveling area to any other point within the confines of the lot. A leveling area shall be provided having not greater than a 4 percent grade for a distance of 35 feet measured from the edge of the road, not the right-of-way line.
12. At the intersection with a street, a clear sight triangle shall be provided. The clear sight triangle shall be graded, cleared and kept clear of sight obstructions other than official sign posts or utility poles for a height between 2 and 10 feet above the ground level. The clear sight triangle shall be determined by the intersecting street

centerlines and a diagonal connecting two points, one point on each street centerline. The distance along the through street centerline shall be the stopping sight distance described in the Appendix 21-1 of this Part and the distance along the centerline of the approach driveway shall be 10 feet plus the lane width of the through street.

13. Stopping sight distance represents the minimum length required for a vehicle traveling at a given speed to stop. Stopping sight distance is measured along the centerline of the through road from the intersection of the centerlines of the through road and the driveway. The minimum stopping distances for the various design speeds, including corrections for grade of the through road, are based on wet pavement conditions and are indicated in Appendix 21-1. The design speed governs correction upgrade calculations.
14. Every driveway shall intersect the adjacent public road in a perpendicular manner, unless the road master approves a different angle of entry. In that case, all users and owners and their agents, invitees, successors, heirs and assigns shall be allowed, but not required, to install and use such approved non-perpendicular driveway at their own risk.
15. The Board of Supervisors may alter plans filed with the application and specify any changes or modifications of any kind which they may deem necessary and make its approval of the granting of any permits subject to any such alterations, changes or modifications.

(Ord. 2002-1, 9/5/2002, §4)

§21-105. Inspections.

1. The Township representative, as appointed by the Board of Supervisors, shall inspect the driveway and confirm that it conforms to the appropriate ordinances.
2. No paving of any driveway shall be commenced until the Township representative shall have inspected the site and approved the work performed. The applicant shall give the Township a minimum of 2 working days advance notice before paving is to commence in order to afford the opportunity to inspect the site.
3. The applicant must notify the Township representative when the work is completed in accordance with the permit. A final inspection of the work will be required and performed by the Township prior to final acceptance of the work.
4. The applicant shall pay all fees incurred in the review, processing and inspection of the driveway over and above the permit fee.

(Ord. 2002-1, 9/5/2002, §5)

§21-106. Enforcement.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each 24-hour period that the condition persists shall be deemed to be a separate offense.

(Ord. 2002-1, 9/5/2002, §6; as amended by A.O.)

Appendix 21-1

**Effect of Grade
on Stopping Sight Distance
(Wet Conditions)**

Increase for Downgrades				Decrease for Upgrades			
Design Speed (MPH)	Corrections in Stopping Distance (FT)			Assumed Speed for Condition (MPH)	Corrections in Stopping Distance (FT)		
	3%	6%	9%		3%	6%	9%
30	10	20	30	28	–	10	20
40	20	40	70	36	10	20	30
50	30	70	–	44	20	30	–
60	50	110	–	52	30	50	–
65	60	130	–	55	30	60	–
70	70	160	–	58	40	70	–

**Stopping Sight Distance
(Wet Pavements)**

Design Speed (MPH)	Assumed Speed for Condition (MPH)	Brake Reaction		Coefficient of Friction (FT)	Braking Distance on Level (FT)	Stopping Sight Distance	
		Time (Sec.)	Distance (FT)			Computed (FT)	Rounded for Design (FT)
20	20 to 20	2.5	73.3 to 73.3	0.40	33.3 to 33.3	106.7 to 106.7	125 to 125
25	24 to 25	2.5	88.0 to 91.7	0.38	50.5 to 54.6	138.5 to 146.5	150 to 150
30	28 to 30	2.5	102.7 to 110.0	0.35	74.4 to 85.7	177.3 to 195.7	200 to 200
35	32 to 35	2.5	117.3 to 128.3	0.34	100.4 to 120.1	217.7 to 248.4	225 to 250
40	36 to 40	2.5	132.0 to 146.7	0.32	135.0 to 166.7	267.0 to 313.3	275 to 325
45	40 to 45	2.5	146.7 to 165.0	0.31	172.0 to 217.7	318.7 to 382.7	325 to 400
50	44 to 50	2.5	161.3 to 183.3	0.30	215.1 to 277.8	376.4 to 461.1	400 to 475
55	48 to 55	2.5	176.0 to 201.7	0.30	256.0 to 336.1	432.0 to 537.8	450 to 550
60	52 to 60	2.5	190.7 to 220.0	0.29	310.8 to 413.8	501.5 to 633.8	525 to 650
65	55 to 65	2.5	201.7 to 238.3	0.29	347.7 to 485.6	549.4 to 724.0	550 to 725
70	58 to 70	2.5	212.7 to 255.7	0.28	400.5 to 583.3	613.1 to 840.0	625 to 850

Part 2**Street Cuts and Excavations****§21-201. Permit Required.**

In accordance with the provisions of §2322 of the Second Class Township Code, 53 P.S. §67322 as amended, no railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, any gas pipe, water pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or any coal tipples or any other obstruction be erected upon or in, any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permit granted by the Township for such purpose.

(Ord. 1974-2, 6/6/1974, §1; as amended by A.O.)

§21-202. Application.

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the schedule of fees set forth by the Department of Transportation for highway occupancy permits and restoration charges. In addition, the applicant shall submit three copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

(Ord. 1974-2, 6/6/1974, §2)

§21-203. Insurance of Permit.

A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

(Ord. 1974-2, 6/6/1974, §3)

§21-204. Notice of Completion.

Upon completion of the work, the applicant shall give written notice thereof to the Township.

(Ord. 1974-2, 6/6/1974, §4)

§21-205. Inspection of Work.

Upon completion of the work authorized by the permit to the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within 60 days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional 20 per centum of such cost.

(Ord. 1974-2, 6/6/1974, §5)

§21-206. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1974-2, 6/6/1974, §6; as amended by A.O.)

Part 3

Street Naming and Property Addressing for Emergency Services

§21-301. Short Title.

This Part shall be known and may be cited as the “Lynn Township Street Naming and Property Addressing for Emergency Services Ordinance.”

(Ord. 1993-3, -/-/---, §1)

§21-302. Official Plan.

1. The Board of Supervisors of Lynn Township hereby adopts the “grid” or master plan, and the individual properties numbers designated thereon as prepared by F&H Associates, with any further street names and addresses to be determined by the appropriate Township personnel at the time the property is proposed for development or occupancy.
2. The adoption of this system of street names and house numbers is to be authorized by the respective postmasters serving the affected areas of the Township in accordance with the “Postal Operations Manual,” §636.2 and any amendment thereto.

(Ord. 1993-3, -/-/---, §2)

§21-303. Official Names.

The Board of Supervisors of Lynn Township has deemed it necessary for the public safety to create names for all public and private ways and alleys to assist emergency services personnel in locating persons and property within the Township.

(Ord. 1993-3, -/-/---, §3)

§21-304. Approval Required.

No public or private street or alley shall be opened or approved by the Township without being named and a sign containing that name being placed in a location deemed appropriate by the Township. No public or private street or alley shall be named without the approval of the Board of Supervisors. Names for public and private streets and alleys may be established, changed or altered by a separate resolution of the Board of Supervisors or at the time said street is ordained as a public road within the Township.

(Ord. 1993-3, -/-/---, §4)

§21-305. List of Road Names.

The following list of public or private streets and alleys or ways constitutes all street names in the Township as of the date of enactment of this Part as indicated below:

Name of Road	Location
Allemaengel Road	W. from Kings Highway just east of Wanamakers, then E. until it meets Decatur Street at New Tripoli.

Name of Road	Location
Autumn Road	Connects Rte. 309 to Reeser Road.
Bachman Road	E. from Schochary Road and connects with Bausch Road.
Road	E. from Schochary Road in Lynnville to Weisenberg Twp. Line.
Behler Road	Intersection with Allemaengel Road N. across Kings Highway Road to intersection with Springhouse Road.
Blue Mountain House Road	N. from Steinsville Road Across Slateville Road to Schuylkill Co. line.
Bluejay Road	Connects Golden Key Road to Schochary Road.
Borman Road	Connects Springhouse Road to Mosserville Road
Boyer Court	N. on Allemaengel Road to dead end at Ontelaunee Creek.
Brobst Hill Road	E. from Hoffadeckel Court to Ulrich Mill Road
Buck Hill Court	W. from Gun Club Road.
Camp Meeting Road	E. from Madison St. to connect with Flint Hill Road.
Cardinal Road	Connects Golden Key Road to Schochary Road.
Clover Road	Connects Kings Highway to Steinsville Road.
Creamery Road	E. from Schochery Road to Weisenberg Twp. line.
Curvy Drive	S. from Allemaengel Road to dead end.
Decatur Street	W. from Rte. 309 to intersection of Allemaengel Road and Kings Highway Road at Ebenezer Church.
Decatur Street	W. from Rte. 309 to intersection of Allemaengel Road and Kings Highway at Ebenezer Church.
Deer Run Road	Rte. 309 east to dead end.
Diamond Drive	W. from Sechler Road to dead end.
Donats Peak Road	S. from Jacksonville at Kings Highway across Allemaengel Road to Kistler Valley Road.
Donna Drive	E. from Buckery Road to dead end.
Dresher Road	Slateville Road N. to Blue Mt. and loops into mountain and ends east at Slateville Road.
Eile Dahl Road	Wessnersville Road east to Golden Key Road
Flint Hill Road	Schochary Road E. to Heidelberg Twp. line.
Follweiler Court	E. from Leaser Road and ends at parking lot at W. side of Leaser Lake.
Fort Everett Road	Kings Highway N., turns E. and meets with Gun Club Road.

Name of Road	Location
Frey Road	S. of Golden Key Road till it reconnects with Golden Key Road.
Germans Corners Road	Connects Autumn Road in Lynn Twp. to Heidelberg Twp. line.
Golden Key Road	S. from Allemaengel Road across Kistler Valley Road to Weisenberg Twp. line.
Grape Vine Drive	W. from Schochary Road to dead end.
Gun Club Road	Allemaengel Road N. across Kings Highway to Rte. 309. Gypsy
Moth Drive	W. from Sacks Drive to dead end.
Halpin Road	Connects Phillips Ct. with Long Ct.
Hamm Court	N. from Kings Highway to the dam breast of Leaser Lake.
Hatchery Drive	S. from Zeisloff Road to dead end.
Herring Court	S. from Flint Hill Road to dead end.
Herrnhutter Strassa Rd	E. from Donats Peak Road to connect to Golden Key Road.
Herstra Court	W. from Schochary Road to dead end.
Hideaway Drive	W. from Gun Club Road to dead end.
Hilltop Court	E. from Schochary Road to dead end.
Hoffadeckel Court	S. from Kings Highway to dead end at Ontelaunee Creek.
Hoffman Court	N. from Decatur St. in New Tripoli to dead end.
Holbens Valley Road	from Lynnville to Weisenberg Twp. line. Holstein
Drive	W. from Golden Key Road to dead end. Homestead
Road	S. from Bausch Road to Weisenberg Twp. line.
Hummingbird Road	S. from Kistler Valley Road to Weisenberg Twp. line.
Hunters Hill Road	N. from Rte. 309 to Heidelberg Twp. line.
Junge' Drive	E. from Hummingbird Road to dead end.
Kemp School Road	E. from Kunkels Mill Road to Rhoads Road in Weisenberg Twp.
Kings Highway	Intersection of Decatur St. & Allemaengel Road W. to Barks Co. line.
Kistler Valley Road	W. from Lynnville to Berks Co. line.
Koch Court	W. from Halpin Road to dead end.
Koenig Drive	N. from Kings Highway to dead end. Kunkels Mill
Road	W. from Golden Key Road to Berks Co. line.

Name of Road	Location
Laurel Court	Emerald Acres Subd. N. from Lentz Road.
Leaser Road	N. from Kings Highway in Wanamakers to where it meets Blue Mountain House Road on the Blue Mt.
Leh Court	S. from Allemaengel Road to dead end.
Lentz Road	Connects Gun Club Road to Mosserville Road.
Levan Road	Kings Highway in Wanamakers S. and loops back out to Kings Highway at Clover Road.
Lochland Road	Connects Rte. 309 to Memorial Road.
Lonesome Drive	N. from Slateville Road to dead end.
Long Court	S. from Rte. 309 to a dead end.
Loy Road	Connects Rte. 309 to Hunters Hill Road
Madison Street	S. from Decatur St. through New Tripoli to meet at the intersection of Zeisloff Road and Schochary Road.
Mattos Court	Emerald Acres Subd. N. from Lentz Road.
Memorial Road	Rte. 309 E. to Heidelberg Twp. line.
Memory Road	Connects Hummingbird Road S. to Golden Key Road
Miller Road	N. from Bausch Road and connects with Flint Hill Road
Milo Road	Schaller Road south to Schaller Road.
Mosserville Road	W. from Rte. 309 to Kings Highway.
Mountain Road	E. from Rte. 300 to Heidelberg Twp. line.
North Alley	On N. side of Lynnport, W. from Behler Road to Kings Highway.
Oakview Road	E. from Ponderosa Ct. till it reconnects to Ponderosa Ct.
Ohl Court	N. from Mt. Road to dead end.
Ontelaunee Road	N. from Kings Highway on E. side of Jacksonville around the back parking lot of Leaser Lake to the intersection with Springhouse Road.
Oswald Road	Connects Allemaengel Road to Zeisloff Road
Owl Valley Road	W. from Schochary Road in Lynnville till it reconnects with Schochary Road.
Part of Market Street	W. from Madison St. to Decatur Street.
Penny Court	W. from Behler Road.
Perry Long Court	Intersection of Allemaengel Road and goes W. to the dead end at the vacated Bowstring Bridge on Ontelaunee Creek.

Name of Road	Location
Phillips Court	W. from Long Court to dead end.
Pleasure Court	Jacksonville north from Kings Highway to the parking lot on the east side of Leaser Lake.
Ponderosa Court	E. from Trout Lake Road to dead end.
Pony Drive	S. from Sassafras Road to dead end.
Quarry Road	N. from Brobst Hill Road, across Kings Highway to Spring- house Road
Rabbit Run Road	S. from Bausch Road, across Kistler Valley Road to where it connects with Schochary Road.
Red Road	W. from Golden Key Road to Berks Co. line. (Stony Run)
Reeser Road	Connects Mountain Road in Lynn Twp. to Heidelberg Twp. line.
Rhoads Road	S. from Golden Key Road in Lynn Twp. to Weisenberg Twp. line.
Ross Valley Road	S. from Homestead Road to Weisenberg Twp. line.
Rte. 309	N. from Heidelberg Twp. line to top of Blue Mt. at Schuylkill Co. line.
Sacks Drive	N. from Ft. Everett Road to Gun Club Road.
Sandy Court	Goes from Flinthill Road North to Dead End.
Sassafras Road	Connects Springhouse Road to Lentz Road.
Saw Mill Road	Connects Ontalaunee Road to Springhouse Road.
Schneider Shule Road	Connects Camp Meeting Road to Rte. 309.
Schochary Road	Intersection of Madison St. & Zeisloff Road across Kistler Valley in Lynnville to Golden Key Road in Stines Corner.
Scholler Road	Golden Key Road northeast to connect with Allemaengel Road
Sechler Road	W. from Schochary Road and connects with Kistler Valley Road
Shady Drive	N. from Memorial Road to dead end.
Slateville Road	Kings Highway at Wanamakers and goes to the intersection with Dresher Road, Steinsville Road and Quaker City Road
South Alley	W. from Behler Road., on the south side of Lynnport to Kings Highway.
Springhouse Road	E. from Leaser Road to Rte. 309.
St. Peters Road	Connects Hummingbird Road to Schochary Road.

Name of Road	Location
Steinsville Road	Kings Highway to intersection of Dresher Road Slateville Road and Quaker City Road.
Stony Ridge Road	S. from Schochary Road to Weisenberg Twp. line. Strawberry Court S. from Kings Highway west of Lynnport to dead end at Ontelaunee Creek.
Stump Road	S. from Eile Dahl Road to connect to Red Road.
Summit Drive	N. from Kings Highway to dead end.
Surf Drive	N. from Kings Highway to dead end.
Swamp Road	Connects Ontelaunee Road to Springhouse Road.
Sweitz Road	Connects Allemaengel Road to Scholler Road.
Tri-Twp. Road	Weisenberg Twp. line to Berks Co. line.
Trout Lake Road	Connects Kunkels Mill Road N. to Red Road.
Ulrich Mill Road	S. from Springhouse Road across Kings Highway to Sechler Road.
Utt Road	Connects Slateville Road to Leaser Road.
Washington Street	S. from Decatur St. to Camp Meeting Road.
Weavers Court	W. from Ulrich Mill Road to dead end.
Wedge Drive	W. from Sechler Road to dead end.
Weiss Road	S. from Rte. 309 eastwardly to Heidelberg Twp. line.
Wessnersville Road	S. from Kistler Valley Road to Berks Co. line. (Stony Run)
Whitetail Court	Emerald Acres Subd. N. from Lentz Road.
Zeisloff Road	Connects Schochary Road to Allemaengel Road. Zimmerman
Road	E. from Eile Dahl Road to connect to Kistler Valley Road

(Ord. 1993-3, -/-/----, §5)

§21-306. Names of Roads and Alleys Being Changed at the Enactment of this Part.

The Board of Supervisors of Lynn Township has deemed it necessary for the public safety to change the names of certain public and private ways and alleys to assist emergency services personnel in locating persons and property within the Township.

(Ord. 1993-3, -/-/----, §6)

§21-307. List of Existing Road Names to be Changed.

The following list of public or private streets and alleys or ways is hereby given the new names as indicated below:

Existing Name	New Name	Location
Behler Street	Behler Road	Intersection with Allemaengel Road N. across Kings Highway to the intersection with Springhouse Road.
Blue Mountain Road	Blue Mountain House Road	N. from Steinsville Road across Slateville Road to Schuylkill Co. line.
Borman Lane	Borman Road	Connects Springhouse Road to Mosserville Road
Buckery Road	Oswald Road	Connects Allemaengel Road to Zeisloff Road
Deer Run	Deer Run Road	Rte. 309 E. to dead end.
Fetherolfs Road	Golden Key Road	S. from Allemaengel Road across Kistler Valley to Weisenberg Twp. line.
Follweiler Road	Follweiler Court	E. from Leaser Road and ends at the parking lot at the west side of Leaser Lake.
Gun Club Road	Gun Club Road	Allemaengel Road N. across Kings Highway to Rte. 309.
Halpin Drive	Halpin Road	Connects Phillips Ct. with Long Ct.
Hamm Road	Haam Court	N. from Kings Highway to the dam breast of Leaser Lake.
Hernhutter Strass Rd	Herrnhutter Strass rd	E. from Donate Peak Road to connect to Golden Key Road
Herstra Drive	Herstra Court	W. from Schochary Road to dead end.
Hilltop Road	Hilltop Court	E. from Schochary Road to dead end.
Hoffadeckel Road	Hoffadeckel Court	S. from Kings Highway to dead end at Ontelaunee Creek.
Holben's Valley Road	Holbens Valley Road	E. from Lynnville to Weisenberg Twp. line.
Hunters Hill Lane	Loy Road	Connects Rte. 309 to Hunters Hill Road
Jackson Alley	Market Street	W. from Madison St. to Decatur St.
Kerschner Road	Autumn Road	Connects Rte. 309 to Reeser Road
Kings Road	Levan Road	Kings Highway in Wanamakers S. and loops back out to Kings Highway at Clover Road.
Kistler Dam Road	Kistler Valley Road	W. from Lynnville to Berks Co. line.

Existing Name	New Name	Location
Kistler Lane	Hummingbird Road	S. from Kistler Valley Road to Weisenberg Twp. line.
Koch Drive	Koch Court	W. from Halpin Road to dead end.
Kunkel's Mill Road	Kunkels Mill Road	W. from Golden Key Road to Berks Co. line.
Lake Road	Trout Lake Road	Connects Kunkels Mill Road N. to Red Road.
Leh Drive	Leh Court	S. from Allemaengel Road to dead end.
Lockland Road	Lochland Road	Connects Rte. 309 to Memorial Road
Long Lane	Long Court	S. from Rte. 309 to a dead end.
Mosser Road	Memory Road	Connects Hummingbird Road S. to Golden Key Road.
Oak Lane	Sassafras Road	Connects Springhouse Road to Lentz Road
Oakview Drive	Oakview Road	E. from Ponderosa Ct. till it reconnects to Ponderosa Ct.
Ohl Road	Ohl Court	N. from Mt. Road to dead end.
Penny Lane	Penny Court	W. from Behler Road.
Perry Long Road	Perry Long Court	Intersection of Allemaengel Road W. to dead end at the vacated Bowstring Bridge on Ontelaunee Creek.
Phillips Drive	Phillips Court	W. from Long Court to dead end.
Ponderosa Road	Ponderosa Court	E. from Trout Lake Road to dead end.
Red Church Road	Wessnersville Road	S. from Kistler Valley Road to Berks Co. line. (Stoney Run)
Route 143/Kings Highway	Kings Highway	Intersection of Decatur St. & Allemaengel Road W. to Berks Co. line.
Route 309/ Jordan Road/ Applachain Road	Route 309	N. from Heidelberg Twp. line to top of Blue Mt. at Schuylkill Co. line.
Sandy Lane	Sandy Court	Goes from Flint Hill Road N. to dead end.
Schneider Shole Rd	Schneider Shule Road	Connects Camp Meeting Road to Rte. 309.
Short Lane	Weiss Road	S. from Rte. 309 eastwardly to Heidelberg Twp. line.

Existing Name	New Name	Location
Snyder Road	Rabbit Run Road	S. from Bausch Road across Kistler Valley Road to where it connects with Schochary Road.
Strawberry Road	Strawberry Court	S. from Kings Highway W. of Lynnport to dead end at Ontelaunee Creek.
Tri-Township Road	Tri-Twp. Road	Weisenberg Twp. to Berks Co. line.
Water Street	Hoffman Court	N. from Decatur St. in New Tripoli to dead end.
Wayne Street	Decatur Street	W. from Rte. 309 to intersection of Allemaengel Road and Kings Highway at Ebenezer Church.
Weaver's Lane	Weavers Court	W. from Ulrich Mill Road to dead end.

(Ord. 1993-3, -/-/----, §7)

§21-308. Requirement to Display Addresses.

The Board of Supervisors of Lynn Township has established an address system for all public and private streets and ways and alleys to assist emergency services personnel in locating persons and property within the Township. Every owner of developed property is required to prominently display the address assigned to his, her, or its respective property or properties.

(Ord. 1993-3, -/-/----, §8)

§21-309. Method of Display.

Street addresses shall be displayed in the following manner:

1. *Mailbox.* The house number shall be placed on both sides of the mailbox or supporting structure, or both sides of an attached sign. Neat numbers and letters, not less than 2 inches high, utilizing a reflective material or in some way illuminated, shall be used.
 In the case of a mailbox located in a group of mailboxes, the street number shall be displayed in numbers at least one inch in height on the door of each box.
 If a mailbox is located on a different street from that of the official address, the street name and street number shall be displayed on the box in the same size and manner as required for a mailbox in the proper location.
2. *Building Face.* In the event there is no free standing mailbox located on the property in a location that would readily identify the proper address, or if the mailbox is located in a group of mailboxes or on a street other than that of the designated street address, there shall be displayed on the front door, or a portion of the building in close proximity to the main entrance, the correct street number in numbers no less than 4 inches in height, made of a reflective material or illuminated by a continuous source.
3. *Multiple Occupant Buildings.* If a building is occupied by more than one entity for residential or nonresidential purposes, the street address shall be

displayed pursuant to either paragraph .A or .B, whichever is applicable. In addition to the standard required number display, the main entrance door to each occupied space shall display the suite name or apartment number in characters at least 2 inches in height, said display to be located between 5 feet and 6 feet above the level of the floor outside of the entrance door.

4. *Commercial or Industrial Buildings.* Buildings for commercial-or industrial use as defined in the Township Zoning Ordinance [Chapter 27] which are located a distance of greater than 50 feet from the legal right-of-way of a public road shall display the street number in characters at least 6 inches in height on the face of the building fronting on the road on which the address is located and such display shall be illuminated by a continuous source.
5. *Buildings Not Having Frontage on a Public or Private Road.* Buildings which do not front on a public or private road shall display a street number in the manner indicated for a mailbox (subsection .1) at the point where access is gained from the nearest public or private road. Such display shall be made on a sign or post placed in the required location. In addition to this display requirement, the building face shall be posted in the manner indicated in subsection .2.
6. *Maintenance.* The display of address shall be maintained in good condition so as to provide reasonable identification. The failure to display or properly maintain the display of address shall be a violation of this Part.

(Ord. 1993-3, -/-/---, §9)

§21-310. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1993-3, -/-/---, §10; as amended by A.O.)

Part 4**Snow and Ice Clearing****§21-401. Title.**

This Part shall be known and may be cited as the "Township of Lynn Snow and Ice Clearing Ordinance of 1996."

(Ord. 1996-5, 10/3/1996, §1)

§21-402. Definitions.

The following words or phrases as used in this Part shall have the meanings given herein. When not inconsistent with the context, words used in the singular include the plural and words in the plural include the singular and words in the present tense include the future. The word "shall" is always mandatory.

1. Property owner shall include any person or persons, male or female, corporation, partnership, association, company, individual, owner, occupant, lessee, tenant or any organization.
2. Sidewalk shall mean a paved path or footwalk for public use located between the cartway or curb line and the right-of-way line of any public or municipal maintained street or highway.
3. Street shall mean any public highway, cul-de-sac or T-turn around within the Township of Lynn.
4. The Township of Lynn shall mean the elected officials of the Township of Lynn, or any other authorized representatives, agency or agencies of the Township appointed by the Supervisors of the Township.
5. Owners shall mean the real and equitable owners of property abutting sidewalks or streets as defined in this Part.
6. Tenant shall include the occupant, lessee, tenant or person having charge of any building, lot or parcel of ground abutting the sidewalk or street as defined in this Part.

(Ord. 1996-5, 10/3/1996, §2)

§21-403. Unlawful Conduct.

Following the effective date of this Part it shall be unlawful for any property owner:

1. To deposit or permit to be deposited and keep (except upon permit issued by the Township) any rubbish, trash or materials of any character whatsoever, upon a sidewalk or street within the Township.
2. To allow or permit snow or ice to lie upon, remain upon or be piled or accumulated upon a sidewalk within the Township for more than 24 hours.

(Ord. 1996-5, 10/3/1996, §3)

§21-404. Property Owner to Clear Snow from Sidewalks.

It shall be the duty of the property owner, not later than 24 hours after snow has

ceased to fall, to clear or cause to be cleared a pathway in the sidewalk upon which said property abuts. Such pathway shall not be less than 36 inches in width and shall be thoroughly cleared to that extent of snow and ice or other obstruction.

(Ord. 1996-5, 10/3/1996, §4)

§21-405. Parking During Snow and Ice Accumulations.

Following the effective date of this Part and subject to the limitations set forth in paragraph .B of this Section, it shall be unlawful:

1. To park, or allow to be parked, any motor vehicle or other vehicles, on any street within the Township following the deposit or accumulation of ice or snow of 3 inches or greater in depth, until the snow has been completely plowed for the full width of the cartway.
2. On those streets within the Township where only on-street parking is available the following regulations shall apply when the deposit or accumulation of ice or snow is 3 inches or greater.
 - A. All motor vehicles shall be parked on the even address side of the street on even number calendar days following such accumulation as is mentioned above and on odd address side of the street on odd number calendar days following such accumulation.

(Ord. 1996-5, 10/3/1996, §5)

§21-406. Method of Snow and Ice Removal.

1. Snow or ice removed from sidewalk or driveway areas shall be placed on the person's property. No snow or ice shall be placed on the Township roadways.
2. If there shall be an excessive amount of snow or ice and there is no longer any place on the person's property to shovel the snow, then it may be placed along the curb line or edge of paved roadway, but not in the street.
3. Should the snow and ice on the sidewalk, pavement or footpath be frozen so hard it cannot be removed without injury to the pavement or damaging the base of the footpath, the person having charge of the snow and ice removal shall cause the sidewalk abutting or adjacent to such premises to be strewn with ashes, sand, sawdust or any suitable abrasive material and shall as soon thereafter as the weather shall permit, thoroughly clean such sidewalks.
4. Fire hydrants shall not be covered.
5. Snow or ice removed from driveways or alleys shall be deposited to the right side of the driveway or alley such that subsequent plowing will not re-close the driveway or alley.

(Ord. 1996-5, 10/3/1996, §6)

§21-407. Violations.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days.

Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1996-5, 10/3/1996, §7; as amended by A.O.)

§21-408. Impoundment of Illegally Parked Vehicles.

In addition to the penalties hereinabove provided the Township shall be authorized to remove, or cause the removal of any vehicle parked in violation of §21-405 hereinabove and to store said vehicle in a public garage or other place of safety selected by the Township; that said registered owner of said vehicle, if known together with the address, shall be notified in writing of the fact of said removal, and the place of deposit of said vehicle; that said vehicle may be reclaimed and surrendered upon payment of towing and storing charges.

(Ord. 1996-5, 10/3/1996, §8)

Chapter 22

Subdivision and Land Development

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- §22-102. Authority and Title
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Part 1**Purpose, Authority, Title and Jurisdiction****§22-101. Purpose.**

The purpose of this Chapter is to regulate subdivision and land development within the Township of Lynn, Lehigh County, Pennsylvania.

(Ord. 1980-2, 9/4/1980, §100)

§22-102. Authority and Title.

This Chapter is enacted pursuant to the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and may be cited as the “Lynn Township Subdivision and Land Development Ordinance.”

(Ord. 1980-2, 9/4/1980, §110)

§22-103. Jurisdiction.

This Chapter shall apply in the following circumstances:

1. To all subdivision and land development plans submitted after the effective date of this Chapter.
2. To all subdivision and land development plans, previously approved in accordance with any law or regulation then applicable, the development of which has not been completed in accordance with the terms of such approval within 3 years of such approval.
3. To the conveyance of agricultural conservation easements to the extent and as hereinafter set forth in this Chapter. *[Ord. 1993-1]*

(Ord. 1980-2, 9/4/1980, §120; as amended by Ord. 1993-1, 2/4/1993, §1)

Part 2**Submission Procedures****§22-201. General.**

1. *Feasibility Review.* Review materials and fees may be submitted to the Administrator for discussion with the Township Planning Commission as to the suitability of a parcel of land for a specific subdivision or land development use and for direction or advice from the Township Planning Commission. The feasibility review materials may be submitted to the Township Engineer and the Lehigh Valley Planning Commission for review. [Ord. 13-1]
2. *Preliminary Plan.* Plans, supplementary data, and fees for all major subdivisions shall be submitted to the Administrator for distribution to various review bodies. All reviews shall be submitted to the Township Planning Commission which shall review the plan and recommend action to the Township Supervisors. The Board of Supervisors shall take action and advise the applicant in writing of their decision. [Ord. 13-1]
3. *Final Plan.* Plans, supplementary data, and fees for all subdivisions shall be submitted to the Administrator for distribution to various review bodies. The final plan shall be submitted within 1-year of preliminary plan approval. All reviews shall be submitted to the Township Planning Commission which shall review the plan and recommend action to the Township Supervisors. The Board of Supervisors shall take action on the plan and advise the applicant in writing of their decision. As a condition of approval, the applicant shall enter into improvement and maintenance agreements with the Board of Supervisors. No permits shall be issued until said agreements have been executed and secured to the satisfaction of the Township Solicitor and until the approved final plan has been recorded in the Lehigh County Recorder of Deeds Office. [Ord. 13-1]

(Ord. 1980-2, 9/4/1980, §200; as amended by Ord. 1994-4, 9/1/1994, §1; by Ord. 2002-2, 9/5/2002, Art. II, §1; and Ord. 13-1, 11/14/13, §201)

§22-202. Feasibility Review Submission.

1. Feasibility review maps and materials may be submitted for all proposed subdivisions and land developments, for purposes of discussion between the Township Planning Commission and the developer, and for the review of the Lehigh Valley Planning Commission. [Ord. 2002-2]
2. Seven (7) *Copies of all feasibility review maps and materials, as set forth in Section 300, shall be submitted to the Administrator*. [Ord. 13-1]
3. The Administrator shall refer four copies of feasibility review maps and materials to the Township Planning Commission for its review and recommendation.
4. The Administrator shall refer one copy of feasibility review maps and materials to the Township Engineer for review and recommendation except for plans exempted from standard procedure.
5. The Developer may refer one (1) copy of feasibility review maps and materials to the Lehigh Valley Planning Commission for review and recommendations. [Ord. 13-1]

(Ord. 1980-2, 9/4/1980, §210; as amended by Ord. 1997-7, 11/6/1997, §3; Ord. 2002-2, 9/5/2002, Art. II, §1; and Ord. 13-1, 11/14/13, §202)

§22-203. Feasibility Review.

1. When feasibility review maps and materials have been submitted to the Township Planning Commission, the data presented will be reviewed by that body at its next regular meeting, provided that submission has occurred no less than 21 days prior to such scheduled meeting.
2. The Township Planning Commission shall review the feasibility review data to determine the development potential of the site, as indicated by the natural features analysis presented. The general development concepts of the developer will be reviewed to determine their compatibility with the development potential of the site and with relevant plans and ordinances. Also, the feasibility review stage is designed to offer the developer an opportunity to informally discuss his plans for the proposed subdivision or land development with the Township Planning Commission.
3. Within 60 days of submission of feasibility review maps and materials to the Township Planning Commission, the Commission shall make any recommendations to the developer which it deems necessary or advisable in the public interest in order to provide an acceptable subdivision or land development plan for the site.

Within 15 days after such meeting, the Secretary of the Township Planning Commission shall send written notice of the Commission's recommendations to the following:

- A. The developer or his representative.
 - B. The Board of Supervisors.
 - C. The Lehigh Valley Planning Commission.
 - D. The Township Administrator.
 - E. The Township Engineer. [*Ord. 1999-1*]
4. Within 1 year after completion of the feasibility review by the Township Planning Commission, the developer shall submit a preliminary plan. An extension of time may be granted by the Board of Supervisors upon written request. If a written grant of extension is not presented, the plan submitted shall be considered as a new feasibility review.

(Ord. 1980-2, 9/4/1980, §220; as amended by Ord. 1999-1, 2/4/1999, §4; Ord. 2002-2, 9/5/2002, Art. II, §1; and by Ord. 13-1, 11/14/13 §§4,5)

§22-204. Submission of the Preliminary Plan.

1. Preliminary plan and all required supplementary data for all proposed subdivision and land developments shall be submitted to the Administrator.
2. If the preliminary plan submission complies with this Section of this Chapter,

- the Administrator shall accept the preliminary plan for distribution to the various review bodies.
3. Official submission of a preliminary plan to the Administrator by a developer shall comprise:
 - A. Six copies of a completed application for review of preliminary subdivision plans.
 - B. Submission of 10 black-on-white or blue-on-white prints on paper of the preliminary plan which shall fully comply with the provisions of this Chapter as set forth in this Section.
 - C. Submission of four (4) copies of all required supplemental information as set forth in §22-302.6.
 4. The Administrator shall refer preliminary plan submission materials to the various review bodies as follows:
 - A. One (1) application, four (4) plan prints, and three (3) copies of the supplemental information to the Township Planning Commission. [*Ord. 13-1*]
 - B. One application, one plan print, and one copy of the supplemental information to the Township Engineer.
 - C. One application, one plan print, and one copy of the supplemental information to the Board of Supervisors.
 - D. One application, one plan print, and one copy of the supplemental information to the Township Sewage Enforcement Officer.
 - E. The developer shall submit one (1) application, one (1) plan print, and one (1) copy of the supplemental information to the Lehigh Valley Planning Commission. [*Ord. 13-1*]
 - F. Two (2) applications and two (2) plan prints to the Township Administrator. [*Ord. 13-1*]
 - G. For all major subdivisions, one (1) plan print to the Northwestern School District. [*Ord. 13-1*]
 5. Additional copies of the preliminary plan materials shall be referred by the Administrator to the respective agencies in the following circumstances:
 - A. Whenever the property being subdivided or developed abuts a State Legislative Route, one plan print shall be submitted to the Pennsylvania Department of Transportation District Office.
 - B. Whenever a proposed subdivision or land development is located adjacent to another municipality, one application and one plan print shall be referred to that municipality.
 - C. Whenever the subdivision site is crossed by a public utility right of way or easement, one application and one plan print shall be submitted to the involved utility.
 - D. Whenever all or part of the property being subdivided or developed is within the area served by the Lynn Township Sewer Authority, two plan prints and two copies of the supplemental information shall be submitted to the Lynn Township Sewer Authority for distribution to the Authority Board and Authority

Engineer. [Ord. 1999-1]

(Ord. 1980-2, 9/4/1980, §230; as amended by Ord. 1996-3, 3/11/1996, §1; by Ord. 1997-7, 11/6/1997, §3; by Ord. 1999-1, 2/4/1999, §7; and by Ord. 13-1, 11/14/13 §§8-13; and by A.O.)

§22-205. Review of Preliminary Plan.

1. *By the Township Planning Commission.*
 - A. When a preliminary plan has been officially submitted, such plan shall be placed on the agenda of the Planning Commission for review at its next regular monthly meeting, provided that such official submission has occurred no less than 21 calendar days prior to such regular meeting. The Planning Commission may hold a public hearing on the preliminary plan at this time.
 - B. The Planning Commission shall review the preliminary plan to determine its conformance with the standards contained in this Chapter and other applicable Township ordinances, and shall require or recommend such changes and modifications as it deems necessary.
 - C. At the option of the Planning Commission with respect to a preliminary plan until the Township Planning Commission has received and considered the written report of the Lehigh Valley Planning Commission; provided, however, that if the Lehigh Valley Planning Commission shall fail to report thereon within thirty (30) days after receipt of a preliminary plan, then the Township Planning Commission may officially act without having received and considered such report. [Ord. 13-1]
 - D. Within 60 days after submission of the preliminary plan, the Planning Commission shall recommend to the Board of Supervisors, in writing, that the preliminary plan be approved, conditionally approved, or disapproved together with the documented findings upon which the recommendations are based.
2. *By the Board of Supervisors.*
 - A. Within 90 days following the date of the regular meeting of the Planning Commission next following the date of the application, the Board of Supervisors shall, in accordance with the provisions of relevant ordinances and considering the recommendations of the Planning Commission, take action by approving, conditionally approving or disapproving the preliminary plan. The exception to this procedure shall occur when a Planning Commission meeting is not scheduled within 30 days of the date of the application. In such cases, the actions by the Board of Supervisors shall be within 120 days of the date of the application. The Supervisors, in all cases, shall document the action and the findings on which it is based within 15 days of the action to:
 - (1) The applicant.
 - (2) The Administrator.
 - (3) The Township Planning Commission.
 - (4) The Township Engineer.
 - (5) The Township Sewage Enforcement Officer.

(Ord. 1980-2, 9/4/1980, §240; Ord. 1997-7, 11/6/1997, §3; and as amended by Ord. 13-1, 11/14/13 §14,15)

§22-206. Submission of the Final Plan.

1. Within 12 months after approval of the preliminary plan, a final subdivision or land development plan and all required supplemental data shall be submitted to the Administrator. An extension of time may be granted by the Board of Supervisors upon written request. Otherwise, the plans submitted may be considered as a new preliminary plan.
2. The final plan shall conform in all significant respects to the preliminary plan as previously reviewed by the Township Planning Commission and approved by the Board of Supervisors and shall incorporate all modifications required by the Board of Supervisors in its preliminary plan approval. The Township Planning Commission may, however, accept a final plan modified so as to reflect any substantial changes which have occurred on the site of the proposed subdivision, or in its surroundings, since the time of preliminary plan review.
3. The final plan may be submitted in sections or stages each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed preliminary plan, in accordance with the regulations set forth in §22-303. In the case of the final subdivision or land development plan which is to be submitted in sections or stages over a period of years, the time between submission of application for final approval of each stage or section shall be no greater than 12 months.
4. Final plans and all required supplementary data set forth in §22-303 for all proposed subdivisions and land developments shall be submitted to the Administrator.
5. Official submission of a final plan to the Administrator by a developer shall comprise:
 - A. Five copies of a completed application for review of final subdivision plan.
 - B. Submission of 10 black-on-white or blue-on-white prints on paper of the final plan which shall fully comply with the provisions of this Chapter as set forth in §22-303. [Ord. 2002-2]
 - C. Submission of four (4) copies of all required supplemental information as set forth in §22-303. [Ord. 13-1]
6. The Administrator shall refer final plan submission materials to the various review bodies as follows:
 - A. One application, three plan prints, and three copies of the supplemental information to the Township Planning Commission.
 - B. One application, one plan print, and one copy of the supplemental information to the Township Engineer.
 - C. One application, one plan print, and one copy of the supplemental information to the Board of Supervisors.
 - D. One application, one plan print, and one copy of the supplemental information to the Township Sewage Enforcement Officer.
 - E. The developer shall submit one (1) application, one (1) plan print, and one (1) copy of the supplemental information to the Lehigh Valley Planning Commission. [Ord. 13-1]
7. Additional copies of the final plan materials may be referred by the Administrator to the respective agencies in the following circumstances: [Ord. 13-1]
 - A. Whenever the property being subdivided or developed abuts a State

Legislative Route, and the plan differs from plans previously submitted to PennDOT with reference to access points, proposed external road improvements, or traffic impact, one application and one plan print shall be submitted to the Pennsylvania Department of Transportation District Office.

- B. Whenever the subdivision or land development requires a soil erosion and sedimentation control permit, as described in §22-410.E of this Chapter, one application, one plan print, and one copy of supplemental information shall be submitted to the Lehigh County Conservation District.
- C. Whenever a proposed subdivision or land development is located adjacent to another municipality, one application and one plan print shall be referred to that municipality.
- D. Whenever all or part of the property being subdivided or developed is within the area served by the Lynn Township Sewer Authority, two plan prints and two copies of the supplemental information shall be submitted to the Lynn Township Sewer Authority. [*Ord. 2002-2*]

(*Ord. 1980-2, 9/4/1980, §250; as amended by Ord. 1996-3, 3/11/1996, §2; by Ord. 1997-7, 11/6/1997, §3; Ord. 2002-2, 9/5/2002, Art. II, §1; and by Ord. 13-1, 11/14/13 §§16,17,18*)

§22-207. Review of Final Plan.

- 1. *By the Township Planning Commission.*
 - A. When a final plan has been officially submitted, such plan shall be placed on the agenda of the Planning Commission for review at its next regular monthly meeting, provided that such official submission has occurred no less than 21 calendar days prior to such regular meeting. The Planning Commission may hold a public hearing on the final plan at this time.
 - B. The Planning Commission shall review the final plan to determine its conformance with the standards contained in this Chapter and other applicable Township ordinances and shall require or recommend such changes and modifications as it deems necessary.
 - C. No action shall be taken by the Township Planning Commission with respect to a final plan until the Township Planning Commission has received and considered the written report of the Lehigh Valley Planning Commission or until thirty (30) days have passed from the date that the plans were forwarded to the LVPC. [*Ord. 13-1*]
 - D. Within 60 days after submission of the final plan, the Planning Commission shall recommend to the Board of Supervisors, in writing, that the final plan be approved, conditionally approved, or disapproved, together with the documented findings upon which the recommendation is based. The action of the Township Planning Commission shall be noted, together with the date of action and signatures of its Chairman and Secretary on the record plan.
- 2. *By the Board of Supervisors.*
 - A. Within 90 days following the date of the regular meeting of the Planning Commission next following the date of the application the Board of Supervisors shall, in accordance with the provisions of relevant ordinances and considering the recommendations of the Planning Commission, take action by approving, conditionally approving or disapproving the final plan. The exception to this

procedure shall occur when a Planning Commission meeting is not scheduled within 30 days of the date of the application. In such cases, the action by the Board of Supervisors shall be within 120 days of the date of the application. The Supervisors, in all cases, shall document the action and the findings on which it is based within 15 days of the action to:

- (1) The developer or his representative.
- (2) The Administrator.
- (3) The Township Planning Commission.
- (4) The Township Engineer.
- (5) The Lehigh Valley Planning Commission. [*Ord. 1997-7*]

- B. Action by the Board of Supervisors conditionally approving a subdivision plan which has not been signed by the governing body shall be deemed a disapproval unless the conditions are met within 90 days of such action. The conditions that need to be met in order to obtain approval shall be set forth in a letter to the developer or his representative, with copies to those parties listed in subsection .2.A. [*Ord. 1999-1*]

(*Ord. 1980-2, 9/4/1980, §260; as amended by Ord. 1994-4, 9/1/1994, §2; by Ord. 1997-7, 11/6/1997, §3; Ord. 1999-1, 2/4/1999; §6 and by Ord. 13-1, 11/14/13, §19*)

§22-208. Recording of the Final Plan.

1. After completion of the procedures set forth in §22-503 and after the final plan is approved by the Township Planning Commission and the Board of Supervisors, eight (8) paper prints and two (2) reproducible copies of the final plan shall be endorsed by the Board of Supervisors. [*Ord. 13-1*]
2. The record plan shall be a clear and legible print of a type and material required by the County Recorder of Deeds.
3. After endorsement by the Township Planning Commission, the Board of Supervisors, and the Lehigh Valley Planning Commission, the developer shall file the record plan with the Lehigh County Recorder of Deeds within 90 days of the date of the final approval by the Board of Supervisors. If the developer fails to record the final plan within such period, the action of the Board of Supervisors shall be null and void, unless an extension of time is granted in writing by the Board of Supervisors upon written request by the developer. [*Ord. 1997-7*]
4. After the plan has been endorsed as per the requirements of subsection .1, one (1) print of the plan shall be forwarded to the Township Planning Commission. One plan shall be forwarded each to the Board of Supervisors, the Sewage Enforcement Officer, the Administrator, and the to the Township Engineer. [*Ord. 13-1*]
5. The recording of the plan, required by subsection .3, shall be verified by the forwarding of the receipt from the Office of the Recorder of Deeds to the Administrator. This receipt shall be forwarded by the applicant.

(*Ord. 1980-2, 9/4/1980, §270; as amended by Ord. 1997-7, 11/6/1997, §3; and Ord. 13-1, 11/14/13, §20, 21*)

§22-209. Plans Exempted from Standard Procedures.

1. In the case of any proposed residential subdivision or lot boundary adjustment which does

not, and will not in the future, involve more than a total of three lots including the remaining parcel and does not involve the provision of any new street or easement for access (i.e., one in which all proposed lots will have frontage on an existing public street), the following procedure shall be followed:

- A. The applicant may prepare and submit a feasibility review plan in accordance with the requirements of §22-301 of this Ordinance. [*Ord. 13-1*]
 - B. The feasibility review will be processed according to the provisions of §§22- 202 and 22-203 of this Chapter.
 - C. The final plan submission shall be processed according to the provisions of §§22-206 and 22-207.
 - D. If the plan receives final approval, the provisions of §22-208 shall apply.
2. Advisory report for the conveyance of agricultural conservation easements.
- A. *Purpose.* The purpose of the advisory report is to enlighten, educate and inform the landowner in advance of any conveyance of any agricultural conservation easement covering an area less than the perimeter of the tract or tracts in question. The possible effects of such a conveyance and the potential for being unable to develop the remainder of the tract by reason of existing Federal, State or municipal Laws, regulations and ordinances will be discussed.
 - B. *Application.* Whenever a landowner proposes to convey an agricultural easement covering an area less than the perimeter of the landowner's tract, the landowner shall obtain an advisory report from the Township pursuant to this Section and such advisory report shall be submitted to the Lehigh County Conservation Easement Administrator.
 - C. *Procedure.*
 - (1) *Submission.* The submission shall consist of the maps prepared for use by the County of Lehigh in its conservation easement program or, in the event of the unavailability of said maps, then, the landowner shall comply with the requirements for a feasibility plan pursuant to the provisions of this Chapter. Specifically, the landowner's submission shall designate the entire proposed agricultural conservation easement area as well as that portion of such additional area which will be reserved from the grant of the agricultural conservation easement by the landowner.
 - (2) *Advisory Report Requirements.* Within 60 days from the date the Administrator accepts the landowner's proposal for review, the Planning Commission shall prepare and submit to the Board of Supervisors an advisory report which shall comment on the following:
 - (a) The present suitability of the reserved land for development.
 - (b) The requirement that the land will have to be suitable for the location of an on-lot sewage disposal system or other appropriate means

of treating sewage generated by the lot under regulations as shall apply at the time the area is proposed to be developed.

- (c) The existence of certain other provisions in the Township ordinances dealing with floodplains, high water tables, wetlands, steep slopes and the like which may have limiting effects on the ability to develop the land. [Ord. 1994-4]
 - (d) The existence of other requirements such as the necessity to obtain a highway occupancy permit from either the Pennsylvania Department of Transportation or the municipality to obtain access to the subject area.
 - (e) The existence of zoning ordinances and State regulations which are subject to alteration and change which may or may not render the area suitable for the landowner's intended purpose in the future.
 - (f) The fact that the advisory report does not constitute subdivision approval under the provisions of this Chapter.
 - (g) Any other relevant municipal comments which pertain to the matter before the Township.
- (3) *Review by the Board of Supervisors.* If the Board of Supervisors concurs with the comments of the Commission, it shall approve the recommended advisory report and forward it to the Lehigh County Conservation Easement Administrator and the landowner. Otherwise, the Board of Supervisors shall prepare its own advisory report and submit it to the said County official and the landowner.
- (4) *Filing of Advisory Report.* A copy of the report shall be attached to the deed or other document which conveys the agricultural conservation easement and as such shall be recorded with the document filed with the Recorder of Deeds Office.

[Ord. 1993-1]

(Ord. 1980-2, 9/4/1980, §280; as amended by Ord. 1993-1, 2/4/1993, §2; Ord. 1994-4, 9/1/1994, §4; and by Ord. 13-1, 11/14/13, §22)

Part 3**Plan Requirements****§22-301. Feasibility Review.**

Before submission of the preliminary plan by the developer, maps and materials shall be submitted by the developer to the Township. This material will enable the Township to determine the potential of the proposed subdivision or land development tract for development and the general feasibility of the developer's plans for the tract. The feasibility review submission will include the following maps and materials:

1. A key map, for the purpose of locating the property being subdivided, drawn at a scale not smaller than 1 inch equals 2,000 feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, and the Township boundaries existing within 1 mile of any part of the property. The key maps shall be based on USGS quad sheet maps.
2. A map illustrating an analysis of natural drainage patterns and water resources within the proposed subdivision tract, including delineation of streams, natural drainage swales, ponds and lakes, wetlands, floodplains subject to a 100- year flood frequency, and permanent and seasonal high water table areas. The map shall be based on USGS quad sheets, County Soil Survey maps, and the Flood Boundary and Floodway Map from the Township Flood Insurance Study, when available.
3. A map illustrating an analysis of types of soils present within the proposed subdivision tract. The map should include delineation of prime agriculture soil areas, soils with shallow depth to bedrock, soils most susceptible to erosion, soils most suitable for urban development, and soils generally suitable for on-lot sewage disposal. The map shall be based on the Lehigh County Soil Survey.
4. A topographic map of the site based on USGS quad sheets.
5. A map delineating additional significant physical features within the proposed subdivision tract, such as woodland areas, large trees, rock outcroppings and scenic views. The map shall be based on USGS quad sheets and on-site survey work.
6. Where feasible and legible, the analysis involved in §§22-302.A through 22-302.E may be illustrated on one or a combination of composite maps. The combined impact of the natural characteristics upon the development potential of the tract shall be clearly illustrated on the map or maps.
7. A letter of intent and a sketch of the proposed subdivision or land development tract at a scale of 1 inch equals 100 feet explaining and illustrating the developer's general development concepts for the tract. The type of development, density of development, form of ownership, circulation patterns, and means of providing major utility service should be explained and illustrated. The sketch may be based on deed and tax map information.
8. For tracts located in the Blue Mountain Preservation District, the applicant shall submit an existing resources and site analysis plan and shall include the information described in §22-803.A to .L of this Chapter. The purpose

of this plan is to familiarize the Township Planning Commission and Board of Supervisors with existing conditions on the tract and within the immediate vicinity and to provide a complete and factual reference for the officials in making any site inspections. This plan shall form the basis for the development design. [Ord. 2006- 7]

(Ord. 1980-2, 9/4/1980, §300; as amended by Ord. 2002-2, 9/5/2002, Art. II, §2; and by Ord. 2006-7, 11/2/2006, Art. II, §1)

§22-302. Preliminary Plan.

1. The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale of 1 inch equals 50 feet or 1 inch equals 100 feet.
2. The original drawing and all submitted prints shall be made on sheets of one of the following sets of dimensions:
 - A. 18 inches by 24 inches.
 - B. 24 inches by 36 inches.
 - C. 36 inches by 48 inches.
3. If the preliminary plan requires more than one sheet, a key diagram illustrating relative location of the several sections shall be drawn on each sheet.
4. The preliminary plan shall indicate the following data:
 - A. Name and address of record owner.
 - B. Name and address of developer if different from owner.
 - C. Name of the proposed subdivision.
 - D. Name of the municipality or municipalities within which subdivision is proposed.
 - E. Names of all adjoining subdivisions, if any, and the names of owners of all adjacent unplotted land.
 - F. Name, address, license number, and seal of registered engineer or surveyor responsible for the subdivision plan.
 - G. North point, graphic scale, written scale, and date including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision.
 - H. A key map, for the purpose of locating the property being subdivided, drawn at a scale not smaller than 1 inch equals 2,000 feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads and Township boundaries, within 1 mile of any part of the property.
 - I. Total tract boundaries of the property being subdivided showing bearings and distances, and a statement of total acreage of the property.
 - J. Tax map sheet, block, and lot numbers within the proposed subdivision tract obtained from the County Tax Assessors Office.
 - K. The zoning district or districts within which the proposed subdivision is located.
 - L. All existing buildings or other structures within the proposed subdivision

- tract.
- M. All existing streets, including streets of record (recorded but not constructed), on or adjoining the tract, including names, right-of-way widths, pavement widths and approximate grades.
 - N. All existing sewer lines, storm sewers, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, or other man-made features within the proposed subdivision tract and within 200 feet of the boundaries of the proposed subdivision tract.
 - O. Location, width, and purpose of existing easements and utility rights-of-way within 200 feet of the proposed subdivision tract.
 - P. Contour lines at vertical intervals of not more than 2 feet for land with average natural slope of 5 percent or less, and at intervals of not more than 5 feet for land with average natural slope exceeding 5 percent. Location and elevation of the data to which contour elevations refer shall be the closest United States Geologic Survey established benchmark, where available.
 - Q. If the tract does not front on an improved street, existing streets providing access from the tract to the nearest improved street, including names, rights-of-way, widths, streets surface and lineal feet of all such streets. [*Ord. 1981-2*]
5. The full plan of proposed development, including:
- A. Location and width of all street and rights-of-way, with a statement of any conditions governing their use.
 - B. Suggested street names.
 - C. Utility easement locations.
 - D. Building setback lines along each street.
 - E. Lot lines with approximate dimensions.
 - F. A statement of the intended use of all nonresidential lots and parcels.
 - G. Lot numbers, a statement of total number of lots and parcels and the lot size in square feet or acres for each lot.
 - H. Sanitary and/or storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connection with existing facilities.
 - I. Parks, playgrounds and other areas dedicated reserved for public or common use, with any conditions governing such use.
 - J. Location, width, and purpose of proposed easements and utility rights-of-way.
 - K. Copies of the proposed deed restrictions and protective and restrictive covenants referenced to the preliminary plan.
6. The preliminary plan shall be accompanied by the following supplementary data unless the Township Planning Commission has determined that the submission of such data is not necessary:
- A. Preliminary profiles, typical cross-sections and specifications for proposed street, sanitary sewer, water system improvements, and storm drainage in accordance to the design standards of §§22-404, 22-405, 22-406, and 22-407 respectively.

- B. A completed planning module for land development including soil and representative percolation tests, where applicable, and information necessary for the Board of Supervisors to make a decision on revising or supplementing the official plan for sewage facilities.
- C. A storm drainage plan for the proposed subdivision tract which conforms to design requirements for storm drainage set forth in §22-407.
- D. A landscape plan, where applicable, according to the standards set forth in §22-410.2.D, "Tree Preservation and Planting."
- E. In the case of subdivision or land development plans to be developed in stages or sections, over a period of time, a map delineating each stage or section of the proposed subdivision or land development consecutively numbered so as to illustrate phasing of development and a schedule indicating the approximate time for which application for final approval of each stage or section are intended to be filed. [Ord. 1994-4]
- F. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Resources-Protection, Division of Dams and Encroachments, and/or the Pennsylvania Department of Transportation. [A.O.]
- G. A map illustrating the entire contiguous holdings of the landowner indicating the area or scope of ultimate proposed subdivision and delineating the area which the preliminary plan encompasses.
- H. A sketch map of the proposed road system for the remainder of the area not included in the preliminary plan.
- I. A preliminary grading plan depicting proposed contours, excepting the grading associated with the proposed structures.
- J. For tracts located in the Blue Mountain Preservation District, the applicant shall submit an existing resource and site analysis plan satisfying all requirements set forth in §22-801 of this Chapter. The preliminary plan shall be reviewed to determine the likely impact of the subdivision upon the existing resources within the Blue Mountain Preservation District. The Planning Commission can recommend and the Board of Supervisors may require any changes and/or modifications, as it deems necessary to protect the natural resources of the tract and surrounding area. [Ord. 2006-7]

(Ord. 1980-2, 9/4/1980, §310; as amended by Ord. 1981-2, 5/7/1981, §1; by Ord. 1994-4, 9/1/1994, §5; by Ord. 2002-2, 9/5/2002, Art. II, §3; by Ord. 2006-7, 11/2/2006, Art. II, §1; and by A.O.)

§22-303. Final Plans.

1. The final plans shall conform to the standards and data requirements set forth for preliminary plans in §§22-302.1 through 22-302.5 of this Chapter.
2. It shall not be necessary to resubmit supporting maps and data submitted with the preliminary plan, as set forth in §22-302.6 of this Chapter, provided that no change has occurred.
3. The following additional data shall be illustrated on the final plan:
 - A. The latest source of title to the land as shown by the deed, page number

and book of the County Recorder of Deeds.

- B. The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearings to 15 seconds. These boundaries shall be determined by accurate survey in the field, to an error of closure not to exceed 1 foot in 10,000 feet. The tract boundary shall be subsequently closed and balanced. The boundary(s) adjoining additional unplotted land of the subdivider (for example, between separately-submitted final plan sections), however, are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments.
- C. All lot lines shall be completely dimensioned in feet if straight, and by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds) if curved. All internal angles within the lots shall be designated to within 15 seconds.
- D. The proposed building setback or the proposed placement of each building.
- E. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan. Easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.
- F. Such private deed restrictions as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.
- G. If the subdivision proposes a new access point to a state legislative route, the feasibility report from PennDOT for the highway occupancy permit shall be attached.
- H. A certification of ownership based on the language contained in Appendix 22-C, acknowledgment of plan and offer of dedication shall be lettered on the plan, and shall be duly acknowledged and signed by the owner of the property and notarized.
- I. A signature block for certification of review of the plan by the Township Planning Commission and approval of the plan by the Township Board of Supervisors, based on the language contained in Appendix 22-C. The signature block will be located along the lower edge of the sheet in such a manner as to facilitate the affixing of the Township seal thereto final plan approval shall not be deemed to have been granted unless and until the plans shall have been signed and sealed by the Board of Supervisors and the Township Secretary. It is the burden of the applicant to satisfy all conditions of plan approval before seeking the signature and seal of the Board of Supervisors and the Township Secretary within the time allowed by this Chapter and the Municipalities Planning Code, 53 P.S. §10101 *et seq.* [Ord. 2007-4]
- J. A signature block for certification of review of the plan by the Lehigh Valley Planning Commission based on the language contained in Appendix 22-C.

[Ord. 1997-7]

- K. Space shall be left along the lower edge of the sheet, in order that the County Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented. [Ord. 1994-4]
- L. If the final plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- M. All final plans proposing residential development or residential uses within or bordering on an agricultural district as established by the Lynn Township Zoning Ordinance, must contain, in conspicuous form, the following language:
“WARNING: THE DWELLING LOT OR LOTS PROPOSED BY THIS FINAL PLAN ARE WITHIN OR BORDERING ON AN AGRICULTURAL DISTRICT. THE PRIMARY USE OF SUCH DISTRICT IS AGRICULTURAL AND RESIDENTS MUST EXPECT CERTAIN THINGS SUCH AS THE SMELL OF FARM ANIMALS AND THE MANURE THEY PRODUCE, SLOW MOVING VEHICLES ON LOCAL ROADS, TOXIC CHEMICALS, AND OTHER BY-PRODUCTS OF AGRICULTURAL ACTIVITY.”

[Ord. 1993-1]

- N. All final plans proposing stormwater drainage facilities and/or easements must contain a plan note as follows: “THE TOWNSHIP HAS THE RIGHT, BUT NOT THE DUTY TO INSPECT, ALTER, REPAIR, AND MAINTAIN THE DRAINAGE FACILITIES SHOWN WITHIN THE EASEMENTS.” [Ord. 1999-1]
 - O. For tracts located in the Blue Mountain Preservation District, the applicant shall submit an existing resource and site analysis plan satisfying all requirements set forth in §22-801 of this Chapter. The applicant shall submit, in separate documents, which shall be recorded, the following, but not limited to; covenants, restrictions, descriptions and plans for easements of perpetual protection. [Ord. 2006-7]
 - P. The following note shall be placed in conspicuous, capitalized letters on the plan under the owner’s signature or under the notary signature: “ATTENTION RECORDER OF DEEDS: LYNN TOWNSHIP SALDO §22-208.3 REQUIRES THIS PLAN TO BE RECORDED WITHIN 90 DAYS OF THE DATE OF FINAL APPROVAL BY THE BOARD OF SUPERVISORS. IF THIS PLAN IS NOT RECORDED WITHIN SUCH TIME, THE PLAN SHALL BE NULL AND VOID. THIS PLAN MUST BE RECORDED NO LATER THAN:_____.” [Ord. 2007-4]
4. The final plan shall be accompanied by the following:
- A. Plans showing:
 - (1) Location, size, materials, and invert elevation of all sanitary sewer, water distribution and storm drainage systems and the location of all manholes, and culverts.
 - (2) Final profiles, cross-sections, and specifications for proposed streets, sanitary sewers, water distribution systems, and storm drainage systems shall each be shown on one or more separate sheets.
 - B. Documentation from the Sewage Enforcement Officer that each lot has

- been found suitable for on-lot sewage disposal systems (where applicable).
- C. A copy of the Department of Environmental ~~Resources~~ Protection acceptance or approval of the planning module. [A.O.]
 - D. A copy of the permit granted by the Pennsylvania Department of Environmental ~~Resources~~ Protection for a private centralized sanitary sewer system, where applicable. [A.O.]
 - E. A copy of an agreement document with the governmental authority or public authority which is to provide the water supply for the public water supply system (where applicable).
 - F. A copy of a permit granted by Pennsylvania Department of Environmental ~~Resources~~ Protection for a private centralized water system (where applicable). [A.O.]
 - G. A completed and executed copy of the subdivision improvement agreement as agreed upon by the developer and the Board of Supervisors, public utility or municipal authority.
 - H. A performance guarantee in the amount of 110 percent of the cost of all required improvements, as set forth in §22-503 as estimated in accordance with the provisions set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, in a form and with surety in accordance with the guaranteeing the construction and installation of all such improvements within a stated period which shall not be longer than 1-year from the date on the final subdivision approval. Where the final plan is submitted in stages or sections, the amount of the guarantee may also be provided in stages if acceptable to the Board of Supervisors, public utility or municipal authority.
 - I. A maintenance guarantee in an amount of not less than 15 percent of the actual cost of the installation of the improvements as set forth in §22-503. This guarantee assures the structural integrity of the improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a period not to exceed 18 months after the acceptance of all such improvements by the Board of Supervisors, public utility, or municipal authority.
 - J. An erosion and sedimentation control plan developed in accordance with Part IV, paragraph 44 of the *Soil Erosion and Sedimentation Control Manual* issued by the Department of Environmental ~~Resources~~ Protection, and approved by the Lehigh County Conservation District. A copy of a soil erosion and sediment control permit from the Department of Environmental ~~Resources~~ Protection (where applicable). [A.O.]
 - K. A legal description of all areas offered for dedication. [*Ord.* 1994-4]
5. In the case of a subdivision or land development proposed to be developed in stages or sections over a period of years, final plan requirements as listed in §§22-303.1 through 22-303.4 shall apply only to the stage or section for which final approval is being sought. However, the final plan presented for the stage or section must be considered as it relates to information presented for the entire subdivision or land development in the application for preliminary approval.

(Ord. 1980-2, 9/4/1980, §320; as amended by Ord. 1981-2, 5/7/1981, §2; by Ord. 1993-1, 2/4/1993, §3; by Ord. 1994-4, 9/1/1994, §§6-8; by Ord. 1997-7, 11/6/1997, §3; by Ord. 1999-1, 2/4/1999, §§1, 8; by Ord. 2002-2, 9/5/2002, Art. II, §4; by Ord. 2006-7, 11/2/2006, Art. II, §1; by Ord. 2007-4, 10/11/2007, §§1, 2; and by A.O.)

Part 4**Design Standards****§22-401. Application.**

1. The design standards and requirements outlined in this Section will be utilized by the Township Planning Commission and Board of Supervisors in determining the adequacy of all plans for proposed subdivisions and land developments.
2. Development shall be planned, reviewed, and carried out in conformance with all Township, State, and other applicable laws and regulations.
3. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.

(Ord. 1980-2, 9/4/1980, §400)

§22-402. General Standards.

1. Land shall be suited to the purpose for which it is to be subdivided. Land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, steep slopes, or flood prone areas shall not be subdivided unless the subdivision plan provides for adequate safeguards which are approved by the Township Planning Commission and Board of Supervisors.
2. Consideration shall be given to applicable provisions of the Lynn Township Comprehensive Plan and the LVPC's Comprehensive Plan for Lehigh and Northampton Counties, emphasizing future school sites, recreation sites, water supply and sewage treatment systems, highway alignments, and other public facilities. However, consideration must be given to the need for the facilities and utilities mentioned above whether or not they are proposed as part of a comprehensive plan. [Ord. 1997-7]
3. The development of the proposed subdivision shall be coordinated with adjacent existing development so that the area, as a whole, may develop harmoniously.
4. These design standards and requirements may be altered by the Board of Supervisors for the purpose of achieving economy and ingenuity in design in accordance with modern and evolving principles of site planning and development upon presentation of evidence that the intent of such standards and requirements shall be substantially achieved.

(Ord. 1980-2, 9/4/1980, §410; as amended by Ord. 1997-7, 11/6/1997, §3)

§22-403. Block and Lot Design Standards.

1. *Block Layout.*
 - A. The length, width and shape of blocks shall be determined with due regard to:
 - (1) Provisions of adequate sites for buildings of the type proposed.
 - (2) Township zoning requirements.
 - (3) Topography.

- (4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial streets.
2. *Block Length.*
 - A. Residential blocks shall ordinarily be no less than 500 feet in length and no more than 1,800 feet in length.
 - B. In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.
 - C. Where practicable, blocks along arterial and collector streets shall not be less than 1,000 feet long.
3. *Block Depth.*
 - A. Single-family residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:
 - (1) Where reverse frontage lots are required.
 - (2) Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Township Planning Commission and Board of Supervisors may approve a single tier of lots.
4. *Commercial and Industrial Blocks.*
 - A. Blocks in commercial, industrial, multi-family and planned residential developments may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provision shall be made for traffic and pedestrian circulation, off-street parking, and loading areas.
5. *General Lot Design Standards.*
 - A. Within the requirements of the Township Zoning Ordinance [Chapter 27], the size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated.
 - B. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
 - C. Where feasible, lot lines shall follow Township boundaries rather than cross them, in order to avoid jurisdictional problems.
 - D. Generally, the depth of residential lots shall be not less than one nor more than three times their width. In the Blue Mountain Preservation District the depth to width ratio of a lot shall not be greater than 5 to 1. [Ord. 2006-7]
 - E. Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, and landscaping.
 - F. If, after subdividing, there exists remnants of land, they shall be either:
 - (1) Incorporated in existing or proposed lots.
 - (2) Legally dedicated to public use, if acceptable to the Township.
 - G. Building areas shall be sited to provide access for emergency vehicles. [Ord. 1981-2]
6. *Lot Frontage.*
 - A. All lots shall front on an existing improved road, whether public or private,

meeting the street design requirements of this Chapter.

- B. Double or reverse frontage lots may be required to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography or other natural features of the proposed subdivision tract.
 - C. All residential reverse frontage lots shall have a rear yard with a minimum depth of 75 feet, measured along the shortest distance from the proposed dwelling unit to the ultimate right-of-way and shall, within such rear yard and immediately adjacent to the right-of-way, have a planting screen easement of at least 10 feet in width, across which there shall be no right of vehicular access.
7. *Lot Access.*
- A. Residential lots having direct access to an arterial street shall be avoided whenever possible. Where direct access to an arterial street cannot be avoided, adequate turnaround space shall be provided behind the right-of-way line.
 - B. Where access is permitted to a State road or highway, authorization from the Pennsylvania Department of Transportation must be proven by the display of a valid highway occupancy permit. Driveways to single family residences shall intersect streets at angles of no less than 60 degrees. All other driveways or access roads shall intersect streets at right angles, where practicable, and in no case less than 75 degrees.
 - C. Widths of access roads or driveways shall be in accordance with the standards established in Lynn Township Driveway Ordinance 2001-1, latest revision. [*Ord. 13-1*]
 - D. All streets providing access to and from the tract of land to be subdivided to the nearest improved street, shall be adequate and safe to bear the average daily traffic and fire apparatus and other emergency vehicles. For purposes of this provision, a street meeting the minimum requirements or standards for a local access highway or street (rural) average daily traffic 50/200 as per PennDOT Publ. No. 70, "Guidelines for Design of Local Roads and Streets," or amendments thereto shall be considered adequate. [*Ord. 13-1*]

(Ord. 1980-2, 9/4/1980, §420; as amended by Ord. 1981-2, 5/7/1981, §3; by Ord. 2002-2, 9/5/2002, Art. II, §5; Ord. 2006-7, 11/2/2006, Art. II, §1; and by Ord. 13-1, 11/14/13, §§24-26)

§22-404. Street Design Requirements.

1. *General Requirements.*
- A. Proposed streets shall be properly related to the road and highway plans of the State, County and Township. Streets shall be designed to provide adequate vehicular access to all lots or parcels and with regard to topographic conditions projected volumes of traffic, and further subdivision possibilities in the area.
 - B. The street system of a proposed subdivision or land development shall be designed to create a hierarchy of street functions which includes collector and local streets.
 - C. The street system of a proposed subdivision or land development shall be designed so as to minimize street intersections and pedestrian-vehicular conflict points.

- D. Proposed local streets shall be designed so as to discourage through traffic and excessive speeds. However, the developer shall give adequate consideration to provision for the extension and continuation of arterial and collector streets into and from adjoining properties.
- E. Where, in the opinion of the Township, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property. Distances between access points to adjoining property shall be based on block length standards set forth in §22-403.2.
- F. Where a subdivision abuts an existing street of improper width or alignment, the Township may require the dedication of land sufficient to widen the street or correct the alignment.
- G. Where a subdivision abuts or contains an existing or proposed arterial traffic street, the Township may require marginal access streets, reverse frontage lots, or other such treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.
- H. Private streets (streets not to be offered for dedication) may be approved by the Township only if they meet the street design standards and improvement standards set forth in this Chapter as set forth in this Section.
- I. If the lots in the development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.
- J. Each subdivider or developer of lands along an existing street which is not improved to minimum standards will be required to construct improvements on his half of the street's right-of-way. Because this could lead to a "patchwork" type of road improvement, especially along presently unpaved roads, the following alternatives may be considered by the Board of Supervisors:
 - (1) The Board of Supervisors will determine the dollar value of full improvements which could be required for each lot in question.
 - (2) The subdivider may make a cash payment into a Township special fund in the amount determined in subparagraph (1) to compensate the Township for future road improvements.
 - (3) The subdivider may be requested to construct an equivalent dollar value of transportation improvements which might extend beyond the limits of the lots being proposed.

[Ord. 1981-2]

2. *Street Right-of-Way and Cartway Widths.*

A. Street right-of-way and cartway widths in proposed subdivisions and/or land developments shall conform to these general standards:

Street Design Standards

Street Classifications

	Local (1)	Collector (1)	Arterial
For Residential Subdivisions <4 D.U./Net Acre			
Right-of-Way Width	50 ft.	60 ft.	80 ft.
Pavement Width			
with on-street parking [Ord. 1999-7]	33 ft.	40 ft.	44 ft.
with off-street parking [Ord. 1999-7]	24 ft.	24 ft.	24 ft.
Shoulder Width	6 ft.	8 ft.	10 ft.
Min. Horizontal Clearance (2)	4 ft.	8 ft.	10 ft.
Traffic Lane Width	12 ft.	12 ft.	12 ft.
Parking Lane Width (3)	8 ft. (when required)	10 ft. (when required)	10 ft. (when required)

Street Classifications

	Local (1)	Collector (1)	Arterial
Curbing	(required)	(required)	(required)
For Residential (>4 D.U./Net Acre) Industrial & Commercial Submissions:			
Pavement Width	30 ft.	36 ft.	44 ft.
Curbing	Required	Required	Required
Sidewalk Width (4)	4 ft. (when required)	5 ft. (when required)	5 ft. (when required)
Min. Horizontal Clearance (2)	4 ft.	4 ft.	4 ft.

- (1) Table values assume two traffic lanes. These values shall be used unless exceeded by PennDot requirements.
- (2) Minimum horizontal clearance is defined as the distance beyond edge of shoulder or face of curb to an obstruction such as a utility pole or tree.
- (3) The main variables in determining whether parking lanes should be required are the amount of traffic generated from the type of development proposed, the density of development proposed, and the amount of off-street parking provided.
- (4) The main variables in determining whether sidewalks should be required are the density and type of proposed development, nature of adjacent development, the presence of sidewalks in adjacent developments, and whether the developer provides an interior pedestrian walkway system as an alternative to sidewalks.

[Ord. 1994-4]

- B. The general standards set forth in subsection 2.A may be modified by the Board of Supervisors upon the recommendations of the Township Engineer or PennDOT when an analysis of proposed development densities, provisions for off-street parking, and projected traffic volumes indicate a need for such modification. The burden of proof shall be upon the developer to justify the adequacy of rights-of-way or cartway widths which are less than those set forth in subsection 2.A.
- C. Curbs shall be installed in accordance with the following specifications and shall be the vertical type. Transition from one type of curb to another shall be made only at a street intersection, and adequate provision shall be made for driveway entrances.
 - (1) The subgrade shall be substantially dry, unfrozen, firmly compacted soil. Thorough compaction shall be attained by using an approved pneumatic compactor or self-contained compactor capable of delivering 800-1000 pounds at the shoe.
 - (2) Forms shall be made of approved substantial material, preferably of steel, and shall be smooth, free of warp, and sufficiently rigid and supported to resist springing out of shape. These forms shall be of a depth equal to that

of the proposed curb. Prior to pouring the concrete, all forms and templates shall be thoroughly cleaned and treated with an approved material to prevent the concrete from adhering thereto. Material which will adhere to the forms and not discolor the concrete shall be used. [Ord. 1994-4]

- (3) Concrete shall meet the requirements of PennDOT Form 408, latest revision, §704 of Class A cement concrete. No concrete shall be mixed or placed when air temperature is below 35 degrees F. [(Ord. 13-1)]
- (4) Curbs shall be carefully poured monolithically without segregation of constituents, tamped and screeded true to grade and section, eliminating all voids and bringing sufficient mortar to the surface for finishing in a smooth, neat, even manner using approved tools.
- (5) Each curb section shall be constructed in lengths of 10 feet where practicable; in no case shall a section be less than 5 feet long. Each section shall be separated when pouring by a cinch steel template equal to the full depth of the curb. Expansion joints of approved ½ inch premolded bituminous material shall be placed for the full curb depth at all points of tangency of street returns and intersecting curbs, and in no case more than 30 feet apart.
- (6) Forms may be removed no earlier than 12 hours after placement of the concrete. All construction joints shall then be filled with approved dry, sharp sand. Minor defects and honeycombing shall be corrected by patching with mortar; no plastering will be permitted. All exposed concrete shall be rubbed to a smooth surface and edges at joints finished with a suitable tool.
- (7) Curing shall be performed in an approved manner for a period of 5 days.
- (8) Backfilling shall be accomplished immediately after the curing period is completed; with approved material, thoroughly tamped in 6 inch layers with approved compactors as herein specified.
- (9) Where unusual or unique conditions prevail with respect to prospective traffic and/or safety of pedestrians, different standards of improvements than those set forth in the previous paragraphs may be required. Crosswalks may be required when deemed necessary by the Township Board of Supervisors. [Ord. 1994-4]
- (10) Prior to laying of street surface, adequate subsurface drainage for streets and underground utilities shall be provided and installed by the developer.
- (11) In all respects in which standards for required improvements are not set forth herein, the applicable standard requirements of the Pennsylvania Department of Transportation shall govern, and all work shall be performed in the manner prescribed in the standard specifications for road construction of the department.
- (12) Curb detail is shown in Appendix 22-D. [Ord. 1993-1]

D. *Sidewalks.*

- (1) *Subgrade.* The subgrade shall substantially be dry, unfrozen, firmly compacted soil. Thorough compaction shall be attained by using an approved

pneumatic compactor or self-contained compactor capable of delivering 800 to 1,000 pounds at the shoe.

- (2) *Base.* A stone bed shall be placed and thoroughly compacted to a depth of 3 inches using the above-mentioned compactors. The stone shall be AASHTO No. 57. [Ord. 1994-4]
- (3) *Forms.* Forms shall be made of approved substantial material, preferably of steel, and shall be smooth, free of warp and substantially rigid and supported to resist springing out of shape. These forms shall be of a depth equal to that of the proposed sidewalk. Prior to pouring the concrete, all forms and templates shall be thoroughly cleaned and treated with an approved material to prevent the concrete from adhering thereto. Material which will adhere to or discolor the concrete shall not be used.
- (4) *Concrete.* Concrete shall meet the requirements of PennDOT Form 408, latest revision, §704, for a Class A cement concrete. No concrete shall be mixed or placed when the air temperature is below 50°F or above 90°F.
- (5) *Pouring.* Sidewalk shall be carefully poured monolithically without segregation of constituents to a depth of 5 inches and cross-overs 6 inches, and screeded true to grade and sections, eliminating all voids and bringing sufficient mortar to the surface for finishing in a smooth, neat, even manner using approved wood floats.
- (6) *Construction.* Sidewalk shall slope toward the street at the rate of ¼ inch per foot. It shall be constructed in separate slabs of 30 feet in length, except for closures. These slabs shall be separated for their full depth by expansion joints of approved ½-inch premolded bituminous material. This premolded material shall also be placed longitudinally at the joint where sidewalk slabs abut concrete curb and existing sidewalk. Between the transverse expansion joints, the slabs shall be divided into blocks 5 feet in length by using c-inch steel templates equal in depth to that of the slab. Where existing light standards, poles, fire hydrants, etc., are within the sidewalk area, concrete around such structures shall be scored to a depth of one-quarter the slab thickness, in a block 8 inches wider than the maximum dimension of the structure at a sidewalk elevation. Prior to placing the concrete, ¼-inch premolded expansion joints shall be placed completely around the structures for the full depth of the sidewalk. All joints shall be edged with an edger having a ¼-inch radius.
- (7) *Handicapped Ramp.* At all intersections, sidewalks shall be extended through the planting strip to abut depressed concrete curbing on the curve return, to facilitate a handicapped ramp to the cartway. Construction shall be in accordance with PennDOT latest standards. [Ord. 13-1]

E. *Streets.*

- (1) *Grading.* Streets shall be graded to the full width of the right-of-way, surfaced and improved to the grades and dimensions shown on the plans, profiles and cross-sections submitted by the developer and approved by the Board of Supervisors. In subdivisions or land developments where sidewalks are not required, the sidewalk area shall be graded in the same manner as if sidewalks were to be constructed.

- (2) *Subbase and Underdrain.* A 3-inch compacted subbase consisting of type "C" or better No. 2A stone shall be constructed on a properly prepared subgrade for all roads. Subbase shall be constructed in accordance with the requirements of §350, PennDOT Form 408, latest revision. Where subgrade conditions dictate, the use of underdrain may be required when specified by the Township Engineer. Where required, underdrain shall be constructed in accordance with §610 of PennDOT Form 408, latest revision.
- (3) *Base Course.* For all classifications of streets, base course shall be constructed of five (5") inches compacted depth in super pave binder designed and specified in accordance with PennDOT Publication 408, latest revision. Unless full depth stone backfill is used for underground utilities construction, a four (4) month lag time shall be required between completion of utilities and placement of the base course. [Ord. 13-1]
- (4) *Surface Course.*
 - (a) *Tack Coat.* Tack coat conforming to §460 of PennDOT Form 408, latest revision, shall be required on all surfaces prior to placement of surface course(s) paving, if in the opinion of the Township Engineer, the base course has become non-adherent.
 - (b) *Arterial Streets.* The surface course shall consist of 2 (2") inches compacted depth super pave binder and one and one-half (1½") inches compacted depth super pave wearing course designed and specified in accordance with PennDOT Publication 408, latest revision.
 - (c) *Collector Streets.* The surface course shall consist of one and one-half (1½") inches compacted depth super pave binder course and one (1") inch compacted depth super pave wearing course designed and specified in accordance with PennDOT Publication 408, latest revision.
 - (d) *Local Roads.* The surface course shall consist of one and one-half (1½") inches compacted depth wearing course designed and specified with PennDOT Publication 408, latest revision.

[Ord. 13-1]

3. *Horizontal Curves.*
 - A. Whenever street centerlines are deflected more than 5 degrees within 500 feet, connection shall be made by horizontal curves.
 - B. Horizontal curves shall be designed to produce the following minimum sight distances:
 - (1) *Local streets* - 150 feet.
 - (2) *Collector streets* - 300 feet.
 - (3) *Arterial streets* - 600 feet.
 - C. A minimum tangent of 100 feet shall be required between reverse curves on a street and between a curve and a street intersection where one of the intersecting streets is a collector or an arterial street.
4. *Street Grades.*

- A. There shall be a minimum centerline grade on all streets of 0.75 percent.
 - B. Unless approval is obtained from the Township upon recommendation from the Township Engineer, centerline grades shall not exceed the following:
 - 1) *Local streets* - 11 percent.
 - 2) *Collector streets* - 8 percent.
 - 3) *Arterial streets* - 6 percent.
 - C. Intersections shall be approached on all sides by leveling areas. Such leveling areas shall have a minimum length of 75 feet (measured from the edge of the cartway of the intersecting road), within which no grade shall exceed a maximum of 4 percent.
5. *Vertical Curves.*
- A. Vertical curves shall be used in changes of grade exceeding 1 percent.
 - B. Vertical curves shall be designed to meet minimum sight distances according to "Guidelines for Design of Local Roads and Streets" - PennDOT Publication #70, latest edition.
6. *Street Intersections.*
- A. Streets shall intersect at right angles whenever practicable. When local streets intersect collector or arterial streets the angle of intersection at the street centerlines shall in no case be less than 75 degrees. [*Ord. 13-1*]
 - B. Multiple intersections involving the junction of more than two streets shall be prohibited.
 - C. Two streets intersecting a third street from opposite sides shall either intersect with a common centerline or their centerlines shall be offset according to the following distances:
 - 1) The two streets shall be separated by a distance of 150 feet between centerlines measured along the centerline of the street being intersected when all three streets involved are local streets.
 - 2) The two streets shall be separated by a distance of 300 feet between centerlines measured along the centerline of the street being intersected when one or more of the streets involved is a collector street.
 - 3) The two streets shall be separated by a distance of 500 feet between centerlines measured along the centerline of the street being intersected when one or more of the streets involved is an arterial street.
 - D. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
 - 1) Twenty feet for intersections involving only local streets.
 - 2) Thirty feet for all intersections involving a collector street.
 - 3) Forty feet for all intersections involving an arterial street.
 - E. Street right-of-way lines shall be parallel to (or concentric with) curb arcs at intersections.
 - F. Clear sight triangles shall be provided at all street intersections. Within

such triangles no object greater than 2½ feet in height and no other object that would obscure the vision of the motorist shall be permitted. Such triangles shall be established from a distance of:

- 1) Seventy-five feet from the point of intersection of the centerlines of two streets where both are local streets.
 - 2) One hundred feet from the point of intersection of the centerlines of two streets where one is a collector street.
 - 3) One hundred fifty feet from the point of intersection of the centerlines of two streets where one is an arterial street.
- G. Wherever a portion of the line of such triangles occurs within the proposed building setback line, such portion shall be shown on the final plan of the subdivision, and shall be considered a building setback line.
7. *Cul-de-sacs.*
- A. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties. [Ord. 1981-2]
 - B. Any dead-end street which is constructed for future access to an adjoining property or because of authorized stage development, and which is open to traffic and exceeds 200 feet in length, shall be provided with a temporary, all-weather turning circle or "T" type turnaround. The turning circle or "T" type turnaround shall be completely within the boundaries of the subdivision and the use of the turnaround shall be dedicated to the Township until such time as the street is extended. [Ord. 13-1]
 - C. Cul-de-sac streets, permanently designed as such, shall not exceed 1,000 feet in length and shall not furnish access to more than 25 dwelling units. In the case of the industrial parks, a cul-de-sac shall not furnish access to more than, 100 employees. Exemptions from these requirements may be granted where necessary due to unique characteristics of the site.
 - D. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully-paved turning circle. The turning circle may be offset to the left but turnarounds offset to the right shall be discouraged.
 - 1) If parking will be prohibited on the turning circle, the minimum radius to the pavement edge or curb line shall be 40 feet and the minimum radius of the right-of-way line shall be 50 feet. [Ord. 1981-2]
 - 2) If parking will be permitted on the turning circle, the minimum radius to the pavement edge or curb line shall be 50 feet, and the minimum radius of the right-of-way line shall be 60 feet.
 - E. The centerline grade on a cul-de-sac street shall not exceed 11 percent, and the grade of the diameter of the turnaround shall not exceed 5 percent.
8. *Half Streets.*
- A. The dedication of new half streets at the perimeter of a new subdivision is prohibited.
9. The subdivider shall provide the entire required right-of-way, or as much thereof as is possible, within his property, along all existing streets which traverse or abut the property.

10. *Street Names and Street Signs.*

- A. Proposed streets which are in alignment with others already existing and named shall bear the name of the existing streets.
- B. In no case shall the name of a proposed street duplicate an existing street name in the Township and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.
- C. All street names shall be subject to the approval of the Board of Supervisors.
- D. Street signs shall be provided at the intersection of all streets. The type, height, and design shall be approved by the Board of Supervisors.

11. *Overflow Parking*

- A. An overflow parking lot shall be provided in all residential subdivisions and land development in the VC-Village Center District. The amount of parking necessary shall be calculated based on the number of existing or proposed dwelling units with a minimum of two (2) spaces per dwelling unit. The parking area shall be within the subdivision or land development boundaries and shall have access to an approved public street.

(Ord. 1980-2, 9/4/1980, §430; as amended by Ord. 1981-2, 5/7/1981, §5; by Ord. 1993-1, 2/4/1993, §§4-7; by Ord. 1994-4, 9/1/1994, §§11-14; by Ord. 1997-7, 11/6/1997, §6; by Ord. 1999-7, 10/7/1999, §1; as amended by Ord. 13-1, 11/14/13, §§27-33)

§22-405. Sanitary Sewage Disposal.

1. The developer shall provide the most effective type of sanitary sewage disposal consistent with the official plan for sewage facilities prepared in accordance with the Pennsylvania Sewage Facilities Act (Act 537), 35 P.S. §750.1 *et seq.*, and 25 Pa.Code, Chapter 71, of the Pennsylvania Department of Environmental Protection's Regulations. [A.O.]
2. Connection to a public sanitary sewer system shall be required where such a system is proposed by the Township's official plan for sewage facilities, can feasibly be provided to the proposed subdivision tract, and where such a system can adequately fulfill the sewage disposal needs of the subdivision or land development.
3. In order for a private centralized sanitary sewer system to be approved, the Board of Supervisors must revise the official plan for sewage facilities by resolution indicating that the system concept is approved.
4. In subdivision/land developments where neither connection to a public sewage system nor a private centralized sewage system is contemplated, on-lot sewage disposal systems shall be provided for all lots in accordance with the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and 25 Pa.Code, Chapter 73 of DEP regulations and the requirements of the Township Sewage Enforcement Officer.
5. Sanitary sewerage systems shall be located and/or designed to minimize flood damage and minimize or eliminate infiltration of flood waters into the system or discharges from the system into flood waters.
6. On-lot sewage disposal systems shall be located and/or designed to avoid impairment to them or contamination from them during flooding.

(Ord. 1980-2, 9/4/1980, §440; as amended by A.O.)

§22-406. Water Supply and Distribution Systems.

1. The developer shall provide a water supply and distribution system to service the proposed subdivision through one of the following methods:
 - A. Connection shall be made to a public water supply system where such a system can feasibly be provided to the proposed subdivision tract and where the capacity of such a system can adequately fulfill the water supply demands of the proposed subdivision. A distribution system shall be designed to furnish an adequate supply of water to each lot. A copy of the approval document for such a system by the appropriate public authority or utility company shall be submitted with the final plan.
 - B. Where a public water supply system is planned to serve the proposed subdivision area within 10 years, a centralized water system will be provided by the developer where the subdivision involves 20 or more dwelling units unless the average residential lot size is 1 acre or larger. Whenever such a system is provided, the water distribution lines should be dedicated to the appropriate public authority and the authority will require other parts of the water supply system such as wells, pumps and storage tanks that can be integrated into the public water system. This will take place after the improvements are completed so that the system can be operated by the public authority. A copy of the approval of such a system by the appropriate public authority should be submitted with the final plan. Also, such a system shall be designed and constructed in a manner that would permit adequate connection to the public water supply system in the future. Design and construction standards for centralized water systems are set forth in Appendix 22-A. The standards of Appendix 22-A are modified by §§22-409.7.A and 22-409.7.H for systems serving mobile home parks. [Ord. 1994-4]
 - C. Whenever water is to be supplied other than by a private on lot well owned and maintained by the individual lot owner, the applicant shall provide evidence that the subdivision is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. [Ord. 1989-5]

(Ord. 1980-2, 9/4/1980, §450; as amended by Ord. 1989-5, 10/5/1989, §1; and by Ord. 1994-4, 9/1/1994, §15)

§22-407. Storm Drainage Systems.

1. Storm drainage systems shall be provided in order to:
 - A. Permit unimpeded flow of natural watercourses except as modified by stormwater detention facilities required by subsection .3 or open channels pursuant to subsection 2.H.
 - B. Ensure adequate drainage of all low points along the line of streets.
 - C. Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.
 - D. Provide positive drainage away from on-site sewage disposal systems.
 - E. Take surface water from the bottom of vertical grades, lead water from springs and avoid excessive use of cross-gutters at street intersections and elsewhere.
 - F. Prevent overloading of drainage systems and watercourses downstream as a result of increased rate of runoff caused by the proposed development.
 - G. Comply with the provisions of the Stormwater Management Requirements for those

portions of the Township that are within an Act 167 Stormwater Management Area. Stormwater Management plans within an Act 167 area must be found consistent with Act 167 by the Lehigh Valley Planning Commission. [Ord. 13-1]

2. *General Requirements.*

- A. A site drainage plan for the proposed subdivision tract shall be prepared which illustrates the following information:
 - (1) Mapping of the watershed area or areas in which the proposed subdivision is located.
 - (2) Calculations of runoff for all points of runoff concentration within the site.
 - (3) Complete drainage systems for the subdivision. All existing drainage features which are to be incorporated in the design shall be so identified. If the subdivision is to be developed in stages, a general drainage plan for the entire subdivision shall be presented with the first stage and appropriate development stages for the drainage system shall be indicated.
- B. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
- C. No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.
 - (1) No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any stream without having obtained prior approval from the Pennsylvania Department of Environmental Protection, Division of Dams and Encroachments. [A.O.]
 - (2) Storm drainage systems through the subdivision/land development shall be designed to convey the peak runoff that will occur when all tributary areas upstream are developed to the extent reasonably projected during the next 40 years. The calculation of this runoff rate shall take into account the land use and development regulations including runoff controls in effect in the tributary areas.
- D. Where a subdivision is traversed by watercourses other than permanent streams, there shall be provided a drainage easement conforming substantially with the line of such watercourse. The width of the easement shall be adequate to provide for unimpeded flow of storm runoff based on calculations made in conformance with subsection .4 and to provide a freeboard allowance of 0.5 foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic cutting of vegetation in all portions of the easement shall be required.
- E. Drainage facilities that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation and a letter indicating such approval shall be directed to the Township Planning Commission.

- F. All streets shall be designed so as to provide for the eventual discharge of surface water away from their rights-of-way.
 - G. When it can be shown to the satisfaction of the Township Engineer that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning equation as explained in Appendix 22-B.
 - H. Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge.
3. *Stormwater Detention.*
- A. Stormwater detention facilities shall be used whenever increased runoff from the land development would overload drainage systems or cause significant increases in flood levels in any watercourses downstream. This will be determined by comparing the increase in runoff caused by the land development with the existing runoff rates and capacity of downstream drainage systems and water- courses.
 - B. Whenever detention facilities are required under subsection 3.A, facilities will be designed to provide that the peak runoff rate at all points of discharge from the site, when developed, will not exceed the peak runoff rate at each of those points prior to development.
 - C. Where detention facilities are included as part of the storm drainage system, the following provisions will apply:
 - (1) Detention ponds shall be designed so that they return to normal conditions within approximately 12 hours after the termination of the storm, unless the Township Engineer finds that downstream conditions may warrant other design criteria for stormwater release.
 - (2) The developer shall demonstrate that such ponds are designed, protected and located to assure that public safety is maximized and health problems are prevented.
 - (3) The developer shall verify that the operation of the detention facilities will not aggravate potential downstream peaking conditions.
 - (4) Emergency overflow facilities shall be provided for detention facilities to handle runoff in excess of design flows.
 - (5) If the lands of the proposed land development will remain in common ownership, the developer shall provide written assurances to the Township that the detention ponds will be properly maintained.
 - (6) If the lands of the proposed land development will be conveyed to two or more separate owners, the developer shall provide written assurances to the Township that the detention ponds will be properly maintained, or dedicate the land on which the detention ponds are located to the Township which shall then be responsible for maintaining the detention ponds.
4. *Calculations of Runoff and Design Storm Frequency.*
- A. Storm drainage systems required by this Chapter shall be designed to provide protection from a 10- to 100-year storm as determined by the Township Planning Commission. A 10-year design storm would be appropriate where a storm in excess of

the design storm would have minor impact such as inconvenience to traffic on local streets. A 25-year design storm would be appropriate where a storm in excess of the design storm would cause major inconvenience to people and traffic in high use areas such as business districts and major highways. A 100-year design storm would be appropriate where a storm in excess of the design storm would cause damage to existing or future structures or their contents.

- B. Stormwater runoff from watersheds of 640 acres (1 square mile) or less shall be calculated by the rational method or other appropriate method acceptable to the Township Engineer. The rational method of runoff calculation is explained in Appendix 22-B. [*Ord. 13-1*]
 - C. Stormwater runoff from watersheds of more than 200 acres may be calculated using the soil cover complex method developed by the Soil Conservation Service or other appropriate method acceptable to the Township Engineer.
 - D. The Manning equation explained in Appendix 22-B shall be used in calculating capacities of watercourses and storm sewers, except culverts which shall be designed using methods acceptable to the Township Engineer.
 - E. Complete detailed drainage calculations and applicable charts and nomographs certified by the design engineer shall be submitted to the Township.
5. *Improvement Specifications.*
- A. Inlets shall be designed and located to prevent hazardous conditions for vehicles, bicycles or pedestrians.
 - (1) Swales adjacent to roadway shoulders when swales are provided in cut areas, the water shall not encroach upon the shoulder during a 10-year frequency storm. The maximum velocity as determined by Manning's equation shall not exceed the allowable velocity. The allowable velocity for specific type of swale material is specified in Appendix 22-B. Inlets shall be provided to control the shoulder encroachment and water velocity.
 - (2) *Curbed Roadways.* The maximum encroachment of water on the roadway pavement shall not exceed half of a through traffic lane or 1 inches less than the depth of curb during a 10-year frequency storm. Inlets shall be provided to control the encroachment of water on the pavement
 - (3) *Shoulders in Roadway Cut Areas (without swales).* This type of substandard roadway section is not generally permitted under the design criteria. However, if conditions require that this type of section be used, water flowing in the shoulder shall not encroach more than two-thirds the shoulder width during a 10-year frequency storm. Inlets shall be provided to control the shoulder encroachment and water velocity.
 - (4) Inlets shall be PennDOT types C, M or S unless otherwise approved by the Township Engineer.
 - B. Storm sewers shall have a minimum diameter of 15 inches. Sewers shall be designed to provide a minimum velocity of 3 ft./sec. when flowing full, and shall have at least 1 foot of cover within the roadway.
 - C. Materials requirements and construction methods shall be in conformance with PennDOT Specifications Form 408 current edition. [*Ord. 1981-2*]

7. *Underground Utilities and Utility Easements.*
- A. In accordance with the Pennsylvania Public Utility Commission Investigation Docket No. 99, as amended from time to time, all electric utility distribution lines shall be installed underground in subdivisions or land developments of five or more dwelling units. In addition, the following design requirements shall be observed:
- (1) Established public utility and state and federal governmental agency design standards shall be observed in preparing the utility plan.
 - (2) Utility lines to be installed within street rights-of-way shall be located according to Township or Township authority requirements.
 - (3) Whenever practicable, telephone and cable TV utilities shall be installed underground in connection with the installation of electric utility distribution lines.
 - (4) Street lighting, where required, shall be provided at each intersection of the development and at intervals not to exceed 350 feet between intersections.
 - (5) Utility lines shall be installed at the rough grade phase of construction. Utility lines shall be installed according to their depth, with the utility line installed at the greatest depth being installed first.
- B. *Utility Easements.*
- (1) Utility easements shall be provided for all utility lines servicing the abutting lots when such utility lines are installed outside street rights-of-way. No structures or trees shall be placed within such easements. The location of utility easements shall be acceptable to the appropriate public utility or Township authority.
 - (2) Whenever practicable all utility lines to be installed outside street rights-of-way shall share a common utility easement.
 - (3) Utility easements shall be located either:
 - (a) Abutting the street right-of-way. In this case a minimum easement width of 10 feet shall be required.
 - (b) Along rear or side lot lines. In this case a minimum easement width of 20 feet, 10 feet on each side of the lot line, shall be provided. Where the lot line coincides with the subdivision boundary a minimum easement width of 15 feet may be required by the Board of Supervisors.
- C. *Petroleum and Natural Gas Transmission Lines.*
- (1) No company intending to install any petroleum, petroleum product or natural gas transmission line shall be allowed to construct the line on less than a 50 foot right-of-way. Such lines are to be installed in the center of the right-of-way, and shall comply with the applicable standards imposed by State and Federal laws and regulations.
 - (2) There shall be a minimum distance of 25 feet, measured from the right-of-way line, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision.
- D. *Floodproofing.*
- (1) Facilities for gas, electric and communication utilities shall be elevated or flood proofed to a level at least 1 foot above the 100-year flood

elevation.

(Ord. 1980-2, 9/4/1980, §470; as amended by Ord. 1981-2, 5/7/1981, §5; as amended by Ord. 13-1, 11/14/13, §§34, 35; and by A.O.)

§22-408. Underground Utilities and Utility Easements.

1. In accordance with the Pennsylvania Public Utility Commission Investigation Docket No. 99, as amended from time to time, all electric utility distribution lines shall be installed underground in subdivisions or land developments of five or more dwelling units. In addition, the following design requirements shall be observed:
 - A. Established public utility and state and federal governmental agency design standards shall be observed in preparing the utility plan.
 - B. Utility lines to be installed within street rights-of-way shall be located according to Township or Township authority requirements.
 - C. Whenever practicable, telephone and cable TV utilities shall be installed underground in connection with the installation of electric utility distribution lines.
 - D. Street lighting, where required, shall be provided at each intersection of the development and at intervals not to exceed 350 feet between intersections.
 - E. Utility lines shall be installed at the rough grade phase of construction. Utility lines shall be installed according to their depth, with the utility line installed at the greatest depth being installed first.
2. *Utility Easements.*
 - A. Utility easements shall be provided for all utility lines servicing the abutting lots when such utility lines are installed outside street rights-of-way. No structures or trees shall be placed within such easements. The location of utility easements shall be acceptable to the appropriate public utility or Township authority.
 - B. Whenever practicable all utility lines to be installed outside street rights-of-way shall share a common utility easement.
 - C. Utility easements shall be located either:
 - (1) Abutting the street right-of-way. In this case a minimum easement width of 10 feet shall be required.
 - (2) Along rear or side lot lines. In this case a minimum easement width of 20 feet, 10 feet on each side of the lot line, shall be provided. Where the lot line coincides with the subdivision boundary a minimum easement width of 15 feet may be required by the Board of Supervisors.
3. *Petroleum and Natural Gas Transmission Lines.*
 - A. No company intending to install any petroleum, petroleum product or natural gas transmission line shall be allowed to construct the line on less than a 50-foot right-of-way. Such lines are to be installed in the center of the right-of-way, and shall comply with the applicable standards imposed by State and Federal laws and regulations.
 - B. There shall be a minimum distance of 25 feet, measured from the right-of-way line, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision.

4. *Floodproofing.*

- A. Facilities for gas, electric and communication utilities shall be elevated or flood proofed to a level at least 1 foot above the 100-year flood elevation.

(Ord. 1980-2, 9/4/1980, §470)

§22-409. Mobile Home Parks.

1. *Applicable Standards and Requirements.*

- A. The design and development of mobile home parks shall conform to all the general standards and requirements set forth for subdivision and land developments in this Chapter in addition to the specific design standards set forth in this Section.

2. *Permits.*

- A. It shall be unlawful for any person to maintain, construct, alter, or extend any mobile home park or any of the facilities thereof within the limits of the Township unless he holds a valid permit required and issued in his name for such purposes or purpose by the Board of Supervisors.
- B. An application for a mobile home park permit shall be approved by the Board of Supervisors only after all requirements of this Ordinance are met and a mobile home park permit has been issued by the appropriate state and/or federal agencies. [Ord. 13-1]
- C. Application for renewal of a mobile home park permit shall be made to the Board of Supervisors at least 30 days prior to the expiration date of a permit. The renewal of a mobile home park permit shall be issued by the Board of Supervisors upon furnished proof by the applicant that the park continues to meet the standards and requirements for the issuance of an original permit.
- D. The Township Zoning Officer, Administrator, and other officials designated by the Board of Supervisors may inspect the mobile home park at reasonable times so as to determine compliance with this Chapter.

3. *Internal Roads and Off-Street Parking Areas.*

- A. A safe and convenient vehicular access shall be provided from abutting streets or roads.
- B. Access to internal streets of mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. Streets shall have a minimum road pavement width of 36 feet where parking is permitted on both sides, or a minimum road pavement width of 28 feet where parking is limited to one side. Where the primary entrance road is more than 100 feet long and does not provide access to abutting mobile home lots within such distance, the minimum road pavement width may be 24 feet, provided parking is prohibited on both sides. The above-listed street widths may be reduced by 2 feet if an adjacent sidewalk is provided.
- C. Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.

- D. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. A minimum of two off-street parking places for each mobile home unit shall be required.
 - E. Required car parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of 200 feet from the mobile home that they are intended to serve.
4. *Pedestrian Walkways.*
- A. All parks should provide safe, convenient, all-season pedestrian access between individual mobile homes, the park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
 - B. Where a common walk system is provided and maintained between locations, and where pedestrian traffic is concentrated, such common walks shall have a minimum width of 3½ feet.
 - C. All mobile home stands shall be connected to common walks, streets, driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of 2 feet.
5. *Mobile Home Siting.*
- A. *Mobile Home Stand Construction.*
 - (1) The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home.
 - (2) The stand shall be constructed in accordance with current UCC requirements from either concrete, asphalt concrete or other material sufficient to adequately support the mobile home and to prevent abnormal settling or heaving under the weight of the home. The corners of the mobile home shall be anchored to prevent wind overturn and rocking with tie-downs such as concrete “dead men,” screw augurs, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.
 - (3) After a mobile home has been anchored to the mobile home stand, the hitch which is employed for the transportation of the unit shall be removed if of bolted construction, and there shall be a decorative skirt installed around the base of the unit. [Ord. 1981-2]
6. *Common Open Space.*
- A. At least 20 percent of the usable site area of the mobile home park must be in common open space. The usable site is that area which is free of water surfaces, severe high water table, quarries, or slopes over 20 percent.
 - B. Whenever possible the common open space shall be designed as a contiguous area with pedestrian and visual accessibility to all residents of the mobile home park.
 - C. Recreation areas and facilities shall be provided to meet the anticipated needs of the residents of the park. Not less than 10 percent of the usable site area, exclusive of lands within the required setback area, shall be devoted to recreation. Preferably recreation areas should be of a size, shape and relief that is conducive to active play.

7. *Utilities.*

A. *Water Supply.*

- (1) The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home at a pressure not less than 20 pounds per square inch under normal operating conditions.
- (2) The source of supply and distribution system shall also be adequate for fire protection and shall comply with the National Fire Protection Association Standard NFPA No. 501A.
- (3) All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.
- (4) *Individual Water Connections.*
 - (a) Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
 - (b) The water-riser pipe shall have a minimum inside diameter of $\frac{3}{4}$ inch and terminate at least 4 inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.
 - (c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
 - (d) A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless the type of manufacture and method of installation are approved by the Township Engineer.

B. *Individual Sewer Connections.*

- (1) Each mobile home stand shall be provided with at least a 4 inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.
- (2) The sewer connection shall have a nominal inside diameter of not less than 4 inches, and the slope of any portion thereof shall be at least $\frac{1}{4}$ inch per foot. All joints shall be watertight.
- (3) All materials used for sewer connections shall be semi-rigid, corrosion resistant, nonabsorbent and durable. The inner surface shall be smooth.
- (4) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the site. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least $\frac{1}{2}$ inch above ground elevation.

C. *Electrical Plan.*

- (1) Every mobile home park shall contain an electrical wiring system, consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the specifications of the public utility supplying the service and the National Electric Code.
- (2) All power lines shall be located underground.
- (3) All direct burial conductors or cable shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than 1 foot radial distance from water, sewer, gas or communications lines.

D. *Required Electrical Grounding.*

- (1) All exposed noncurrent carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors and other approved methods of grounded metallic wiring. The neutral conductor shall be used as an equipment ground for mobile homes or other equipment.

E. *Natural Gas Systems.*

- (1) Natural gas piping systems when installed in mobile home parks shall conform to the rules and regulations of the American Gas Association.
- (2) Each mobile home lot provided with piped gas shall have an approved shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with a cap to prevent accidental discharge of gas when the outlet is not in use.

F. *Liquefied Petroleum Gas Systems.*

- (1) Liquefied petroleum systems provided for mobile homes, service building or other structures shall be installed and maintained in conformity with the rules and regulations of the National Fire Protection Association Standards NFPA Nos. 57 and 58.
- (2) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- (3) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
- (4) All liquefied petroleum gas piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas shall not be conveyed through piping equipment and systems in mobile homes.
- (5) Vessels of more than 12 and less than 60 U.S. gallons gross capacity may be installed on a mobile home lot and shall be securely but not permanently fastened to prevent accidental overturning.
- (6) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.

G. *Fuel Oil Supply Systems.*

- (1) All fuel oil supply systems for mobile homes, service buildings, and

other structures shall be installed and maintained in conformity with the rules and regulations of the National Fire Protection Association Standard NFPA No. 31.

- (2) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
- (3) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shutoff valves located within 5 inches of storage tanks.
- (4) All fuel storage tanks or cylinders shall be a minimum of 5 feet from any mobile home exit.
- (5) Storage tanks located in areas subject to traffic shall be protected against physical damage.

H. *Fire Hydrants.*

- (1) Fire hydrants shall be installed as part of the centralized water system. All fire hydrant thread connections are to comply with Township requirements.
- (2) The water supply source shall permit the operation of a minimum of 2½ inch hose streams. [Ord. 1981-2]
- (3) Each of two nozzles, held 4 feet above ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest point of the park, for a period of at least 20 minutes.
- (4) Fire hydrants shall be located within 500 feet of any mobile home, service building or other structure in the park.

(Ord. 1980-2, 9/4/1980, §480; as amended by Ord. 1981-2, 5/7/1981, §5; as amended by Ord. 13-1, 11/14/13, §§36, 37)

§22-410. Environmental Protection and Common Open Space Preservation. [Ord. 2002-2]

1. *Erosion and Sedimentation Control.*

- A. All earthmoving activities shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation.
- B. No earth-moving or soil disturbance may take place until an erosion and sedimentation control plan has been developed in accordance with 25 Pa.Code, Chapter 102, Erosion and Sediment Control. Such a plan is to be maintained on the construction site until all disturbed areas are finally stabilized.
- C. The erosion and sedimentation control plan shall be developed in the form outlined in the *Soil Erosion and Sedimentation Control Manual*, issued by the Department of Environmental Protection. [A.O.]
- D. All erosion and sedimentation control plans shall be submitted with the final plan as set forth in §22-303.4.J of this Chapter.
- E. When it has been determined that an earth-moving permit is required the application for such a permit must be filed with the Lehigh County Conservation District.
- F. The Township may require the submission of the erosion and sedimentation control plan to the Lehigh County Conservation District for review and

recommendations, whether a permit for earth-moving is required or not.

2. *Natural Feature Preservation.*

A. The design and development of all subdivisions and land developments shall preserve, whenever possible, natural features which will aid in providing adequate common open space for recreation and conditions generally favorable to the health, safety, and welfare of the residents. Some of these natural features are the natural terrain of the site, woodland areas, large trees, natural watercourses and bodies of water, wetlands, rock outcroppings, and scenic views. More detailed standards concerning the preservation of specific natural features are set forth in the following subsections. [Ord. 2002-2]

B. *Floodplain Regulations.*

(1) A map illustrating flood elevations for the tract for a 100-year flood, where applicable, shall be submitted as part of the feasibility review materials as set forth in §22-301. The flood elevation map shall be based on the Lynn Township Flood Insurance Rate Map (FIRM). When not available, the map shall be based on estimated 100-year flood elevations or estimated areas subject to flooding based on best available data.

(2) A developer shall adhere to the following standards within areas developed as regulatory floodways and flood-fringe areas on the flood elevation map.

(a) No buildings are to be constructed in regulatory flood ways. Other encroachments may be permitted provided that the encroachments will not cause any increase in the 100-year flood elevation at any point. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

(b) Structures may be permitted in flood fringe areas provided that the lowest floor (including basement) is elevated at least 1½ feet above the 100-year flood elevation and that the proposed improvements will not increase the water surface elevation of 100-year flood by more than 1 foot at any point. The lowest floor of nonresidential structures may be constructed below the 100-year flood elevation provided that below this elevation the structure is water tight with walls substantially impermeable to the passage of water and is designed with structural components having the capability of resisting forces caused by flood waters. [Ord. 1994-4]

C. *Lake, Stream, and River Frontage Preservation.*

(1) Lake, stream, and river frontage shall be preserved as open space whenever possible. This area may be credited toward the open space requirement set forth in subsection .3.

(2) Access to the water and maintenance easement area shall be provided at intervals of not more than 0.5 mile. These access points shall not be less than 100 feet in width.

D. *Tree Preservation and Planting.*

(1) Trees 6 inches or more in diameter (measured at a height 4½ feet

above grade) shall not be removed unless they are located within the proposed cartway or sidewalk portion of a street right-of-way, or within 15 feet of the foundation area of a new building, the access drive and parking area or the on-lot sewage disposal system. Areas in which trees are retained shall remain at original grade level and undisturbed wherever possible. The Board of Supervisors may, at its discretion, permit additional tree removal in conjunction with a grading plan, where such action is necessary for the proper development of the lot.

- (2) A landscape plan shall be drawn for all commercial, industrial, mobile home park, and multi-family developments and all residential subdivisions of four or more lots (including the remaining parcel) or which involve the provision of any new street or easement of access. The plan shall show existing and proposed vegetative cover. [Ord. 1999-1]
- (3) The landscape plan shall include trees in addition to those required along the street rights-of-way. The following standards are to be used as a guide to the number, not the spacing or location, of additional trees required.
 - (a) One tree per dwelling unit.
 - (b) One tree per 50 linear feet of newly constructed streets.
- (4) Where the species and size of the plantings is not additionally controlled by the provisions of a landscaping ordinance, consideration shall be given in the species selection to disease and storm resistance.
- (5) No trees shall be planted within any ultimate right-of-way. Trees planted in accordance with subsection .2.B(2) shall, as nearly as possible, be spaced an equal distance apart and be placed in a line parallel to the ultimate right-of-way line, within the provisions of the Lynn Township Zoning Ordinance, §27-404.6.C. [Ord. 1997-7]
- (6) Trees planted under the requirements of subsection .2.B(2) shall be of the following type:
 - (a) Elm.
 - (b) Maple.
 - (c) Oak.
 - (d) Zelkova.
 - (e) London plane or sycamore.
 - (f) Green or white ash.
 - (g) Honey locust.
 - (h) Linden.

Trees planted in accordance with provisions of subsection .2.B(2) shall be of the following types:

- (i) Hawthorn
- (j) Hornbeam
- (k) Mountain ash
- (l) Scholartree

- (m) Sweetgum
- (n) Birch
- (o) Amelanchier (service berry)
- (p) Flowering cherries
- (q) Flowering pear
- (r) Golden raintree
- (s) Crabapples (disease resistant varieties only)

At the sole discretion of the Board of Supervisors, to meet the requirements of subsection .2.B(1) and subsection .2.B(2), trees of another type, with substantially similar characteristics may be substituted for the above-listed types on a case by case basis.

[Ord. 1997-7]

- (7) Notwithstanding any other provision of this Chapter, no shade tree plantings, or shade tree escrow accounts, are required for any subdivision which does not require a landscape plan under the provisions of subsection B(4)(b).
[Ord. 1999-1]

E. *Topography.*

- (1) The natural terrain of the proposed subdivision tract will be retained wherever possible with cut and fill operations being kept to a minimum. Areas with slopes greater than 15 percent shall generally not be planned for development. If such land is planned for development, the natural slope of the building site or sites shall be 15 percent or less. The building site shall be at least 50 feet by 80 feet.

F. *Topsoil Protection.*

- (1) Topsoil shall not be removed from the development site or used as fill. Topsoil shall be removed from the areas of construction and stored separately. The topsoil shall be stabilized to minimize erosion during storage. Upon completion of the construction, topsoil must be uniformly redistributed on the site.

3. *Common Open Space and Recreation Land or Area.* [Ord. 2002-2]

- A. In proposed subdivisions, the Township shall require the public dedication of land suitable for recreational use, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of land, or a combination thereof, for park or recreation purposes as a condition precedent to final plan approval. Recreational land shall mean a parcel of real estate or any part thereof which is intended to be used solely or in conjunction with any other ancillary or subordinate use, for the purpose of active physical activity which shall include, but not be limited to, a park, playground, pedestrian walking track, etc., or a passive recreation use which shall include, but not be limited to, bird watching, nature observation, etc., or any combination thereof. Recreation facilities shall mean physical improvements or modification to the recreational land, including, but not limited to pathways, sports facilities, playground equipment, playground structures, or other athletic facilities.
- B. In order to meet the recreation needs of future residents of proposed

dwelling units, or occupants of commercial and industrial facilities, areas meeting the criteria for Recreational Lands set forth in the following standards shall be offered for dedication to the Township, subject to approval of the Board of Supervisors. The developer shall offer to the Township a minimum of 1,500 square feet of land based on a multiple of the greater of:

- (1) the number of existing or proposed lots, or
- (2) the number of existing or proposed dwelling units.

For example: (a) if the development has 50 lots, but 100 dwelling units proposed, then the dedication shall be 150,000 square feet of land; (b) if the development has 50 lots and 50 dwelling units, then the dedication shall be 75,000 square feet of land. For all minor subdivisions (1 to 5 lots), Major Subdivisions and Land Developments, if there is a dwelling unit or commercial or industrial structure existing on one of the lots of the proposed subdivision or land developments, that lot, and only that lot, will be exempt from this land dedication requirement or payment of cash in lieu of land dedication. (In order to qualify for the exemption, the dwelling unit, or the industrial or commercial structure must be in actual use at the time of the subdivision application.) Likewise, if the application is solely for a boundary line adjustment with no new lot created, said application shall be exempt. [Ord. 13-1]

C. *Land Dedication Standards.*

- (1) The recreational land shall be readily accessible to occupants or residents of the subdivision or land development.
- (2) The size, surface conditions, shape, topography and location of the parcels shall be suitable for the intended recreational purposes, and be such that recreation use is feasible. Designated purposes are subject to Township approval. No recreation areas shall measure less than 1 acre.
- (3) Provisions shall be made for access to the recreation land by maintenance equipment, when deemed necessary by the Township.
- (4) No more than 50 percent of the Recreation Land required for dedication shall be land with a slope of over 15 percent and/or land with high water table or seasonal high water table. Specifically, land designated as "wetlands" or any land within 200 feet of any electrical transmission power line, or thing 100 feet of a pipeline or other surface or subsurface transmission line shall be deemed unsuitable.
- (5) Other than those recreational lands to remain in existing condition, recreation lands shall be improved and equipped to a usable stage in accordance with plans to be approved by the Township. Such improvements and equipping shall be guaranteed through the subdivision and land development improvements agreement.
- (6) The Township, with the consultation of the Recreation Board and/or the Planning Commission, and/or the Township Engineer, shall determine what improvements shall be made and/or facilities added to or removed from the recreational areas. In reaching its decision, the Board of Supervisors shall consider the following standards and criteria:
 - (a) The suitability of the land for particular recreational purposes

- (example: athletic field, if flat terrain, or hiking trails, if otherwise).
- (b) Existing recreation use and facilities in proximity to land in question.
 - (c) Short term and long term projected use of surrounding lands or land development.
 - (d) Accessibility of recreational land to vehicles and pedestrian traffic.
 - (e) The recreational needs of the Township residents.
 - (f) The preservation of natural man-made habitats for attracting wildlife for passive recreational observation.
 - (g) The cost versus possible benefit to be derived from making improvements.
 - (h) The long range maintenance cost of such improvements.
 - (i) Any other relevant factor that would impact upon the practical use of the facility by Township residents.
- D. Cash in lieu of recreational land dedication may be offered by a developer, subject to the approval of the Board of Supervisors, multiplied by the greater of the following factors:
- (1) The cash in lieu shall be in an amount set by resolution of the Township Board of Supervisors, multiplied by the greater of the following factors:
 - (a) the number of existing or proposed lots or
 - (b) the number of existing or proposed dwelling units.

For example: 1) If the development has 50 lots, but 100 dwelling units, and the Board of Supervisors has set the cash payment at \$350, then the cash payment required shall be \$35,000; (b) if, under the same conditions, the development has 50 lots and 50 dwelling units, then the cash payments shall be \$17,500. [Ord. 13-1]
 - (2) The cash will be paid according to the designated fee schedule:

For subdivisions with less than five dwelling units making a cash in lieu of recreational land contribution, the total fee shall be paid by the owner or developer at the time of final plan approval by the Board of Supervisors. For subdivisions with five or more dwelling units making a cash in lieu of recreational land dedication, the total fee shall be paid by the owner or developer at the time of the final plan approval by the Board of Supervisors, unless otherwise secured through an approved subdivision improvements agreement, with security adequate to assure payment of said fees and with the further proviso that a proportionate amount shall be paid upon the sale of individual lots and the entire fee shall be paid prior to acceptance by the Township of any improvements to be dedicated, or reduction in the amount of security held by the Township.
 - (3) In a Blue Mountain Preservation District, the open space required to be set aside as part of the cluster development or resource protected land shall be provided in addition to the recreation land required by subsection .3.B [Ord. 2006-7]

- E. A fee authorized under this Chapter shall, upon its receipt by Township, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.
- F. Upon request of any person who paid any fee under this Chapter, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if Township had failed to utilize the fee paid for the purposes set forth in this Chapter within 3 years from the date such fee was paid.
- G. It is the declared intent of the Township that these provisions shall apply to all subdivisions and land use developments even where recreation is not a permitted primary use.
- H. The subdivider or developer may make arrangements to provide recreation land by private reservation in lieu of dedication or cash contribution, subject to the approval by the Board of Supervisors. Such an arrangement must include provisions to assure perpetual ownership and maintenance of recreation areas. The Board of Supervisors specifically reserve the right to insist upon dedication, improvements, cash in lieu of, or any combination thereof at the sole discretion of the Board of Supervisors. Such reservations shall make adequate provisions for the perpetual maintenance of said recreational areas so that the maintenance of same shall not become a burden to the Township. Said reservation shall include a covenant running with the land comprising all lots in the subdivision guaranteeing the perpetual maintenance of the private recreational land, plus cash or security determined according to the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, should said covenantors default. The subdivider shall post adequate security in a form provided by the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, to guarantee perpetual maintenance. The funds for maintenance shall likewise be segregated from the general Township funds; however, the funds may be co-mingled in an interest-bearing account titled "Lynn Township private recreational land maintenance fund." The interest and principal may be used at the Township's discretion for maintenance of the private recreation land in the event of a default by the covenantors.

[Ord. 1997-7]

(Ord. 1980-2, 9/4/1980, §490; as amended by Ord. 1981-2, 5/7/1981, §5; by Ord. 1989-2, 4/6/1989, §1; by Ord. 1989-5, 10/5/1989, §2; by Ord. 1994-4, 9/1/1994, §16; by Ord. 1997-7, 11/6/1997, §§4-8; by Ord. 1999-1, 2/4/1999, §§2, 3; by Ord. 2002-2, 9/5/2002, Art. II, §6; by Ord. 2006-7, 11/2/2006, Art. II, §1; Ord. 13-1, 11/14/13, §§38, 39; and by A.O.)

Part 5**Improvement Specifications****§22-501. General Requirements.**

1. Physical improvements to the subdivision/land development tract shall be provided, constructed and installed as shown on the record plan, in accordance with the requirements of the Board of Supervisors.
2. As a condition to review of a final plan by the Township Planning Commission, the developer shall agree with the Board of Supervisors, public utility or municipal authority as to installation of all improvements shown on the plan and required by this Chapter. Before the record plan may be endorsed by the Board of Supervisors, the developer shall submit a completed and executed original copy of the subdivision improvements agreements and performance and maintenance guarantees in the amount required by §22-503. [Ord. 1981-2]
3. All improvements installed by the developer shall be constructed in accordance with the design specifications of the Board of Supervisors, public utility or municipal authority. In cases where no applicable municipal specifications exist, the required improvements shall be constructed to the specifications set forth in this Chapter. [Ord. 1981-2]
4. Observation of the installation of those improvements, required by §22-502, shall in all cases be the responsibility of the Board of Supervisors and Township Engineer. [Ord. 1981-2]

(Ord. 1980-2, 9/4/1980, §500; as amended by Ord. 1981-2, 5/7/1981, §7)

§22-502. Required Improvements.

1. Improvements shall be provided, constructed, and installed by the developer as stated in the improvements agreement, shown on the record plan, and in accordance with the design standards set forth in Part 4 of this Chapter. The following improvements will be required in all applicable cases:
 - A. Street excavating, grading, subgrade preparation, base course paving and surface course paving installed according to Township specifications.
 - B. Concrete curbing of the vertical type, or stabilized shoulder and drainage swale with no curbing installed according to Township specifications.
 - C. Concrete sidewalks or interior walkways installed according to Township specifications.
 - D. Sanitary sewer system improvements installed according to the specifications of the Township, and the Pennsylvania Department of Environmental ~~Resources~~ Protection. [A.O.]
 - E. Water supply and distribution system improvements installed according to the specifications of the Township, the appropriate governmental authority, and the Pennsylvania Department of Environmental ~~Resources~~ Protection. [A.O.]
 - F. Storm drainage system improvements installed according to Township specifications.

- G. Monuments shall be installed.
- (1) Permanent stone or concrete monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property subdivided and along one side of all road rights-of-way at all points of tangency and as directed by the Township Engineer.
 - (2) Monuments shall be of reinforced concrete with minimum dimensions of 4 inches by 4 inches by 30 inches or stone with minimum dimensions of 6 inches by 6 inches by 30 inches. Concrete monuments shall be scored on top of the copper or brass dowel (with an indented cross); stone monuments shall be marked on top with a proper inscription. [*Ord. 1981-2*]
 - (3) All monuments shall be placed by a registered professional engineer or surveyor so that the scored point shall coincide exactly with the point of intersection of the line being monumented.
 - (4) Monuments shall be set with their top level with the finished grade of the surrounding ground except:
 - (a) Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks.
 - (b) Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
 - (c) Where sidewalks are existing, a stone point (a 4-inch square chisel cut in the sidewalk with a drill hole in (center) may be substituted for a monument.
 - (5) Fire hydrants installed according to the specifications of the Township.
 - (6) Street lights in accordance with conditions to be agreed upon by the developer, the Board of Supervisors, and the appropriate public utility.
 - (7) Street signs installed according to Township specifications.
 - (8) Shade trees planted according to Township specifications.
- (*Ord. 1980-2, 9/4/1980, §510; as amended by Ord. 1981-2, 5/7/1981, §6; by Ord. 1994 9/1/1994, §17; and by A.O.*)

§22-503. Improvements Guarantee Procedure.

1. Before the Board of Supervisors approves any final plan and as a prerequisite for approval, the developer shall deliver to the Board of Supervisors, public utility or municipal authority, a performance guarantee in the amount of 110 percent of the cost of all improvements required by this Chapter, as determined in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, in a form and with a surety as determined in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, guaranteeing the construction and installation of all such improvements within 1 year of the date noted on the final subdivision plan as the date that the improvements are to be completed. Upon written application signed by both the obligor and surety of a performance guarantee in a form approved by the Township

Solicitor, the Board of Supervisors, public utility or municipal authority may at their discretion extend said period by not more than 3 additional years. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10 percent for each 1-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1-year period by using the above bidding procedure. In the event of default under a performance guarantee, the proceeds of the performance guarantee received by the municipality, public utility or municipal authority shall be used to construct and install the improvements. [Ord. 1981-2]

2. Before the Board of Supervisors approves any final plan and as a prerequisite for approval, the developer shall deliver to the Board of Supervisors, public utility or municipal authority a maintenance guarantee in an amount of not less than 15 percent of the actual cost of the installation of all improvements required by this Chapter, guaranteeing acceptance of all such improvements by the Board of Supervisors, public utility or municipal authority. [Ord. 1981-2]

(Ord. 1980-2, 9/4/1980, §520; as amended by Ord. 1981-2, 5/7/1981, §7)

§22-504. Approval of Improvements and Release of Performance Guarantee by the Board of Supervisors.

1. When the developer has installed or constructed all or part of the required improvements as set forth in §22-503, the developer shall notify the Board of Supervisors, public utility or municipal authority in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors, public utility, or municipal authority 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, public utility or municipal authority 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, public utility or municipal authority, said report shall be detailed and shall recommend approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof, shall not be recommended for approval by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection. [Ord. 1981-2]
2. The Board of Supervisors shall notify the developer, in writing by certified or registered mail, of the action of said Board of Supervisors with relation thereto.
3. 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 guarantee bond.
4. If any portion of the said 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.

5. Nothing herein, however shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.
6. In the event that any improvements which may be required have not been installed as provided in this Chapter or in accord with the approved final plan, the Board of Supervisors is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the 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 monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

(Ord. 1980-2, 9/4/1980, §530; as amended by Ord. 1981-2, 5/7/1981, §7)

Part 6
Administration

§22-601. Amendments.

Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a subdivision and land development ordinance as provided in §§505 and 506 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10505, 10506.

1. A copy of the proposed amendment shall be submitted to the Lehigh Valley Planning Commission at least 30 days prior to the date fixed for the public hearing for its review and recommendations. In addition, in case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such amendment. [*Ord. 1997-7*]
2. Within 30 days after adoption of an amendment a certified copy shall be sent to the Lehigh Valley Planning Commission. [*Ord. 1997-7*]

(*Ord. 1980-2, 9/4/1980, §600; as amended by Ord. 1989-5, 10/5/1989, §3; and by Ord. 1997-7, 11/6/1997, §3*)

§22-602. Appeals.

The decisions of the Board of Supervisors with respect to the approval or disapproval of subdivision or land development plans may be appealed directly to the court in the same manner and within the same time limitations as is provided for in the zoning appeals in Article X-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11101-A *et seq.*

(*Ord. 1980-2, 9/4/1980, §610; as amended by Ord. 1989-5, 10/5/1989, §3; and by Ord. 1994-4, 9/1/1994, §18*)

§22-603. Enforcement Remedies.

1. Any person, partnership, or corporation who or which being the owner or agent of any lot, tract, or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon or who sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plan of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Chapter and of the regulations adopted hereunder and has been recorded as provided herein, 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 attorneys 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 the violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment,

the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter that believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. The Court of Common Pleas, upon petition, may grant an order of stay, upon a cause shown, totaling the per diem judgment pending a final adjudication of the violation in judgment. 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. [A.O.]

2. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from the remedies herein provided.

(Ord. 1980-2, 9/4/1980, §620; as amended by Ord. 1989-5, 10/5/1989, §4; by Ord. 1994-4, 9/1/1994, §19; and by A.O.)

§22-604. Validity, Conflicts and General Repealer.

1. Should any action or provisions of this Chapter be declared by the courts to be invalid, such decision shall not affect the validity of this Chapter as a whole, nor the validity of any other Section or provision of this Chapter than the one so declared.
2. Whenever there is a conflict between minimum standards or requirements set forth in this Chapter and those contained in other Township ordinances and regulations, or other applicable laws and regulations, the most stringent standard or requirement shall apply.
3. All ordinances and parts of ordinances which are inconsistent with this Chapter are hereby repealed, but only insofar as they are inconsistent herewith.
4. The Lynn Township Subdivision Regulations of 1968 and the Lynn Township Planned Residential Development Ordinance of 1972 are specifically hereby repealed.

(Ord. 1980-2, 9/4/1980, §630)

§22-605. Fees.

1. The subdivider or developer shall pay the initial subdivision fees customarily charged by the Township according to the Township's fee schedule which schedule shall be set from time to time by Resolution of the Board of Supervisors and the subdivider or developer shall also reimburse the Township for engineering services, and legal fees incurred in the processing of the subdivision map, improvements and maintenance agreement and recording costs as well as any other incidental expenses reasonably incurred by the Township respecting the subdivision. The Township may, at any time during the course of the plan's review, require the subdivider or developer to reimburse the Township for costs incurred to given times, or at the Township's option, require the subdivider or developer to place a sufficient sum in escrow (said sum to be determined solely by the Township) to cover the costs and fees, as herein above provided, which the Township estimates it will reasonably incur

during the processing and review of the subdivision application and plan, Any amounts which have been placed in escrow in excess of the amounts herein above referred to, shall be returned to the individual or entity from which the funds were received, following final plan approval.

2. If an applicant disputes the amount of any review fees, the applicant shall, within 10 days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution set forth in §510 (g) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10510(g). [*Ord. 1989-5*]

(Ord. 1980-2, 9/4/1980, §640; as amended by Ord. 1981-2, 5/7/1981, §8; and by Ord. 1989-5, 10/5/1989, §5)

Part 7
Definitions

§22-701. Terms.

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated:

1. Words in the singular include the plural and those in the plural include the singular.
2. Words in the present tense include the future tense.
3. The words "person," "developer," "subdivider," and "owner" include a corporation, unincorporated association, a partnership, or other legal entity, as well as an individual.
4. The word "building" includes structure and shall be construed as if followed by the phrases "or part thereof".
5. The words "should" and "may" are permissive, the words "shall" and "will" are mandatory and directive.

(Ord. 1980-2, 9/4/1980, §700)

§22-702. Definitions.

Other terms or words used herein shall be interpreted or defined as follows:

Acres protected - the resource protected land in acres multiplied by the resource protection factor. The product is calculated to the nearest 0.01 acre. [*Ord. 2002-2*]

Administrator - the Township official charged with administering the subdivision applications.

Applicant - a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Application for development - every application whether a feasibility review, preliminary or final plan required to be filed and approved prior to the start of construction or development including but not limited to all supporting documents and a building permit for the approval of a subdivision plan or development plan. [*Ord. 1989-5*]

Authority - a body politic and corporate created pursuant to the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945, or the Municipality Authorities Act, Act of June 19, 2001, P.L. 287, No. 22, §1, 53 Pa.C.S.A. §5601 et seq." [A.O.]

Block - property bounded on one side by a street, and other three sides, by a street, railroad right-of-way, waterway, unsubdivided areas, or other definite barrier.

Boulder - a prominent free standing block of stone greater than 256 mm or 10 inches, according to the US Geological Survey National Park Service, Department of the Interior. [*Ord. 2002-2*]

Boulder field - an area, not individually mapped, consisting mostly of boulders that have little or no vegetation and having a contiguous area greater than 500 square feet. This term shall be interpreted in the same manner as this term is interpreted under the Zoning Ordinance [Chapter 27]. [*Ord. 2002-2*]

Building, accessory - a detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, principal - a structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind; main structure on a given lot.

Building setback line - the line within a property defining the minimum required front yard distance between any building to be erected, and an adjacent right-of-way as defined by the Lynn Township Zoning Ordinance [Chapter 27].

Clear site triangle - an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Common open space - a parcel or parcels of land, or an area of water, or a combination of land and water within a development site and designed and intended for the use enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Ord. 13-1]

Comprehensive Plan - the maps, charts, and textual material adopted by the Lynn Township Board of Supervisors in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and designated, as a whole and in its several parts, as a Comprehensive Plan for the continuing development of Lynn Township.

County Conservation District - the Lehigh County Conservation District.

Cut - an excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

Developer - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Double or reverse frontage lot - a lot extending between and having frontage on two generally parallel streets with vehicular access from only one street.

Dwelling unit - any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement - a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Engineer - a professional engineer licensed as such in the Commonwealth of Pennsylvania.

Erosion - the removal of surface materials by the action of natural elements.

Erosion and sedimentation control plan - a plan designed to prevent on-site accelerated erosion and off-site sedimentation through the use of vegetative or mechanical controls. Control measures must be designed to fit the topography, soils, rainfall, and land use of the area they are to protect. The plan includes as a minimum (1) a map or maps describing the topography of the area, the proposed alteration to the area and the specific erosion and sedimentation control measures and facilities; and (2) a narrative report describing the project and giving the purpose and the engineering assumptions and calculations for control measures and facilities.

Flood, 100-year - the flood having a 1 percent chance of being equaled or exceeded in any given year.

Flood fringe - flood prone areas which are not designated as a regulatory flood way on the Flood Boundary and Floodway Map in the Lynn Townships Flood Insurance Study prepared by the Federal Insurance Administration.

Floodplain - the area of normally dry land along a natural watercourse which is periodically inundated by water therefrom.

Floodway, regulatory - the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood. The regulatory floodway is designated on the Flood Boundary and Floodway Map of the Lynn Townships Flood Insurance Study prepared by the Federal Insurance Administration.

Improvements - those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

Lehigh Valley Planning Commission (LVPC) - the Planning Commission of Lehigh and Northampton Counties, Pennsylvania. [Ord. 1997-7]

Land development - Any of the following activities: (1) the improvement of one or more contiguous lots, tracts or parcels of land for any purposes involving (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (2) a division of land; (3) development in accordance with Section 503 (1.) of the MPC. [Ord. 13-1]

Landowner - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than 40 years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Chapter.

Lot - a designated parcel, tract or area of land established by a plat or plan or otherwise as permitted by law and to be used, developed or built upon as a unit intended for transfer of ownership, use, development and/or dedication. [Ord. 1989- 5]

Lot area - the area contained within the property line of a lot (as shown on the Plan), excluding space within the ultimate street right-of-way and within all permanent drainage easements, but including the areas of all other easements.

Maintenance guarantee - security in a form in accord with the provisions set forth in the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, which insures the structural integrity of the improvements (as well as the functioning of said improvements) in accordance with the design and specifications as depicted on the final plan for a period not to exceed 18 months after the acceptance of said improvements by the Board of Supervisors, public utility or municipal authority. [Ord. 1981-2]

Marker - a metal pin or pin of at least ¼-inch outside diameter and at least 24 inches in length.

Mobile home - a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 1989-5]

Mobile home lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home. [Ord. 1989-5]

Mobile home park - a parcel or contiguous parcels of land under single ownership which has been designated, planned and improved for the placement of two or more mobile homes, occupied for dwelling and for non-transient use. [Ord. 1989-5]

Mobile home stand - that part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

Monument - a stone or concrete monument with a flat top at least 4 inches in diameter or square. It is recommended that the bottom sides or radius be at least 2 inches greater than the top to minimize movements caused by frost The monument should contain a copper or brass dowel and be at least 30 inches in length.

Municipal Engineer - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or Lehigh Valley Planning Commission. [Ord. 1997-7]

Official Plan, Sewage Facilities - a comprehensive plan for the provision of adequate sewage systems adopted by Lynn Township and submitted to and approved by the State Department of Environmental Protection, as provided by the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and 25 Pa.Code, Chapter 71, rules and regulations promulgated thereunder. [A.O.]

Open space - land which is the remaining usable site area but not developed as part of a cluster development This land shall be protected from development in perpetuity. [Ord. 2002-2]

Pavement width (roadway) - the portion of a street right-of-way, generally paved, intended for vehicular use.

Performance guarantee - security in a form in accord with the provisions set forth in the Municipalities Planning Code, 35 P.S. §10101 *et seq.*, as amended, to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of the plan. [Ord. 1994-4]

Plan, feasibility review - an initial submission, by the developer, of maps and other materials analyzing the natural features of the site as they relate to its development potential. The proposed concept for development of the submission.

Plan, preliminary - a tentative plan, in lesser detail than a final plan, showing proposed streets and lot layout and such other information as required by this Chapter. [Ord. 1994-4]

Plan, final - a complete and exact plan prepared for official recording as required by this Chapter to define property rights, streets and other proposed improvements.

Plan, record - the copy of the final plan which contains the original endorsements of the Lehigh Valley Planning Commission, the Board of Supervisors and the Township Planning Commission and which is intended to be recorded with the County Recorder of Deeds. [Ord. 1997-7]

Planning agency - the Lynn Township Planning Commission. [Ord. 1989-5]

Plat - the map or plan of a subdivision or land development, whether feasibility, preliminary or final. [Ord. 1989-5]

Public grounds - includes: (1) parks, playgrounds, trails, paths and other recreational areas and other public areas; (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and (3) publicly owned or operated scenic and historic sites. [Ord. 1989-5]

Public hearing - a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 1989-5]

Public meeting - a forum held pursuant to notice under the Act of October 15, 1998, P.L. 729, No. 93, 65 Pa.C.S.A. §701 *et seq.*, known as the "Sunshine Act." [A.O.]

Public notice - notice published once each week for 2 successive weeks in a newspaper of general circulation in Lynn Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. [Ord. 1989-5]

Planning module for land development - a document to be prepared by the developer or subdivider, accepted by the Township, and submitted to Pennsylvania Department of Environmental Protection to provide proposed development data in order to supplement or revise the Township's official plan for sewage facilities. [A.O.]

Recreation areas - the area of land within that portion of "common open space area" not characterized by wetness or slopes over 15 percent, or subject to flooding during a 100-year storm which is to be used for leisure activity including but not be limited to outdoor swimming pools, baseball fields, tennis courts, playground equipment. [Ord. 2002-2]

Resource protected land - the sum of all resource protected land within the subdivision tract that has been mapped and measured for the purpose of determining the amount of land needed to be protected, because of the unique and natural features of the land. The resource protected area can be included in the lot area. The area is reported to the nearest 0.01 acre. The resource protected land shall include but not limited to the following; right-of-way for existing or proposed overhead utilities and existing streets, wetlands, lakes, ponds, quarries, streams, springs, floodway, 100-year floodplain and flood soils. Also included but not limited to are rock outcropping, boulder fields, steep slope of 15 percent or more, wooded area and area cleared by logging or for logging purposes. [Ord. 2002-2]

Resubdivision - any replatting or resubdivision of land, limited to changes in lot lines on approved final plans or recorded plans as specified in this Chapter. Other replattings shall be considered as constituting a new subdivision of land. (see also “subdivision”).

Right-of-way - the total width of any land reserved or dedicated as a street, sidewalk, or for other public or quasi-public purposes, as prescribed by the Lynn Township Zoning Ordinance [Chapter 27].

Runoff - water that is derived directly from precipitation and passes over the ground into watercourses.

Sanitary sewage disposal, public - a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or public utility company.

Sanitary sewage disposal centralized - a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, commonly called a “package treatment plant,” generally serving a single land development subdivision, or neighborhood, and operated by a governmental agency, governmental authority, public utility company, or a developer.

Sanitary sewage disposal, on-lot - any structure designed to treat sanitary sewage within the boundaries of an individual lot.

Sedimentation - the process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as “sediment.”

Sewage Enforcement Officer - the Lynn Township Official who issues and reviews permit applications and conducts investigations and inspections as are necessary to implement Act 537, 35 P.S. §750.1 *et seq.*, and the rules and regulations thereunder.

Sight distance (stopping) - the required length of roadway visible to the driver of a motor vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 3.75 feet above the centerline of the road surface to a point 0.5 feet above the centerline of the road surface.

Slope - the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical differences in feet per 100 feet of horizontal distance.

Specimen vegetation or specimen tree - any plant life on the PA DEP or USEPA protected or endangered species list. Any tree, which has been determined by a Pennsylvania Department of Conservation and Natural Resources (DCNR) forester to be of high value because of its particularly impressive or unusual example of a species due to its size, shade, age, or any other trait, that epitomizes the character of the species. [Ord. 2002-2]

Street - a strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word “street” includes street, avenue, boulevard, road, highway, freeway, parkway, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the functions they perform:

- (1) *Arterial street* - a street serving a large volume of comparatively high- speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
- (2) *Collector street* - a street which, in addition to providing access to abutting properties, intercepts local streets to provide a route giving access to community facilities and/or other collector and arterial streets (streets in industrial and commercial subdivisions shall generally be considered collector streets).
- (3) *Improved street* - a street which meets the minimum design requirements for a local access road (50/200 average daily traffic) or an existing State or Township paved, or non-gravel road.
- (4) *Local street* - a street used primarily to provide access to abutting properties.
- (5) *Cul-de-sac street* - a local street intersecting another street at one end, and terminating in a vehicular turn-around at the other.
- (6) *Half (partial) street* - a street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
- (7) *Marginal access street* - a local street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major street.
- (8) *Service street (alley)* - a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

Stormwater detention facilities - basins, ponds, ponding areas, depressions or other structures or features used to temporarily store rainfall and release it at a controlled rate.

Storm drainage systems - all facilities and features such as pipes, culverts, open channels, ditches, swales, stormwater detention facilities, etc., used to transmit or temporarily store surface water runoff.

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

Subdivision - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions 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. In addition, any subdivision by lease of land for any purpose for any uninterrupted cumulative period of less than 30 years shall be exempted. [Ord. 2003-2]

Subdivision, Major. Any subdivision of land which does not qualify as a minor subdivision. [Ord. 13-1]

Subdivision, Minor. (1) a lot line adjustment; (2) Any division or development of a parcel of land into not more than three (3) lots and providing that no new street or easement of access is to be required; (3) A correction plan, a revision of a record plan approved by the Board of Supervisors which is any plan that does not qualify under Paragraph 1 and 2. [Ord. 13-1]

Substantially completed - where, in the judgment of the Township Engineer, based on the cost of the required improvements for which financial security was posted pursuant to §22-503.1, at least 90 percent 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. [Ord. 1994-4]

Surveyor - a licensed surveyor registered by the Commonwealth of Pennsylvania.

Swale - a low lying stretch of natural or man-made land which gathers or carries surface water runoff.

Testing on-lot sanitary sewer systems - soil tests and percolation tests conducted by the Municipal Sewage Enforcement Officer in compliance with 25 Pa.Code, Chapter 73, of Pennsylvania Department of Environmental Protection regulations in order to determine whether a permit may be issued for installation of on-lot sewage disposal system. [A.O.]

Topsoil - surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

Usable site area - the area remaining that can be used for development after subtracting the resource protected land from the lot area. The usable site area shall be rounded upward to the nearest acre. [Ord. 2002-2]

Watercourse - a natural or man-made permanent stream, river, brook, creek, channel, swale or ditch for water.

Water supply and distribution system, public - a system for supplying and distributing water from a common source to dwellings and other buildings, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or a public utility company.

Water supply and distribution system, centralized - a system for supplying and distributing water from a common source to two or more dwellings and/or other buildings, generally serving a single land development, subdivision, or neighborhood, and operated by a governmental agency, governmental authority, public utility company or a developer.

Water supply and distribution system on-lot - a system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Zoning Officer - the duly constituted Township Official designated to administer and enforce the provisions of the Zoning Ordinance [Chapter 27].

(Ord. 1980-2, 9/4/1980, §710; as amended by Ord. 1981-2, 5/7/1981, §§9, 10; by Ord. 1984-2, 7/5/1984, §1; by Ord. 1989-2, 4/6/1989, §2; by Ord. 1989-5, 10/5/1989, §6; by Ord. 1994-4, 9/1/1994, §§21, 22; by Ord. 1997-7, 11/6/1997, §3; by Ord. 2002-2, 9/5/2002, Art. II, §7; by Ord. 2003-2, 11/6/2003, C1; by Ord. 13-1, 11/14/13, §§ 41, 42, 43, 44 and by A.O.)

Part 8**Blue Mountain Preservation District [Ord. 2006-7]****§22-801. Application.**

1. The design standards and requirements, outlined in this Section, will be utilized by the Township Planning Commission and Board of Supervisors in determining the adequacy of all plans for proposed subdivision and land development only within the Blue Mountain Preservation District. [Ord. 2006-7]
2. Development shall be planned, reviewed and carried out in conformance with all township, state and other applicable laws and regulations.
3. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, such other shall be observed.

(Ord. 1980-2, 9/4/1980, §800; as added by Ord. 2002-2, 9/5/2002, Art. II, §8; and as amended by Ord. 2006-7, 11/2/2006, Art. II, §1)

§22-802. General Standards.

1. Land shall be suited to the purpose for which it is to be subdivided. Land with environmentally unique features, unsafe or hazardous condition, such as, but not limited to, open quarries, unconsolidated fill, steep slopes, or flood prone areas shall not be subdivided for residential uses. The environmental protection and common open space standards as defined in §22-410 shall be met for all lots in the Blue Mountain Preservation District. [Ord. 2006-7]
2. Consideration shall be given to applicable provisions of the Township's current Comprehensive Plan and to the Lehigh Valley Planning Commission Comprehensive Plan.
3. The Board of Supervisors may alter the design standards and requirements within this Chapter upon presentation of evidence that the intent of such standards and requirements shall be substantially achieved. Reasons for such action could be for the purpose of achieving economy and ingenuity in design, in accordance with modern and evolving principles of site planning and development.

(Ord. 1980-2, 9/4/1980, §810; as added by Ord. 2002-2, 9/5/2002, Art. II, §8; and as amended by Ord. 2006-7, 11/2/2006, Art. II, §1)

§22-803. Existing Resources and Site Analysis Requirements.

1. For all subdivisions and land developments in the Blue Mountain Preservation District, an existing resources and site analysis plan shall be prepared by a registered engineer, geologist or landscape architect, registered surveyor experienced in environmental engineering. The plan shall include applicable information from the Pennsylvania Natural Diversity Inventory and the Pennsylvania Historical and Museum Commission. The plan shall provide the Township and the developer with a comprehensive analysis of existing conditions on the proposed site and adjacent lands. [Ord. 2006-7]
2. Existing resources and site analysis plan requirements are as follows:

- A. The plan shall be clearly and legibly drawn to a scale of 1 inch equals 100 feet for sites under 100 acres and 1 inch equals 200 feet for sites over 100 acres. If additional plans are needed to show unique details of the site that scale shall be 1 inch equals 50 feet.
- B. The plan shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. The use of County aerial survey maps will be acceptable.
- C. The plan shall include topography, from USGS maps. The topographic plan shall have 2-foot contour intervals, interpolated from USGS maps. The Planning Commission may specify greater or lesser intervals on steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated.
- D. The plan shall include streams, woodlands, (woodlands over ½ acre from aerial photographs, where available), ridge lines, public and private roads and trails.
- E. The plan shall show natural drainage patterns, water resources, drainage swales, ditches, drains, ponds, quarries, lakes, floodplains, floodways, wetlands, permanent and seasonal high water table areas.
- F. The plan shall show soil types and provide a soil description of all the soils present on the site. The soil analysis shall include prime agricultural soil areas, soils with shallow depth to bedrock, soils most susceptible to erosion, soils most suitable for urban development, flood plain soils, wetland soils and soils generally suitable for on-lot sewage disposal. The plan shall be based on information from the latest Lehigh County Soil Survey.
- G. The plan shall show geologic formations, including rock outcroppings, boulder fields, cliffs and visible sinkholes.
- (1) The plan shall show vegetative cover including, but not limited to, cultivated land, permanent grassland, meadow, pasture, woodland, wetland, tree and canopy lines.
- H. The plan shall identify watershed boundaries.
- I. The plan shall identify all existing man-made features.
- J. The plan shall show all historically significant sites and structure, including but not limited to, cellar holes, stone walls, and marked graves.
- K. The plan shall identify all recorded utility easements, rights-of-way, public or private, public land and land protected under conservation easements.
- L. The plan shall include a wetland delineation plan and report by a qualified person.
- M. The plan shall include all surveys, dimensions, locations and size of resource protected land, and calculations of resource protected land, and calculations of resources protected area, photographs and any other data as proof of the inventory.
- N. The plan shall include the total tract area, and the resource protected area, including the supporting calculations.
- O. The plan shall include an inventory table and location of all resource protected land listed in Appendix 22-E, Table 22-1. [*Ord. 13-1*]

- P. The plan, maps and supporting documentation shall bear the name, signature, address, professional seal and telephone number of the qualified professional preparing the plan.

(Ord. 1980-2, 9/4/1980, §820; as added by Ord. 2002-2, 9/5/2002, Art. II, §8; by Ord. 2006-7, 11/2/2006, Art. II, §1; and as amended by Ord. 13-1, 11/14/13, §45)

§22-804. Design Standards.

1. All subdivisions or land developments proposed in the Blue Mountain Preservation District shall conform to the requirements of §22-410.1, "Erosion and Sedimentation Control," §22-410.2, "Natural Feature Preservation," and §22-410.3, "Common Open Space and Recreation Areas," including all subsections of this Chapter, latest revision. [*Ord. 2006-7*]
2. The design of all subdivision and land developments, within the Conservation District shall strictly minimize the disturbance of resource protected land listed in Appendix 22-E, Table 22-1. Demonstration by the applicant that these features will be protected shall be prerequisite to approval of the preliminary plan and final plan. The existing resources and site analysis plan submitted to the Township for the subdivision serves as part of that demonstration. [*Ord. 13-1*]
3. Appendix 22-E, Table 22-1 provides protection factors for each resource protected land. These factors are to be used to calculate the resource protected land which will determine the usable site area, See Appendix 22-E, Table 22-2, for an example calculation. [*Ord. 13-1*]
4. If a portion of the tract is underlain by more than one natural feature subject to a protection factor, that acreage shall be subject to the most restrictive protection factor.
5. The maximum number of permitted dwelling units (DU) shall equal the density permitted in the Lynn Township Zoning Ordinance [Chapter 27] for the Blue Mountain Preservation District. The calculated value is rounded downward to the nearest whole number. [*Ord. 2006-7*]
6. Resource protected land shall be protected from development in perpetuity. The perpetual preservation of resource protected land shall be in accordance with the Lynn Township Zoning Ordinance [Chapter 27].
7. The subdivision or land development is the sum of all contiguous land used or zoned for the same use. Noncontiguous land shall be treated as a separate subdivision.

(Ord. 1980-2, 9/4/1980, §830; as added by Ord. 2002-2, 9/5/2002, Art. II, §8; by Ord. 2006-7, 11/2/2006, Art. II, §1; and as amended by Ord. 13-1, 11/14/13, §§ 46, 47)

§22-805. Woodland Disturbance.

1. This shall be in addition to the requirements under §22-410.2.D. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, such other shall be observed.
2. For purposes of this Section, the extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree. Any pad of the area within the drip line of said tree is subject to woodland disturbance.
3. Woodland disturbance, including alteration or removal of any hedgerows shall

be minimized. Hedgerows shall not be removed if they are on the property line. Within 150 feet of any permitted structure, dead, injured, noxious weed and/or diseased vegetation may be removed.

4. No specimen vegetation, which appears on a list of protected or endangered species maintained by the Commonwealth of Pennsylvania or the United States Government or which provides a habitat for protected or endangered animal species on such lists shall be removed from any lot or tract. Except, where applicant demonstrates to the satisfaction of the Board of Supervisors that such removal is essential to eliminate hazardous conditions, diseased or blighted specimen vegetation, or to otherwise permit lawful use of the lot or tract. Where permitted, removal of specimen vegetation shall be minimized. Specimen trees to be retained within the area to be disturbed shall be credited toward any tree replacement.
5. If the woodland disturbance exceeds 20,000 square feet for each permitted use or each special exception use, including driveways, woodland replacement shall be required in accordance with §22-806.
6. For each accessory use and clear sight triangle, the permitted removal of specimen vegetation and woodland disturbance shall not exceed 5,000 square feet for each accessory use and clear sight triangle. If the woodland disturbance exceeds 5,000 square feet for any one of these uses, woodland replacement shall be required in accordance with §22-806.
7. The property owner may request an additional clear area around the permitted and accessory structures in wooded areas. This additional area shall be only for creating a fire safety zone or fire protection zone between the wooded area and the structures. A plan must be submitted to and reviewed by the Township at the same time a building permit application is submitted to the Township. Woodland replacement may be required in accordance with §22-806. The Township, based on the individual site features, will determine if woodland replacement is necessary.
8. In determining where necessary woodland disturbance shall occur, the applicant shall consider the following:
 - A. The location and benefit of conservation of healthy mature woodland stands.
 - B. The impacts in terms of functions and values to wildlife of separating, dividing and/or encroaching on wildlife travel corridors and/or extensive habitat area, especially woodlands exceeding 10 acres in area.
 - C. In areas of permitted woodland disturbance and areas adjacent to permitted woodland disturbance, care shall be exercised to protect remaining trees from damage. The following procedures shall be utilized during construction in order to protect remaining trees:
 - (1) Where existing trees are to remain, no change in existing grade shall be permitted within the drip line of the trees.
 - (2) Roots shall not be cut within the drip line of any trees to remain, except as necessary for the installation of wells, septic systems and under-ground utilities.
 - (3) Trees within 25 feet of a building or 15 feet bordering entrances or exits to building sites, shall be protected by a temporary barrier to be

maintained in place throughout the duration of construction activity.

- (4) Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the drip lines of trees to remain, except for mulched vegetative matter used to prevent soil compaction.
- (5) Tree trunks, limbs and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.

(Ord. 1980-2, 9/4/1980, §840; as added by Ord. 2002-2, 9/5/2002, Art. II, §8)

§22-806. Woodland Replacement.

1. Where woodland disturbance involves more than 5,000 square feet or 20,000 square feet, as specified in this Chapter. One tree, 4½-inch caliper minimum (measured 3 feet above grade) and two shrubs 24 to 30 inches in height, minimum, shall be planted for each 500 square feet, or fraction, in excess of the permitted woodland disturbance area. All specimen trees to be retained within the area proposed for disturbance shall be credited toward any tree replacement requirement, at a ratio of three trees credited for each individual specimen tree retained.
2. Plantings and their measurement shall conform to the standards of the publication American or USA Standard for Nursery Stock, ANSI or U.S.A.S. Z60.1 of the American Association of Nurserymen, as amended.
3. All plant material used on the site shall have been grown within a similar or hardier USDA zone as the site and shall be nursery grown.
4. Species of replacement plantings selected and planting locations shall reflect careful site evaluation and in particular the following considerations:
 - A. Existing and proposed site conditions and their suitability for the plant materials, based upon the site geology, hydrology, soils and microclimate.
 - B. Specific functional and design objectives of the plantings, which may include but not necessarily be limited to: replacement of woodland area removed, enhancement of existing woodland or old field areas, reforestation of riparian buffer areas, provision for landscape buffer, visual screening habitats and aesthetic values.
 - C. Maintenance considerations such as hardiness, resistance to insects and disease, longevity and availability.
 - D. Because of the many benefits of native plants, ease of maintenance, longevity, wildlife habitat the use of nursery grown free fruiting native trees and shrubs is strongly encouraged. Species selection should reflect species diversity characteristic of the native woodland. Use of nonnative and invasive planting is not permitted.

(Ord. 1980-2, 9/4/1980, §850; as added by Ord. 2002-2, 9/5/2002, Art. II, §8)

§22-807. Woodland Management.

1. The applicant shall include as part of the preliminary plan and final plan submission, provision for the long-term management of any woodland area not subject to woodland disturbance and any area selected for introduction of replacement plantings in accordance with this Chapter. Where applicable, preliminary plan and

final plan submission shall include a statement of woodland management objectives.

2. Also the plans shall demonstrate, to the satisfaction of the Board of Supervisors, the feasibility of intended management practices, aiming to ensure the success of stated objectives, including the viability of introduced plantings, deterrence of invasive species, and means to minimize any future woodland disturbance.
3. Applicants are strongly encouraged to seek woodland management assistance through the Pennsylvania Forest Stewardship Program administered by the Pennsylvania Bureau of Forestry.

(Ord. 1980-2, 9/4/1980, §860; as added by Ord. 2002-2, 9/5/2002, Art. II, §8)

§22-808. Replacement Guarantee.

1. All plantings new or replacement and any other required landscaping shall be guaranteed and maintained in a healthy and/or sound condition for at least 12 months or shall be replaced.
2. The costs of landscape material and installation shall be considered in determining the amount of any performance guarantee required. At the Township's discretion, the applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the proposed vegetation during the 12-month replacement period. In addition, an escrow may be required for the removal and replacement of specimen vegetation damaged during construction.

(Ord. 1980-2, 9/4/1980, §860; as added by Ord. 2002-2, 9/5/2002, Art. II, §8)

APPENDIX 22-A

DESIGN AND CONSTRUCTION STANDARDS FOR CENTRALIZED WATER SYSTEMS

I. GENERAL REQUIREMENTS

- A. Centralized water systems shall be developed and maintained so as to meet the standards of the Pennsylvania Department of Environmental Protection under 25 Pa.Code, Chapter 109, "Safe Drinking Water," of its rules and regulations and the *Public Water Supply Manual*, Bureau of Community Environmental Control, Division of Water Supplies, latest revision. [A.O.]
- B. Where a centralized water system is contemplated in a new subdivision or land development, a feasible water supply and distribution system shall be proposed before preliminary approval of the subdivision or land development. Detailed plans and specifications for the water system shall be submitted to and be approved by the Township Engineer before final approval. A permit for the system must be granted by Pennsylvania Department of Environmental Protection before final approval. [A.O.]

II. WATER SUPPLY

A. QUANTITY

- 1. The water supply shall be drawn from an adequate and reliable source which can supply in combination with storage facilities the water demands of the proposed service area, at all times. The water source in combination with storage facilities shall be capable of meeting fire flow demands according to Section II.C. of this Appendix as well as average daily consumption, except that in systems not required to provide fire flow the source in combination with storage facilities shall be capable of meeting the peak hour demand.
- 2. The water source shall be capable of supplying 110 gallons per day per person (GPCD) and/or 400 GPD per dwelling unit, for the design population of the development or the service area. Testing procedures to determine the reliable capacity of the water source are set forth in Section VI of this Appendix.
- 3. Water service to commercial or industrial developments shall demonstrate adequacy to meet projected demand from the specific project.

B. SOURCE

Source shall conform to the water quality requirements of the Pennsylvania Department of Environmental ~~Resources~~ Protection as set forth in their *Public Water Supply Manual*, Bureau of Community Environmental Control. Treatment of the water supply shall be done in accordance with

requirements set forth in the *Public Water Supply Manual*, latest revision. [A.O.]

C. RELIABILITY CRITERIA

All utilities shall have a standby pump or pumps adequate to insure that the system can operate normally with the largest pump out of service. In addition, the following storage and equipment requirements shall be met by centralized water supply systems according to the size of the system.

1. Small utilities servicing less than 50 customers shall have sufficient storage facilities to supply demand for a 24-hour time period with the source cut off.
2. Utilities serving greater than 50 but less than one hundred customers shall maintain a minimum distribution storage capability of 100 percent of the maximum 24-hour demand.
3. Utilities serving greater than 100 but less than 200 customers shall maintain a minimum distribution storage capacity of 100 percent of the maximum 24-hour demand and an auxiliary power generation source.
4. Utilities servicing greater than 200 customers shall provide elevated storage facilities of sufficient capacity to meet National Insurance Services Office recommendations for fire protection, shall provide fire hydrants, and shall meet design standards of the American Water Works Association.

The NISO minimum requirements for low or medium value residential and commercial areas are indicated in the table below:

Zone	Rated Capacity GPM	Time Duration (Hours)	Residual Pressure at Rated Capacity
Residential	500	2	20 PSI
Commercial	1,000	2	20 PSI

III. DISTRIBUTION SYSTEMS

A. ACCEPTABLE PIPE MATERIALS

Pipe selected for distribution systems shall have been manufactured in conformance with latest standard specifications issued by the American Water Works Association. The following are generally acceptable materials for water main use:

- 1) Cast iron pipe (cement lined)
- 2) Ductile iron pipe (class 52) [*Ord. 1993-1*]

B. MAIN SIZES

Water distribution mains shall be a minimum of six inches inside diameter laid out in a well-gridded system. Whenever fire protection capability is provided, main sizes shall be adequate so the system can meet the water quantity and pressure standards in Sections II.A and II.C of this Appendix. Supply mains not adequate for firefighting shall not be connected to fire hydrants and can only be considered for use as special water service lines.

C. WATER PRESSURE

A minimum static pressure during peak hourly flow of 50 pounds per square inch is desirable, but the minimum static pressure during peak hourly flow shall not be less than 30 pounds per square inch. A minimum of 20 pounds per square inch should exist at any point in the system during periods of fire flow.

D. CUSTOMER CONNECTIONS

1. All service connections from the main to a single dwelling unit shall be a minimum of 1 inch ID. The diameter of service connections to multiple units shall meet the approval of the Township Engineer.
2. Customer service connections shall be one of the approved materials for mains. Heavy wall copper may be used for service connections where soils are not permeated or subject to acidic ground drainage waters.
3. A curb stop shall be furnished for each customer service connection.
4. Cross connections - A cross connection is any physical connection, direct or indirect, which provides a potential opportunity for nonpotable water to enter a conduit, pipe or receptacle containing potable water. Such cross connections are prohibited.

E. LEAKAGE TEST

1. No installation shall be approved until the leakage is less than the number of gallons per hour as determined by the formula:

$$L \leq \frac{SD \sqrt{P}}{133.200}$$

where:

L = allowable leakage in gallons per hour. S = length of pipe tested.
D = nominal diameter of the pipe in inches. P = the average test pressure during test.

2. Leakage tests shall be conducted concurrently with the pressure test. The hydrostatic pressure test of 150 pounds per square inch measured at the lowest elevation shall be applied for not less than 1 hour.

IV. WATER STORAGE AND PUMPING STATIONS

- A. Storage for finished water should be provided as an integral part of each water supply system. Standards set forth in Part 14 of the *Public Water Supply Manual*, "Tanks, Standpipes and Pressure Tanks," shall be used in designing water storage systems. Equipment selected shall have been manufactured in conformance with the latest standards and specifications issued by the American Water Works Association.
- B. Pumping stations within centralized water systems shall comply with standards and specifications set forth in Part 13 of the Pennsylvania Department of Environmental Protection *Public Water Supply Manual*. [A.O.]

V. WELL CONSTRUCTION AND LOCATION

- A. Well construction shall take place according to the standards set forth in Part 3 of the Pennsylvania Department of Environmental Protection *Public Water Supply Manual*. [A.O.]
- B. The centralized water system well source shall be centrally located within an open space water protection zone a minimum of 1 acre in size. No structure other than water system pumping stations, standpipes, etc. shall be located within the protected zone. No on-lot sewage disposal system shall be constructed within 200 feet of the water source well.

VI. WELL CAPACITY TESTING PROCEDURES

- A. A dynamic recovery rate and draw-down test shall be conducted to determine the capacity and safe daily yield of the well source. The test procedures shall be conducted as follows:
 - 1. A water pump, capable of variable output, having sufficient capacity to exceed the dynamic recovery rate of the water source shall be employed for said test. It is recommended that the capacity of the source pump be such that draw-down to within 20 feet of the source pump be achieved in a maximum of 3 hours.
 - 2. A suitable calibrated water meter capable of measuring the water output shall be connected to the water source pump outlet.
 - 3. The exact location of the water source pump with respect to the bottom of the well shall be recorded and maintained constant for the duration of the test.
 - 4. The water source pump shall be operated at maximum capacity and output for the first 6 hours of the test or until the water level in the source well reaches a point 20 feet above the water source pump. The elapsed time and rate of pumping shall be recorded at 60-minute intervals on the log data sheet form supplied.

5. Draw-down of the source well in feet shall be recorded at 60-minute intervals as well as the water draw-down of any required peripheral test hole wells on the log data form.
6. Reduce the maximum rate of pumping by 10 gallons per minute (GPM) and continue pumping for the next 2 hours of test or until the water level reaches a point 20 feet above the water source pump. The elapsed time, rate of pumping and draw-down of the source well and, where required, the peripheral test hole wells shall be recorded on the log data forms at 60 minute intervals.
7. Continue the above procedure using the 2-hour time periods or the criteria of water level above the source pump until the conditions are such that the dynamic recovery rate of the water source equals the pumping rate (dynamic equilibrium). The Township Engineer may increase the increment of GPM reduction where on site review of the data warrants such action. Note, as the dynamic recovery rate is approached, the increment of GPM reduction will need to be reduced from 10 GPM to 8 GPM to 5 GPM - to n GPM ---> 0. At this point, no detectable change in draw-down will occur. If any change in draw- down is detected, either plus or minus, dynamic equilibrium has not been achieved.
8. When said dynamic recovery rate is reached, record elapsed time, pumping rate and draw-down on log data sheet and continue pumping at this rate for the remainder of the 72-hour test time or a minimum of 24 hours, whichever is the greater time. Elapsed time, pumping rate and draw-down of the source well, and where required, the peripheral test wells, shall be recorded hourly.
9. Measurements of static water level recovery shall be made on the source well and peripheral test hole wells, where required. Measurements shall be taken hourly and the data recorded for a minimum time period of 24 hours upon cessation of the dynamic recovery rate test.
10. Calculations of specific capacity and safe daily yield of the source well shall be submitted to the Township Engineer and the Pennsylvania Department of Environmental Protection by the registered professional engineer employed by the utility or developer for review and analysis. [A.O.]

Peripheral test hole wells may be required in order to determine the area of influence of the source well and the capacity of the source well aquifer. Peripheral test hole wells will generally be required in geological areas with slate and shale formations. The test hole wells shall be situated according to Figure 22-A-1 and have a minimum diameter of 6 inches.

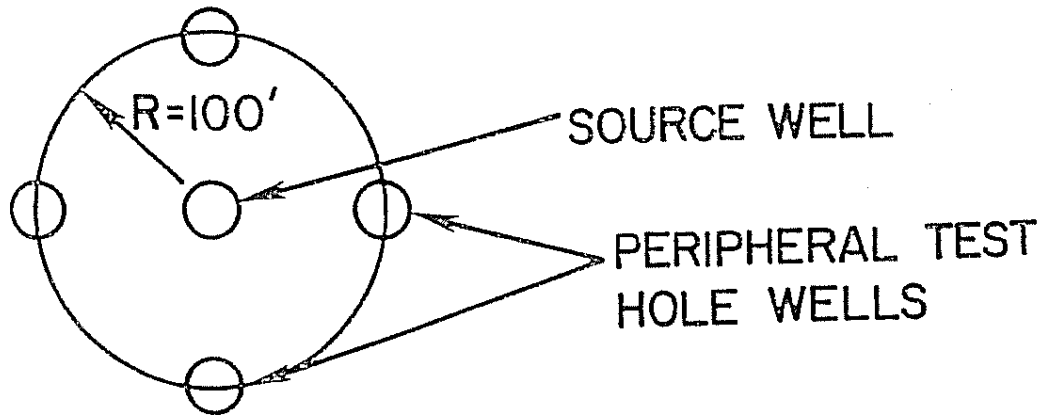
VII. IMPROVEMENTS REQUIREMENTS

- A. Where a centralized water system is to be installed within a proposed subdivision or land development, the improvement procedures and requirements set forth within this Chapter shall be followed. Improvements agreements, guarantees, inspections, and guarantee releases shall include

consideration of the centralized water company in carrying out the procedures and requirements of this Chapter.

- B. Final specifications for the design and installation of the centralized water system shall be included as part of the improvements agreement between the developer and the Board of Supervisors. Final approval of the subdivision or land development plan shall not take place until such specifications are finalized within the improvements agreement and until the necessary improvements and maintenance guarantees are posted. Engineering review of the specifications for the water system by an engineer independent of the design engineer shall take place before signing of the improvements agreement and before approval of the final development plan.

Figure 22-A-1



(Ord. 1980-2, 9/4/1980, App. A; as amended by Ord. 1993-1, 2/4/1993, §§8-12; by Ord. 1994-4, 9/1/1994, §23; and by A.O.

APPENDIX 22-B

STORM DRAINAGE RUNOFF CALCULATION

A. Rational Formula

The rational formula used in calculating runoff is $Q=CIA$. In this equation, "Q" is the peak runoff in cubic feet per second, C is a runoff coefficient which depends on the nature of the land cover, "I" is the intensity of rainfall in inches per hour for a duration equal to the time of concentration for the drainage area involved, and "A" is the watershed area in acres. The time of concentration is the time required for runoff from the upper reaches of the watershed to reach the point for which runoff rates are being calculated.

1. Values of Coefficient "C"

Runoff coefficients used in the Rational Formula shall be consistent with Table 22- A-1.

2. Values of Rainfall Intensity "I"

Rainfall intensities to be used in the Rational Formula shall be consistent with the Intensity Duration-Frequency (I-D-F) Curves as shown in Figure 22-A-1. Time of concentration values to be used with the I-D-F curves shall be based upon a segmental velocity/travel time calculation along the most remote path. The flow path should be broken down into flow type (overland, shallow concentrated, open channel) based upon site evaluation and velocities and travel times calculated with methods acceptable to the Township Engineer. The time of concentration would be the sums of the segmental travel times.

B. Manning's Equation

1. Manning's equation to determine the velocity of flow in open channels and closed drains not under pressure is listed below. The second equation is used to determine the capacity after the velocity has been determined.

$$v = \frac{1,486}{n} \sqrt{\frac{a}{p}} \quad \sqrt{s}$$

$$Q = va$$

v = velocity in feet per second. n = coefficient of roughness.

a = cross-sectional area of flow in square feet.

p = wetted perimeter, the length of the line of contact between the water and the bottom and sides of the channel or pipe around the cross-section in feet s = slope of the channel or pipe in feet per foot.

q = capacity of the channel or pipe in cubic feet per second.

2. The coefficient of roughness used shall be as follows unless different coefficients are approved by the municipal engineer.

0.015 for concrete pipes and paved channels 0.021 for corrugated metal pipes

0.035 for earth ditches

0.040 for vegetated channels

C. Maximum Stream Velocities in Open Channels

Maximum permissible velocities in channels shall be based upon the DEP *Soil Erosion and Sedimentation Control Manual*, latest revision.

RUNOFF COEFFICIENTS FOR THE RATIONAL METHOD HYDROLOGIC SOIL GROUP AND SLOPE

Land Use	RANGE											
	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Cultivated Land	0.08 ^a	0.13	0.16	0.11	0.15	0.21	0.14	0.19	0.26	0.18	0.23	0.31
	0.14 ^b	0.18	0.22	0.16	0.21	0.28	0.20	0.25	0.34	0.24	0.29	0.41
Pasture	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
	0.15	0.25	0.37	0.23	0.34	0.45	0.30	0.42	0.52	0.37	0.50	0.62
Meadow	0.10	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.4
	0.14	0.22	0.30	0.20	0.28	0.37	0.26	0.35	0.44	0.30	0.40	0.50
Forest	0.05	0.08	0.11	0.08	0.11	0.14	0.10	0.13	0.16	0.12	0.16	0.20
	0.08	0.11	0.14	0.10	0.14	0.18	0.12	0.16	0.20	0.15	0.20	0.25
Residential	0.25	0.28	0.31	0.27	0.30	0.35	0.30	0.33	0.38	0.33	0.36	0.42
Lot Size 1/8 acre	0.33	0.37	0.40	0.35	0.39	0.44	0.38	0.42	0.49	0.41	0.45	0.54
Lot Size 1/4 acre	0.22	0.26	0.29	0.24	0.29	0.33	0.27	0.31	0.36	0.30	0.34	0.40
	0.30	0.34	0.37	0.33	0.37	0.42	0.36	0.40	0.47	0.38	0.42	0.52
Lot Size 1/3 acre	0.19	0.23	0.26	0.22	0.26	0.30	0.25	0.29	0.34	0.28	0.32	0.39
	0.28	0.32	0.35	0.30	0.35	0.39	0.33	0.38	0.45	0.36	0.40	0.50
Lot Size 1/2 acre	0.16	0.20	0.24	0.19	0.23	0.28	0.22	0.27	0.32	0.26	0.30	0.37
	0.25	0.29	0.32	0.28	0.32	0.36	0.31	0.35	0.42	0.34	0.38	0.48
Lot Size 1 acre	0.14	0.19	0.22	0.17	0.21	0.26	0.20	0.25	0.31	0.24	0.29	0.35
	0.22	0.26	0.29	0.24	0.28	0.34	0.28	0.32	0.40	0.31	0.35	0.46
Industrial	0.67	0.68	0.68	0.68	0.68	0.69	0.68	0.69	0.69	0.69	0.69	0.70
	0.85	0.85	0.86	0.85	0.86	0.86	0.86	0.86	0.87	0.86	0.86	0.88

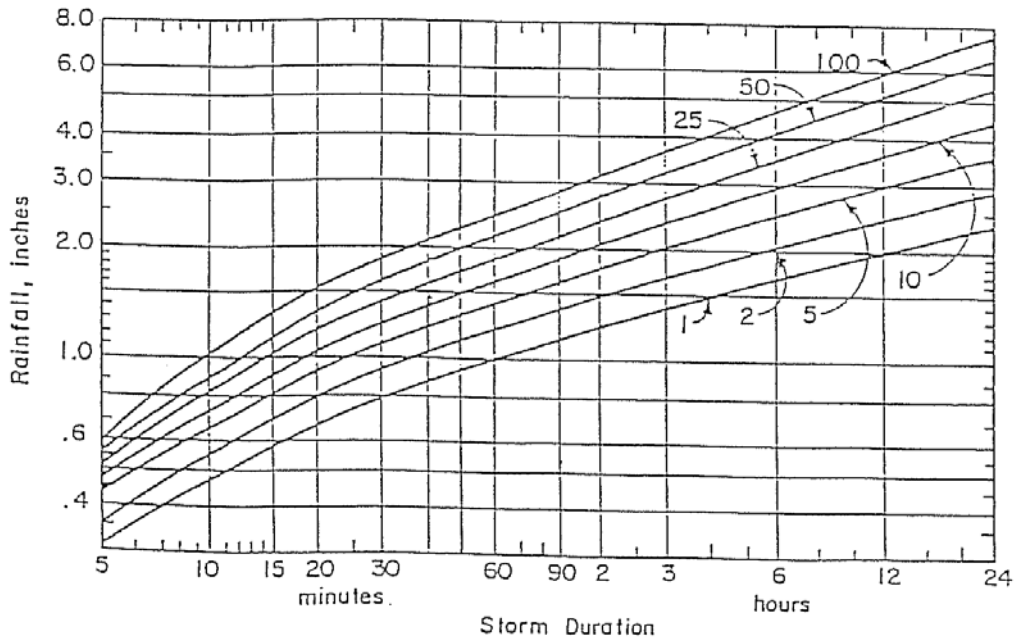
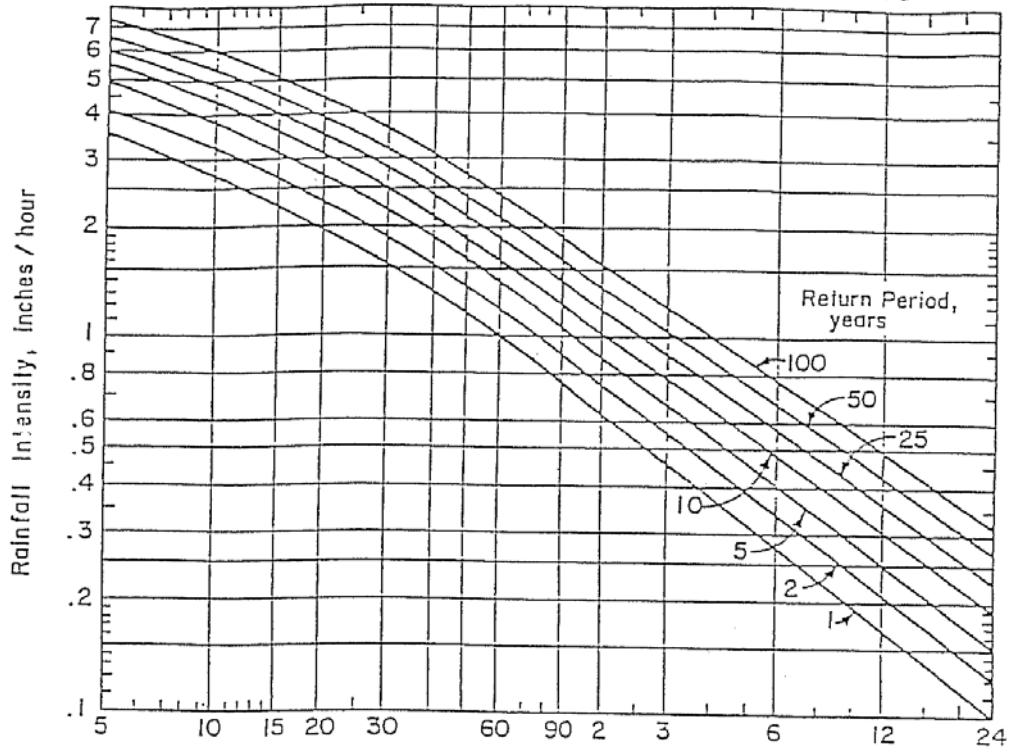
Land Use	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Commercial	0.71	0.71	0.72	0.71	0.72	0.72	0.72	0.72	0.72	0.72	0.72	0.72
	0.88	0.88	0.89	0.89	0.89	0.89	0.89	0.89	0.90	0.89	0.89	0.90
Streets	0.70	0.71	0.72	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
	0.76	0.77	0.79	0.80	0.82	0.84	0.84	0.85	0.89	0.89	0.91	0.95
Open Space	0.05	0.10	0.14	0.08	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.28
	0.11	0.16	0.20	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
Parking	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97

*Source: Rawls, N.J., S.L. Wong and R.H. McCuen, 1981. Comparison of urban flood frequency procedures. Preliminary draft report prepared for the Soil Conservation Service, Beltsville, Maryland.

^aRunoff coefficients for storm recurrence intervals less than 25 years.

^bRunoff coefficients for storm recurrence intervals of 25 years or more.

INTENSITY-DURATION-FREQUENCY CURVES*



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

PERMISSIBLE VELOCITIES FOR CHANNELS *

Channel Lining	Permissible Channel Velocity (Feet Per Second)
Vegetation	
Alfalfa	2.5 - 3.5
Bermuda Grass	4 - 8
Crabgrass	2.5 - 3.5
Crown Vetch	3 - 5
Kentucky Bluegrass	4 - 7
Kentucky 31 tall fescue	2.5 - 7
Red Clover or red fescue	2.5 - 3.5
Reed canary	3 - 5
Ryegrass	2.5 - 3.5
Small grains	2.5 - 3
Smooth brome	3 - 7
Sudan grass or timothy	2.5 - 3.5
Bare Earth, Easily Eroded	
Fine Sand	1.5
Sand Loam	1.75
Silt Loam or Alluvial Silts, Loose	2
Firm Loam	2.25
Bare Earth, Erosion Resistant	
Fine Gravel	2.5
Stiff Clay or Alluvial Silts, Firm	3
Loam to Cobbles (graded)	3.75
Silt to Cobbles (graded or Coarse gravel)	4
Cobbles and Stones or Shales and Hardpans	5
Durable Bedrock	8
Other	
Plastic	4
6" Rip Rap	6
Asphalt	7

Channel Lining	Permissible Channel Velocity (Feet Per Second)
9" Rip Rap	8
12" Rip Rap or Wood	9
Concrete or Steel	12

*These values, if applied to uniform, straight channels, may be considered in accordance with 25 Pa.Code, Chapter 102.12, of the Erosion Control Rules and Regulations. However, slope, soil condition, climate and management must be considered in channel design. If different channel linings exist in a channel, and size and slope do not change, design the channel for the lining with the lower velocity listed. Where velocity ranges are listed, the lower velocity is for design with easily eroded soils and slopes greater than 10%. The higher velocity is for design with erosion resistant soils and slopes and slopes less than 5%. Filtration and/or sedimentation in the channel is encouraged. However, this must be considered for velocity determination in the design of the channel cross-section.

Source: Department of Environmental Protection, *Soil Erosion and Sedimentation Control Manual*, latest revision. [A.O.]

(Ord. 1980-2, 9/4/1980, App. B; as amended by Ord. 1993-1, 2/4/1993, §13; and by A.O.)

APPENDIX 22-C

INFORMATION - MAJOR AND MINOR SUBDIVISIONS

OWNER'S CERTIFICATION

MAJOR

We certify, that we are the owners of the property shown hereon in peaceful possession and there are no suits pending affecting the title of same, that we will properly grade all individual lots and provide adequate surface drainage so that no low spots or water pockets will be created and that the concrete monuments indicated will be placed upon completion of grading.

MINOR

We the undersigned being duly sworn according to law depose and say that we are the sole owners of the tract shown hereon in peaceful possession of the same and that there are no suits or actions pending or affecting the same.

NOTARIZATION

Sworn and subscribed before me this _____ day of _____, A.D.
20 .

(legible)
(impression of)
(notary seal)

Notary Public
My Commission Expires:

PLANNING COMMISSION REVIEW

On _____ the within plot or plan of land located in Lynn Township, Lehigh County, Pennsylvania, was reviewed by the Planning Commission of Lynn Township.

Chairman

Secretary

BOARD OF SUPERVISORS OR COMMISSIONERS APPROVAL

On _____ the within plot or plan of land located in Lynn Township, Lehigh County, Pennsylvania, was approved by the Board of Supervisors of Lynn Township.

Chairman

Secretary

[Ord. 1993-1]

JOINT PLANNING PLANNING REVIEW

Reviewed by the Lehigh Valley Planning Commission.

(date)

[Ord. 1997-7]

ENGINEER'S CERTIFICATION

I hereby certify that this plan has been compiled from a survey actually made on the ground, that it is correct, that monuments indicated have or will be set as shown, and that at the time the survey was made there were no easements or other encroachments across property lines, other than those shown.

(legible impression) (of
engineer's seal) _____

OFFER AND ACCEPTANCE OF DEDICATION

The undersigned owner(s) offer to dedicate to the Township of Lynn for public use and ownership, all street rights-of-way and all public improvements to be constructed within their limits and within any proposed public open spaces, as shown and/or noted on the official approved final plans. To the extent this offer is accepted, we shall maintain the surface area until the Township shall have constructed or enlarged a public cartway thereupon, at which time said maintenance obligation shall forever cease and terminate as to those specific surface areas over which the cartway had been so constructed or so enlarged.

Date
[Ord. 1997-7]

Signature of Owner

Signature of Owner

ACCEPTANCE OF DEDICATION PLAN NOTATION

The Board of Supervisors of Lynn Township hereby accept the street rights-of-way, and the improvements found within same, indicated hereon for public use.

Date
[Ord. 1997-7]

Chairman, Board of Supervisors

Township Secretary

ATTENTION RECORDER OF DEEDS:

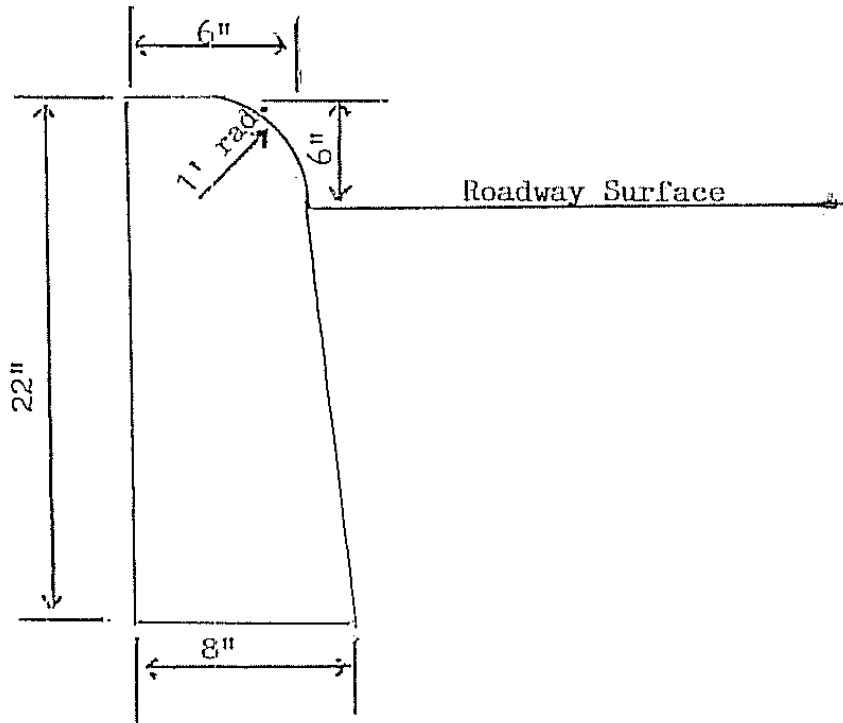
Lynn Township SALDO Section 273 requires this plan to be recorded within ninety (90) days of the date of final approval by the Board of Supervisors. If this plan is not recorded within such time, the plan shall be null and void. This plan must be recorded no later than _____.
[Ord. 13-1]

(Ord. 1980-2, 9/4/1980, App. C; as amended by Ord. 1981-2, 5/7/1981, §§11, 12; by Ord. 1993-1, 2/4/1993, §14; by Ord. 1994-4, 9/1/1994, §24; by Ord. 1997-7, 11/6/1997, §2; Ord. 13-1, 11/14/13, §49 and by A.O.)

APPENDIX 22-D CURBING

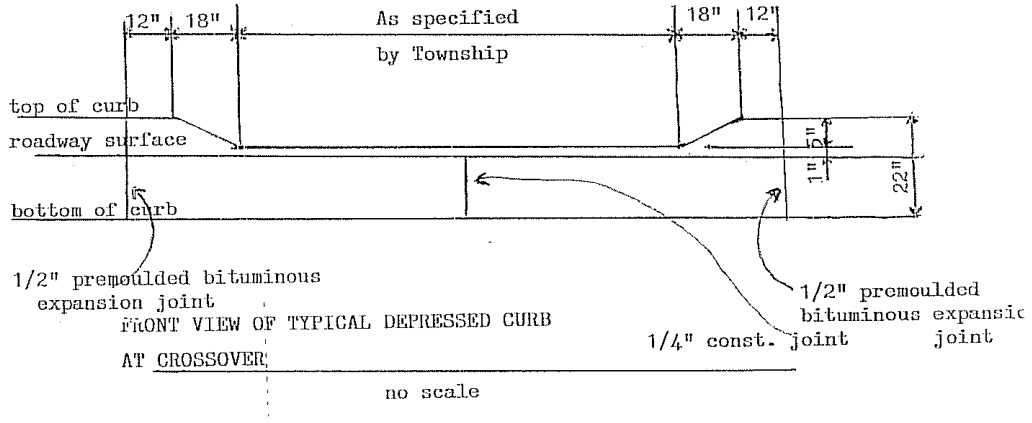
DETAIL

STANDARD DETAIL FOR
VERTICAL CURB



TYPICAL SECTION

no scale



(Ord. 1980-2, 9/4/1980, App. D; as added by Ord. 1993-1, 2/4/1993, §15)

APPENDIX 22-E

Table 22-1 - These resource protected land factors shall apply to the Blue Mountain Preservation District [*Ord. 2006-7*]

RESOURCE PROTECTED LAND	FACTOR
Land with the rights-of-way for existing or proposed overhead utilities & existing private streets	1.0
Wetlands, lakes, ponds, quarries, streams and springs (1)	1.0
Flood way, 100-year flood plain and flood plain soils (2)	1.0
Extensive outcroppings and boulder fields of 500 square feet or more	1.0
Steep slopes of 25% or more	1.0
Steep slopes of more than 15% but less than 25%	0.5
Existing mature wooded area having a total canopy cover of 10,000 square feet or more and consisting of 50% of the trees having a 10-inch or greater diameter at a 4% height:	0.5
Existing young woodland having a total canopy area of 10,000 square feet or more and consisting of 70% of the trees having 2.5 inch or greater diameter at a 4 A foot height.	0.5
Land which has been cleared by logging or for logging purposes (3)	0.5
<ol style="list-style-type: none"> 1. No development, filling, piping or diverting shall be permitted except for required roads as approved by the DEP. 2. Roads may cross the flood plains and flood plain soils where design approval is obtained from the DEP. 3. This is included in effect in order to prevent circumventing resource protection through logging. 	

Table 22-2 - Example calculation of Usable Site Area in the Blue Mountain Preservation District [Ord. 2006-7]

Resource Protected Land	Factor	Acres with Resource	= Acres Protected
Land with the rights-of-way for existing or proposed overhead utilities & existing private streets	1.0	0.00	0.00
Wetlands, lakes, ponds, quarries, streams and springs	1.0	8.01	8.01
Flood way, 100-year flood plains and flood plain soils	1.0	1.00	1.00
Extensive outcroppings and boulder fields of 500 square feet or more	1.0	2.01	2.01
Steep slopes of 25% or more	1.0	25.80	25.80
Steep slopes of more than 15% but less than 25%	0.5	10.50	0.00 (4)
Existing mature wooded area having a total canopy cover of 10,000 square feet or more and consisting of 50% of the trees having a 10-inch or greater diameter at a 4½ height	0.5	10.50	5.25
Existing young woodland having a total canopy area of 10,000 square feet or more and consisting of 70% of the trees having 2.5 inch or greater diameter at a 4½ foot height	0.5	2.01	0 (5)
Land which has been cleared by logging or for logging purposes	0.5	10.00	5.0
RESOURCE PROTECTED AREA			47.7
Total Tract Area	=	100.00 acres	
Minus Resource Protected Area	=	<u>47.07 acres</u>	
Usable Site Area	=	52.93 acres	
Total Usable Site Area	=	53 acres	

4. Since this portion of the tract is 15 to 25 percent steep slope and mature woodland, that acreage is subject to the woodland protection factor only.
5. Since this tract of woodland is underlain by part of the boulder field, that acreage is subject to the boulder field protection factor only.

(Ord. 1980-2, 9/4/1980, App. F; as added by Ord. 2002-2, 9/5/2002, Art. II, §12; and as amended by Ord. 2006-7, 11/2/2006, Art. II, §1)

Chapter 23

Stormwater Management

Part 1

General Provisions

- §23-101. Short Title
- §23-102. Statement of Findings
- §23-103. Purpose
- §23-104. Statutory Authority
- §23-105. Exemptions
- §23-106. Compatibility with Other Ordinance Requirements
- §23-107. Duty of Persons Engaged in the Development of Land

Part 2

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- §23-201. Definitions

Part 3

Stormwater Management Requirements

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Part 4

Drainage Plan Requirements

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- §23-403. Drainage Plan Contents
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- §23-406. Modification of Plans
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§23-601. General

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Part 7

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§23-701. General Requirements

§23-702. Responsibilities for Operations and Maintenance of BMPs

§23-703. Adherence to Approved BMP Operations and Maintenance Plan

§23-704. Operations and Maintenance Agreement for Privately Owned Stormwater BMPs

§23-705. Stormwater Easements

§23-706. Recording of Approved BMP Operations and Maintenance Plan and Related Agreements

§23-707. Municipal Stormwater BMP Operations and Maintenance Fund

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§23-801. Prohibited Discharges

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Part 9

Right of Entry, Notification and Enforcement

§23-901. Right of Entry

§23-902. Notification

§23-903. Public Nuisance

§23-904. Suspension and Revocation of Permits and Approvals

§23-905. Penalties

§23-906. Appeals

Appendix 23-A

A-1 Map of Jordan Creek Watershed in Lynn Township and Neighboring Region

Appendix 23-B

(Not Included in Plan Copy Text)

B-1 Map of Storm Drainage Problem Areas

B-2 Description of Storm Drainage Problem Areas

Appendix 23-C

C-1 NRCS Type II 24-Hour Rainfall Distribution (Graphic & Tabular)

C-2 Intensity-Duration-Frequency Curves

C-3 Runoff Curve Numbers and Percent Imperviousness Values

C-4 Runoff Coefficients for the Rational Method

C-5 Manning 'n' Values

Appendix 23-D

**Recommendation Chart for Infiltration
Stormwater Management BMPs in Carbonate Bedrock**

Appendix 23-E

Stormwater Best Management Practices Operations and Maintenance Agreement

Appendix 23-F

Low Impact Development Practices

Appendix 23-G

Preliminary Site Investigation and Testing Requirements

Part 1**General Provisions****§23-101. Short Title.**

This Chapter shall be known and may be cited as the “Jordan Creek Watershed Act 167 Stormwater Management Ordinance.”

(Ord. 2007-1, 5/10/2007, §101)

§23-102. Statement of Findings.

The Governing Body of the Municipality finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flood flows and velocities, contribute to erosion and sedimentation, changes the natural hydrologic patterns, destroy aquatic habitat, elevates aquatic pollutant concentrations and loadings, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion and loss of natural infiltration, is fundamental to the public health, safety and welfare and the protection of the people of the municipality and all of the people of the Commonwealth, their resources and the environment.
- C. Stormwater can be an important resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- D. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- E. Federal and State regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).
- F. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Municipality.

(Ord. 2007-1, 5/10/2007, §102)

§23-103. Purpose.

The purpose of this Chapter is to promote the public health, safety and welfare within the Jordan Creek Watershed by minimizing the damages and maximizing the benefits described in §23-102 of this Chapter by provisions designed to:

- A. Manage stormwater runoff impacts at their source by regulating activities which cause such problems.

- B. Utilize and preserve the desirable existing natural drainage systems.
- C. Encourage infiltration of stormwater, where appropriate, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- D. Maintain the existing flows and quality of streams and water courses in the Municipality and the Commonwealth.
- E. Preserve and restore the flood carrying capacity of streams.
- F. Provide for proper maintenance of all permanent stormwater management BMPs that are implemented in the Municipality.
- G. Provide review procedures and performance standards for stormwater planning, design and management.
- H. Manage stormwater impacts close to the runoff source which requires a minimum of structures and relies on natural processes.
- I. Meet legal water quality requirements under State law, including regulations at 25 Pa. Code, Chapter 93.4a, to protect and maintain "existing uses" and maintain the level of water quality to support those uses in all streams and to protect and maintain water quality in "special protection" streams.
- J. Prevent scour and erosion of streambanks and streambeds.
- K. *Provide standards to meet the NPDES permit requirements. (Ord. 2007-1, 5/10/2007, §103)*

§23-104. Statutory Authority.

1. The Municipality is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864, Act 167, 32 P.S. §680.1 *et seq.*, as amended, the Storm Water Management Act, and the Second Class Township Code, 53 P.S. §65101 *et seq.*
2. This Chapter shall only apply to those areas of the Municipality which are located within the Jordan Creek Watershed as delineated on an official map available for inspection at the municipal office. A map of the Jordan Creek Watershed at a reduced scale is included in Appendix 23-A for general reference.
3. The following activities are defined as regulated activities and shall be governed by this Chapter:
 - A. Land development.
 - B. Subdivision.
 - C. Construction of new or additional impervious surfaces (driveways, parking lots, etc.).
 - D. Construction of new buildings or additions to existing buildings.
 - E. Diversion or piping of any natural or man-made stream channel.
 - F. Installation of stormwater systems or appurtenances thereto.
 - G. *Regulated earth disturbance activities.*

(Ord. 2007-1, 5/10/2007, §105)

§23-105. Exemptions.

1. *Impervious Cover.* Any proposed regulated activity, except those defined in §§23-104.3.E and 23-104.3.F, which would create 10,000 square feet or less of additional impervious cover is exempt from the drainage plan preparation provisions of this Chapter. All of the impervious cover added incrementally to a site above the initial 10,000 square feet shall be subject to the drainage plan preparation provisions of this Chapter. If a site has previously received an exemption and is proposing additional development such that the total impervious cover on the site exceeds 10,000 square feet, the total impervious cover on the site proposed since the original ordinance date must meet the provisions of this Chapter.
 1. The effective date of *Ord. 1993-4* on April 6, 1993, shall be the starting point from which to consider tracts as “parent tracts” in which future subdivisions and respective impervious area computations shall be cumulatively considered.
 2. For development taking place in stages, the entire development plan must be used in determining conformance with these criteria.
 3. Additional impervious cover shall include, but not be limited to, additional indoor living spaces, decks, patios, garages, driveways, storage sheds and similar structures, any roof, parking or driveway areas and any new streets and sidewalks constructed as part of or for the proposed regulated activity.
 4. Any additional areas proposed to initially be gravel, crushed stone, porous pavement, etc., shall be assumed to be impervious for the purposes of comparison to the exemption criteria. Any existing gravel, crushed stone or hard packed soil areas on a site shall be considered as pervious cover for the purpose of exemption evaluation.
2. *Prior Drainage Plan Approval.* Any regulated activity for which a drainage plan was previously prepared as part of a subdivision or land development proposal that received preliminary plan approval from the Municipality prior to the effective date of this Chapter is exempt from the drainage plan preparation provisions of this Chapter, except as cited in subsection .3, provided that the approved drainage plan included design of stormwater facilities to control runoff from the site currently proposed for regulated activities consistent with ordinance provisions in effect at the time of approval and the approval has not lapsed under the Municipalities Planning Code, 53 P.S. §10101 *et seq.* If significant revisions are made to the drainage plan after both the preliminary plan approval and the effective date of this Chapter, preparation of a new drainage plan, subject to the provisions of this Chapter, shall be required. Significant revisions would include a change in control methods or techniques, relocation or redesign of control measures or changes necessary because soil or other conditions are not as stated on the original drainage plan.
3. These exemptions shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, property, and State water quality requirements. These measures include adequate and safe conveyance of stormwater on the site and as it leaves the site. These exemptions do not relieve the applicant from the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.
4. No exemptions shall be provided for regulated activities as defined in §§23-104.3.E. and 23-104.3.F. (*Ord. 2007-1, 5/10/2007, §106*)

§23-106. Compatibility with Other Ordinance Requirements.

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

(Ord. 2007-1, 5/10/2007, §109)

§23-107. Duty of Persons Engaged in the Development of Land.

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

(Ord. 2007-1, 5/10/2007, §110)

Part 2**Definitions****§23-201. Definitions.**

For the purposes of this Chapter, certain terms and words used herein shall be interpreted as follows:

1. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
2. The word “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
3. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.

Accelerated erosion - the removal of the surface of the land through the combined action of human activities and natural processes, at a rate greater than would occur because of the natural processes alone.

Best management practice (BMP) - activities, facilities, measures or procedures used to manage stormwater quantity and quality impacts from the regulated activities listed in §23-104, to meet State water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this Chapter.

Best management practice operations and maintenance plan - documentation, included as part of a drainage plan, detailing the proposed BMPs, how they will be operated and maintained and who will be responsible.

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

Buffer -

- (a) *Streamside buffer* - a zone of variable width located along a stream that is vegetated and is designed to filter pollutants from runoff.
- (b) *Special geologic feature buffer* - a required isolation distance from a special geologic feature to a proposed BMP needed to reduce the risk of sinkhole formation due to stormwater management activities.

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

Carbonate bedrock - rock consisting chiefly of carbonate minerals, such as

limestone and dolomite; specifically a sedimentary rock composed of more than 50 percent by weight of carbonate minerals that underlies soil or other unconsolidated, superficial material.

Cistern - an underground reservoir or tank for storing rainwater.

Closed depression - a distinctive bowl-shaped depression in the land surface. It is characterized by internal drainage, varying magnitude, and an unbroken ground surface.

Conservation District - the Lehigh or Northampton County Conservation District, as applicable.

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

Culvert - a pipe, conduit or similar structure including appurtenant works which carries surface water.

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

DEP - the Pennsylvania Department of Environmental Protection.

Design storm - the depth and time distribution of precipitation from a storm event measured in probability of occurrence (e.g., 100-yr, storm) and duration (e.g., 24-hour) and used in computing stormwater management control systems.

Detention basin - a basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at the appropriate release rate.

Developer - a person, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this Chapter.

Development site (site) - the specific tract of land for which a regulated activity is proposed.

Diffused drainage - see "sheet flow."

Drainage easement - a right granted by a land owner to a grantee, allowing the use of private land for stormwater management purposes.

Drainage plan - the documentation of the proposed stormwater quantity and quality management controls to be used for a given development site, including a BMP operations and maintenance plan, the contents of which are established in §23-403.

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.

Erosion - the removal of soil particles by the action of water, wind, ice, or other geological agents.

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

Fill - man-made deposits of natural soils or rock products and waste materials.

Filter strips - see “vegetated buffers.”

Freeboard - the incremental depth in a stormwater management structure, provided as a safety factor of design, above that required to convey the design runoff event.

Groundwater recharge - replenishment of existing natural underground water supplies.

Hardship waiver request - a written request for a waiver alleging that the provisions of this Chapter inflict unnecessary hardship upon the applicant. A hardship waiver does not apply to and is not available from the water quality provisions of this Chapter and should not be granted.

Hydrologic soil group (HSG) - soils are classified into four HSGs (A, B, C and ID) to indicate the minimum infiltration rates, which are obtained for bare soil after prolonged wetting. The Natural Resources Conservation Service (NRCS) of the US Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less permeable as the HSG varies from A to D.

Hot spot land uses - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or other toxic substances than typically found in stormwater runoff. These land uses are listed in §23-304.16.

Impervious surface (impervious cover) - a surface which prevents the percolation of water into the ground.

Infiltration practice - a practice designed to direct runoff into the ground, e.g., French drain, seepage pit, seepage trench or bioretention area.

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

Land development - 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 §503(1.1) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10503(1.1).

Loading rate - the ratio of the land area draining to the system, as modified by the weighting factors in §23-307.2, compared to the base area of the infiltration system.

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

“Local” runoff conveyance facilities - any natural channel or man-made conveyance system which has the purpose of transporting runoff from the site to the mainstem.

Mainstem (main channel) - any stream segment or other conveyance used as a reach in the Jordan Creek hydrologic model.

Manning equation (Manning formula) - a method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. “Open channels” may include closed conduits so long as the flow is not under pressure.

Maryland Stormwater Design Manual - a stormwater design manual written by the Maryland Department of the Environment and the Center for Watershed Protection. As of January 2004 the Manual can be obtained through the following web site: www.mde.state.md.us.

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

Municipality - Lynn Township, Lehigh County Pennsylvania.

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

NPDES - National Pollutant Discharge Elimination System.

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

Oil/water separator - a structural mechanism designed to remove free oil and grease (and possibly solids) from stormwater runoff:

Outfall - “point source” as described in 40 CFR §122.2 at the point where the Municipality’s storm sewer system discharges to surface waters of the Commonwealth.

Owner - one with an interest in and often dominion over a property.

Peak discharge - the maximum rate of flow of stormwater runoff at a given location and time resulting from a specified storm event.

Penn State runoff model (PSRM) - the computer-based hydrologic modeling technique adapted to each watershed for the Act 167 plans. The model was “calibrated” to reflect actual flow values by adjusting key model input parameters.

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

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

Preliminary site investigation - the determination of the depth of bedrock, the depth to the seasonal high water table and the soil permeability for a possible infiltration location on a site through the use of published data and on-site surveys. In carbonate bedrock areas, the location of special geologic features must also be determined along with the associated buffer distance to the possible infiltration area. See Appendix 23-G.

Sediment traps/catch basin sumps - chambers which provide storage below the outlet in a storm inlet to collect sediment, debris and associated pollutants, typically requiring periodic clean out.

Seepage pit/seepage trench - An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

Separate storm sewer system - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

Sheet flow - stormwater runoff flowing in a thin layer over the ground surface.

Soil-cover-complex method - a method of runoff computation developed by NRCS which is based upon relating soil type and land use/cover to a runoff parameter called a “curve number.”

Special geologic features - carbonate bedrock features, including but not limited to closed depressions, existing sinkholes, fracture traces, lineaments, joints, faults, caves, pinnacles and geologic contacts between carbonate and noncarbonate bedrock which may exist and must be identified on a site when stormwater management BMPs are being considered.

Spill prevention and response program - a program that identifies procedures for preventing and, as needed, cleaning up potential spills and makes such procedures known and the necessary equipment available to appropriate personnel.

State water quality requirements - As defined under State regulations - protection of designated and existing uses (See 25 Pa.Code, Chapters 93 and including:

- (a) Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishes” or “potable water supply,” which is listed in Chapter 93. These uses must be protected and maintained, under State regulations.

- (b) "Existing uses" are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- (c) Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

Storage indication method - a method of routing or moving an airflow hydrograph through a reservoir or detention structure. The method solves the mass conservation equation to determine an outflow hydrograph as it leaves the storage facility.

Storm drainage problem areas - areas which lack adequate stormwater collection and/or conveyance facilities and which present a hazard to persons or property. These areas are either documented in Appendix 23-B of this Chapter or identified by the Municipality or Township Engineer.

Storm sewer - a system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

Stormwater - the surface runoff generated by precipitation reaching the ground surface.

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

Stormwater Management Plan - the plan for managing stormwater runoff adopted by Lehigh and/or Northampton County for the Jordan Creek Watershed as required by the Act of October 4, 1978, P.L. 864, Act 167, as amended, and known as the "Stormwater Management Act."

Stream - a watercourse.

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

Subdivision - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, 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.

Surface waters of the commonwealth - any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Swale - a low-lying stretch of land which gathers or carries surface water runoff. See also "vegetated swale."

Technical Best Management Practice Manual and Infiltration Feasibility Report, November 2002 - the report written by Cahill Associates that addresses the feasibility of infiltration in carbonate bedrock areas in the Little Lehigh Creek Watershed. The report is available at the Lehigh Valley Planning Commission offices.

Trash/debris collectors - racks, screens or other similar devices installed in a storm drainage system to capture coarse pollutants (trash, leaves, etc.).

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

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

Vegetated swales - (a) vegetated earthen channels designed to convey stormwater. These swales are not considered to be water quality BMPs. (b) broad, shallow, densely vegetated, earthen channels designed to treat stormwater while slowly infiltrating, evapotranspiring, and conveying it. Swales should be gently sloping with low flow velocities to prevent erosion. Check dams may be added to enhance performance.

Watercourse - any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water quality inserts - any number of commercially available devices that are inserted into storm inlets to capture sediment, oil, grease, metals, trash, debris, etc.

Water quality volume (WQv) - the volume needed to capture and treat 90 percent of the average annual rainfall volume. (See §23-304.2)

Watershed - the entire region or area drained by a river or other body of water, whether natural or artificial.

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

(Ord. 2007-1, 5/10/2007, §201)

Part 3**Stormwater Management Requirements****§23-301. General Requirements.**

1. All regulated activities in the Municipality shall be subject to the stormwater management requirements of this Chapter.
2. Storm drainage systems shall be provided to permit unobstructed flow in natural watercourses except as modified by stormwater detention facilities, recharge facilities, water quality facilities, pipe systems or open channels consistent with this Chapter.
3. The existing locations of concentrated drainage discharge onto adjacent property shall not be altered without written approval of the affected property owner(s).
4. Areas of existing diffused drainage discharge onto adjacent property shall be managed such that, at minimum, the peak diffused flow does not increase in the general direction of discharge, except as otherwise provided in this Chapter. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that there are adequate downstream conveyance facilities to safely transport the concentrated discharge to the point of predevelopment flow concentration, to the stream reach or otherwise prove that no harm will result from the concentrated discharge. Areas of existing diffused drainage discharge shall be subject to any applicable release rate criteria in the general direction of existing discharge whether they are proposed to be concentrated or maintained as diffused drainage areas.
5. Where a site is traversed by watercourses other than those for which a 100- year floodplain is defined by the Municipality, there shall be provided drainage easements conforming substantially with the line of such watercourses. The width of any easement shall be adequate to provide for unobstructed flow of storm runoff based on calculations made in conformance with §23-307 for the 100-year return period runoff and to provide a freeboard allowance of ½ foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic maintenance of the easement to ensure proper runoff conveyance shall be required. Watercourses for which the 100-year floodplain is formally defined are subject to the applicable municipal floodplain regulations.
6. When it can be shown that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning equation.
7. Post construction BMPs shall be designed, installed, operated and maintained to meet the requirements of the Clean Streams Law, 35 P.S. 691.1 *et seq.*, and implementing regulations, including the established practices in 25 Pa.Code, Chapter 102, and the specifications of this Chapter as to prevent accelerated erosion in watercourse channels and at all points of discharge.
8. No earth disturbance activities associated with any regulated activities shall commence until approval by the Municipality of a plan which demonstrates compliance

with the requirements of this Chapter.

9. Techniques described in Appendix 23-F, “Low Impact Development,” of this Chapter are encouraged because they reduce the costs of complying with the requirements of this Chapter and the State water quality requirements.
10. Infiltration for stormwater management is encouraged where soils and geology permit, consistent with the provisions of this Chapter and, where appropriate, the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix 23-D.

(Ord. 2007-1, 5/10/2007, §301)

§23-302. Permit Requirements by Other Government Entities.

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

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

(Ord. 2007-1, 5/10/2007, §302)

§23-303. Erosion and Sediment Control During Regulated Earth Disturbance Activities.

1. No regulated earth disturbance activities within the Municipality shall commence until approval by the Municipality of an erosion and sediment control plan for construction activities. Written approval by DEP or a delegated County Conservation District shall satisfy this requirement.
2. An erosion and sediment control plan is required by DEP regulations for any earth disturbance activity of 5,000 square feet or more under 25 Pa.Code, §102.4(b).
3. A DEP NPDES stormwater discharges associated with construction activities permit is required for regulated earth disturbance activities under 25 Pa.Code, Chapter 92.
4. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Municipality before the commencement of an earth disturbance activity.
5. A copy of the erosion and sediment control plan and any permit, as required

by DEP regulations, shall be available at the project site at all times.

(Ord. 2007-1, 5/10/2007, §303)

§23-304. Post Construction Water Quality Criteria.

1. No regulated earth disturbance activities within the Municipality shall commence until approval by the Municipality of a drainage plan which demonstrates compliance with this Chapter. This Chapter provides standards to meet NPDES Permit requirements associated with construction activities and MS4 permit requirements.
2. The water quality volume (WQv) shall be captured and treated. The WQv shall be calculated two ways. First, WQv shall be calculated using the following formula:

$$WQv = \frac{(c)(P)(A)}{12}$$

Where WQv = water quality volume in acre-feet

c = Rational method post-development runoff
coefficient for the 2-year storm

P = 1.25 inches

A = Area in acres of proposed regulated activity

Second, the WQv shall be calculated as the difference in runoff volume from predevelopment to post-development for the 2-year return period storm. The effect of closed depressions on the site shall be considered in this calculation. The larger of these two calculated volumes shall be used as the WQv to be captured and treated, except that in no case shall the WQv be permitted to exceed 1.25-inches of runoff over the site area. This standard does not limit the volume of infiltration an applicant may propose for purposes of water quantity/peak rate control.

3. The WQv shall be calculated for each post-development drainage direction on a site for sizing BMPs. Site areas having no impervious cover and no proposed disturbance during development may be excluded from the WQv calculations and do not require treatment.
4. If an applicant is proposing to use a dry extended detention basin, wet pond, constructed wetland or other BMP that ponds water on the land surface and may receive direct sunlight, the discharge from the BMP must be treated by infiltration, a vegetated buffer, filter strip, bioretention, vegetated swale or other BMP that provides a thermal benefit to protect the high quality waters of the Jordan Creek from thermal impacts.
5. The WQv for a site as a result of the regulated activities must either be treated with infiltration or two acceptable BMPs such as those listed in subsection .15, except for minor areas on the periphery of the site that cannot reasonably be drained to an infiltration facility or other BMP.
6. Infiltration BMPs shall not be constructed on fill unless the applicant demonstrates that the fill is stable and otherwise meets the infiltration BMP standards of this Chapter.
7. The applicant shall document the bedrock type(s) present on the site from

published sources. Any apparent boundaries between carbonate and non-carbonate bedrock shall be verified through more detailed site evaluations by a qualified geotechnical professional.

8. For each proposed regulated activity in the watershed where an applicant intends to use infiltration BMP's, the applicant shall conduct a preliminary site investigation, including gathering data from published sources, a field inspection of the site, a minimum of one test pit and a minimum of two percolation tests, as outlined in Appendix 23-G. This investigation will determine depth to bedrock, depth to the seasonal high water table, soil permeability and location of special geologic features, if applicable. This investigation may be done by a certified Sewage Enforcement Officer (SEO) except that the location(s) of special geologic features shall be verified by a qualified geotechnical professional.
9. Sites where applicants intend to use infiltration BMPs must meet the following criteria:
 - A. Depth to bedrock below the invert of the BMP greater than or equal to 2 feet.
 - B. Depth to seasonal high water table below the invert of the BMP greater than or equal to 3 feet; except for infiltration of residential roof runoff where the seasonal high water table must be below the invert of the BMP. (If the depth to bedrock is between 2 and 3 feet and the evidence of the seasonal high water table is not found in the soil, no further testing to locate the depth to seasonal high water table is required.)
 - C. Soil permeability (as measured by the adapted 25 Pa. Code §73.15. percolation test in Appendix 23-G) greater than or equal to 0.5 inches/hour and less than or equal to 12 inches per hour.
 - D. Setback distances or buffers as follows:
 - (1) One hundred feet from water supply wells.
 - (2) Fifteen feet downgradient or 100 feet upgradient from building foundations; except for residential development where the required set back is 15 feet downgradient or 40 feet upgradient from building foundations.
 - (3) Fifty feet from septic system drainfields; except for residential development where the required setback is 25 feet from septic system drainfields.
 - (4) Fifty feet from a geologic contact with carbonate bedrock unless a Preliminary Site Investigation is done in the carbonate bedrock to show the absence of special geologic features within 50 feet of the proposed infiltration area.
 - (5) One hundred feet from the property line unless documentation is provided to show that all setbacks from existing or potential future wells, foundations and drainfields on neighboring properties will be met; except for one and two family residential dwellings where the required setback is 40 feet unless documentation is provided to show that all setbacks from existing or potential future wells, foundations and drainfields on neighboring properties will be met.
10. For entirely non-carbonate sites, the recharge volume (REv) shall be infiltrated

unless the applicant demonstrates that it is infeasible to infiltrate the REv for reasons of seasonal high water table, permeability rate, soil depth or setback distances; or except as provided in §23-304.22.

- A. The REv shall be calculated as follows:

$$REv = (0.25) * (1)112$$

Where REv = Recharge Volume in acre-feet I
= impervious area in acres

- B. The preliminary site investigation described in subsection .8 is required and shall continue on different areas of the site until a potentially suitable infiltration location is found or the entire site is determined to be infeasible for infiltration. For infiltration areas that appear to be feasible based on the preliminary site investigation, the additional site investigation and testing as outlined in Appendix 23-G shall be completed.
- C. If an applicant proposes infiltration, the Municipality may determine infiltration to be infeasible if there are known existing conditions or problems that may be worsened by the use of infiltration.
- D. The site must meet the conditions listed in subsection .10.A.
- E. If it is not feasible to infiltrate the full REv, the applicant shall infiltrate that portion of the REv that is feasible based on the site characteristics. If none of the REv can be infiltrated, REv shall be considered as part of the WQv and shall be captured and treated as described in subsection .15.
- F. If REv is infiltrated, it may be subtracted from the WQv required to be captured and treated.
11. In entirely carbonate areas, where the applicant intends to use infiltration BMPs, the preliminary site investigation described in subsection .8. shall be conducted. For infiltration areas that appear feasible based on the preliminary site investigation, the applicant shall conduct the additional site investigation and testing as outlined it Appendix 23-G. The soil depth, percolation rate and proposed loading rate, each weighted as described in §23-307, along with the buffer from special geologic features shall be compared to the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix 23-D to determine if the site is recommended for infiltration. In addition to the recommendation from Appendix 23-D. the conditions listed in subsection .10.A. are required for infiltration in carbonate areas. Applicants are encouraged to infiltrate the REv, as calculated in subsection .10, but are not required to use infiltration BMPs on a carbonate site even if the site falls in the “recommended” range on the chart in Appendix 23-D. Any amount of volume infiltrated can be subtracted from the WQv to be treated by non-infiltration BMPs. If infiltration is not proposed, the full WQv shall be treated by two acceptable BMPs, as specified in subsection .15.
12. If a site has both carbonate and non-carbonate areas, the applicant shall investigate the ability of the non-carbonate portion of the site to fully meet this Chapter to meet the requirements for REv for the whole site through infiltration. If that proves infeasible, infiltration in the carbonate area as described in subsection .11 or two other

Non-infiltration BMPs as described in subsection .15 must be used. No infiltration structure in the non-carbonate area shall be located within 50 feet of a boundary with carbonate bedrock, except when a preliminary site investigation has been done showing the absence of special geologic features within 50 feet of the proposed infiltration area.

13. If infiltration BMPs are proposed in carbonate areas, the post-development 2- year runoff volume leaving the site shall be 80 percent or more of the pre-development runoff volume for the carbonate portion of the site to prevent infiltration of volumes far in excess of the pre-development infiltration volume.
14. Site areas proposed for infiltration shall be protected from disturbance and compaction except as necessary for construction of infiltration BMPs.
15. If infiltration of the entire WQv is not proposed, the remainder of the WQv shall be treated by two acceptable BMPs in series for each discharge location. Sheet flow draining across a pervious area can be considered as one BMP. Sheet flow across impervious areas and concentrated flow shall flow through two BMPs. If sheet flow from an impervious area is to be drained across a pervious area as one BMP, the length of the pervious area must be equal to or greater than the length of impervious area. In no case may the same BMP be employed consecutively to meet the requirement of this section. Acceptable BMPs are listed below along with the recommended reference for design.

Best Management Practice	Design Reference Number
Bioretention ^A	4, 5, 11, 16
Capture/Reuse ^B	4, 14
Constructed Wetlands	4, 5, 8, 10, 16
Dry Extended Detention Ponds	4, 5, 8, 12, 18
Minimum Disturbance/ Minimum Maintenance Practices	1, 9
Significant Reduction of Existing Impervious Cover	N/A
Stormwater Filters ^A (Sand, Peat, Compost, etc.)	4, 5, 10, 16
Vegetated Buffers/Filter Strips	2, 3, 5, 11, 16, 17
Vegetated Roofs	4, 13
Vegetated Swales ^A	2, 3, 5, 11, 16, 17
Water Quality Inlet ^D	4, 7, 15, 16, 19
Wet Detention Ponds	4, 5, 6, 8

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

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

^CSee table below.

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

Number	Design Reference Title
1	<i>Conservation Design for Stormwater Management - A Design Approach to Reduce Stormwater Impacts From Land Development and Achieve Multiple Objectives Related to Land Use, Delaware Department of Natural Resources and Environmental Control, The Environmental Management Center of the Brandywine Conservancy, September 1997.</i>
2	<i>A Current Assessment of Urban Best Management Practices: Techniques for Reducing Nonpoint Source Pollution in the Coastal Zone, Schueler, T. R., Kumble, P. and Heraty, M., Metropolitan Washington Council of Governments, 1992.</i>
3	<i>Design of Roadside Channels with Flexible Linings, Federal Highway Administration, Chen, Y. H. and Cotton, G. K., Hydraulic Engineering Circular 15, FHWA-IP-87-7, McLean Virginia, 1988.</i>
4	<i>Draft Stormwater Best Management Practices Manual, Pennsylvania Department of Environmental Protection, January 2005.</i>
5	<i>Evaluation and Management of Highway Runoff Water Quality, Federal Highway Administration, FHWA-PD-96-032, Washington, D.C., 1996.</i>
6	<i>"Evaporation Maps of the United States," U.S. Weather Bureau (now NOAA/National Weather Service) Technical Paper 37, Published by Department of Commerce, Washington D.C., 1959.</i>
7	<i>Georgia Stormwater Manual, AMEC Earth and Environmental, Center for Watershed Protection, Debo and Associates, Jordan Jones and Goulding, Atlanta Regional Commission, Atlanta, Georgia, 2001.</i>
8	<i>"Hydraulic Design of Highway Culverts," Federal Highway Administration, FHWA HDS 5, Washington, D.C., 1985 (revised May 2005).</i>
9	<i>Low Impact Development Design Strategies; An Integrated Design Approach, Prince Georges County, Maryland Department of Environmental Resources, June 1999.</i>
10	<i>Maryland Stormwater Design Manual, Maryland Department of the Environment, Baltimore, Maryland, 2000.</i>
11	<i>Pennsylvania Handbook of Best Management Practices for Developing Areas, Pennsylvania Department of Environmental Protection, 1998.</i>
12	<i>"Recommended Procedures for Act 167 Drainage Plan Design," LVPC, Revised 1997.</i>
13	<i>Roof Gardens History, Design, and Construction, Osmundson, Theodore. New York: W.W. Norton & Company, 1999.</i>
14	<i>The Texas Manual on Rainwater Harvesting, Texas Water Development Board, Austin, Texas, Third Edition, 2005.</i>
15	<i>VDOT Manual of Practice for Stormwater Management, Virginia Transportation Research Council, Charlottesville, Virginia, 2004.</i>

- | Number | Design Reference Title |
|--------|--|
| 16 | <i>Virginia Stormwater Management Handbook</i> , Virginia Department of Conservation and Recreation, Richmond, Virginia, 1999. |
| 17 | <i>Water Resources Engineering</i> , Mays, L. W., John Wiley & Sons, Inc., 2005. |
| 18 | <i>Urban Hydrology for Small Watersheds</i> , Technical Report 55, US Department of Agriculture, Natural Resources Conservation Service, 1986. |
| 19 | US EPA, Region 1 New England web site (as of August 2005)
http://www.epa.gov/NE/assistance/ceitts/stormwater/techs/html . |
| 16. | Stormwater runoff from hot spot land uses shall be pre-treated. In no case, may the same BMP be employed consecutively to meet this requirement and the requirement in subsection .15. Acceptable methods of pre-treatment are listed below. |

Hot Spot Land Use	Pre-treatment Method(s)
Vehicle Maintenance and Repair	-Water Quality Inlets
Facilities including Auto Parts	-Use of Drip Pans and/or Dry Sweep Material Under
Stores	Vehicles/Equipment -Use of Absorbent Devices to Reduce Liquid Releases -Spill Prevention and Response Program
Vehicle Fueling Stations	-Water Quality Inlets -Spill Prevention and Response Program
Storage Areas for Public Works	-Water Quality Inlets -Use of Drip Pans and/or Dry Sweep Material Under Vehicles/Equipment -Use of Absorbent Devices to Reduce Liquid Releases -Spill Prevention and Response Program -Diversion of Stormwater away from Potential Contamination Areas
Outdoor Storage of Liquids	-Spill Prevention and Response Program
Commercial Nursery Operations	-Vegetated Swales/Filter Strips -Constructed Wetlands -Stormwater Collection and Reuse
Salvage Yards and Recycling	-BMPs that are a part of a Stormwater Pollution
Facilities*	Prevention Plan under an NPDES Permit

Hot Spot Land Use	Pre-treatment Method(s)
Fleet Storage Yards and Vehicle Cleaning Facilities*	-BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES Permit
Facilities that Store or Generate Regulated Substances*	-BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES Permit
Marinas*	-BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES Permit
Certain Industrial Uses (listed an under NPDES)*	-BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES Permit

*Regulated under the NPDES Stormwater Program

Design references for the pre-treatment methods, as necessary, are listed below. If the applicant can demonstrate to the satisfaction of the Municipality that the proposed land use is not a hot spot, then the pre-treatment requirement would not apply.

Pre-treatment Method	Design Reference*
Constructed Wetlands	4, 5, 8, 10, 16
Diversion of Stormwater Away from Potential Contamination Areas	4, 11
Stormwater Collection and Reuse (especially for irrigation)	4, 14
Stormwater Filters (Sand, Peat, Compost, etc.)	4, 5, 10, 16
Vegetated Swales	2, 3, 5, 11, 16, 17
Water Quality Inlets	4, 7, 15, 16, 19

^These numbers refer to the Design Reference Title Chart in Section 304.0, above.

17. The use of infiltration BMPs is prohibited on hot spot land use areas.
18. Stormwater infiltration BMPs shall not be placed in or on a special geologic feature(s).
19. Additionally, stormwater runoff shall not be discharged into existing on-site sinkholes.
20. Applicants shall request, in writing, public water suppliers to provide the Zone I Wellhead Protection radius, as calculated by the method outlined in the Pennsylvania Department of Environmental Protection wellhead protection regulations, for any public water supply well within 400 feet of the site. In addition to the setback distances specified in subsection .10.A, infiltration is prohibited in the Zone I radius as defined and substantiated by the public water supplier in writing. If the applicant does not receive a response from the public water supplier, the Zone I radius is assumed to be 100 feet.

21. The volume and rate of the net increase in stormwater runoff from the regulated activities must be managed to prevent the physical degradation of receiving waters from such effects as scour and streambank destabilization, to satisfy State water quality requirements, by controlling the 2-year post-development runoff to a 30 percent release rate.
22. The Municipality may, after consultation with DEP, approve alternative methods for meeting the State water quality requirements other than those in this Section, provided that they meet the minimum requirements of and not conflict with State law including, but not limited to, the Clean Streams Law, 35 P.S. §691.1 *et seq.*

(Ord. 2007-1, 5/10/2007, §304)

§23-305. Stormwater Management Districts.

1. *Mapping of Stormwater Management Districts.* To implement the provisions of the Jordan Creek Watershed Stormwater Management Plan, the Municipality is hereby divided into stormwater management districts consistent with the Jordan Creek Release Rate Map presented in the plan update. The boundaries of the stormwater management districts are shown, on an official map which is available for inspection at the municipal office. A copy of the official map at a reduced scale is included in Appendix 23-A for general reference.
2. *Description of Stormwater Management Districts.* Two types of stormwater management districts may be applicable to the Municipality, namely conditional/provisional no detention districts and dual release rate districts as described below.
 - A. *Conditional/Provisional No Detention Districts.* Within these districts, the capacity of the “local” runoff conveyance facilities (as defined in Part 2) must be calculated to determine if adequate capacity exists. For this determination, the developer must calculate peak flows assuming that the site is developed as proposed and that the remainder of the local watershed is in the existing condition. The developer must also calculate peak flows assuming that the entire local watershed is developed per current zoning and that all new development would use the runoff controls specified by this Chapter. The larger of the two peak flows calculated will be used in determining if adequate capacity, exists. If adequate capacity exists to safely transport runoff from the site to the main channel (as defined in Part 2), these watershed areas may discharge post-development peak runoff without detention facilities. If the capacity calculations show that the “local” runoff conveyance facilities lack adequate capacity, the developer shall either use a 100 percent release rate control or provide increased capacity of downstream elements to convey increased peak flows consistent with subsection .16. Any capacity improvements must be designed to convey runoff from development of all areas tributary to the improvement consistent with the capacity criteria specified in §23-306.4 by definition, a storm drainage problem area associated with the “local” runoff conveyance facilities indicates that adequate capacity does not exist. Sites in these districts are still required to meet all of the water quality requirements in §23-304.
 - B. *Dual Release Rate Districts.* Within these districts, the 2-year post-development peak discharge must be controlled to 30 percent of the pre-

development 2-year runoff peak. Further, the 10-year, 25-year and 100-year post-development peak runoff must be controlled to the stated percentage of the predevelopment peak. Release rates associated with the 10- through 100-year events vary from 50 percent to 100 percent depending upon location in the watershed.

(Ord. 2007-1, 5/10/2007, §305)

§23-306. Stormwater Management District Implementation Provisions.

1. Applicants shall provide a comparative pre- and post-construction stormwater management hydrograph analysis for each direction of discharge and for the site overall to demonstrate compliance with the provisions of this Chapter.
2. Any stormwater management controls required by this Chapter and subject to a dual release rate criteria shall meet the applicable release rate criteria for each of the 2-, 10-, 25- and 100-year return period runoff events consistent with the calculation methodology specified in §23-307.
3. The exact location of the stormwater management district boundaries as they apply to a given development site shall be determined by mapping the boundaries using the 2-foot topographic contours provided as part of the drainage plan. The district boundaries as originally drawn coincide with topographic divides or, in certain instances, are drawn from the intersection of the watercourse and a physical feature such as the confluence with another watercourse or a potential flow obstruction (e.g., road, culvert, bridge, etc.). The physical feature is the downstream limit of the subarea and the subarea boundary is drawn from that point up slope to each topographic divide along the path perpendicular to the contour lines.
4. Any downstream capacity analysis conducted in accordance with this Chapter shall use the following criteria for determining adequacy for accepting increased peak flow rates:
 - A. Natural or man-made channels or swales must be able to convey the increased runoff associated with a 2-year return period event within their banks at velocities consistent with protection of the channels from erosion.
 - B. Natural or man-made channels or swales must be able to convey the increased 25-year return period runoff without creating any hazard to persons or property.
 - C. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP 25 Pa.Code, Chapter 105, regulations (if applicable) and, at minimum, pass the increased 25-year return period runoff.
5. For a proposed development site located within one release rate category subarea, the total runoff from the site shall meet the applicable release rate criteria. For development sites with multiple directions of runoff discharge, individual drainage directions may be designed for up to a 100 percent release rate so long as the total runoff from the site is controlled to the applicable release rate.
6. For a proposed development site located within two or more release category subareas, the peak discharge rate from any subarea shall be the pre-development peak discharge for that subarea multiplied by the applicable release rate. The calculated

peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea. An exception to the above may be granted if discharges from multiple subareas re-combine in proximity to the site. In this case, peak discharge in any direction may be a 100 percent release rate provided that the overall site discharge meets the weighted average release rate.

7. For a proposed development site located partially within a release rate category subarea and partially within a conditional/provisional no detention subarea, the size of the pre-development drainage area on a site may not be changed post-development to create potentially adverse conditions on downstream properties except as part of a “no harm” or hardship waiver procedure.
8. No portion of a site may be regraded between the Jordan Creek Watershed and any adjacent watershed except as part of a “no harm” or hardship waiver procedure.
9. Within a release rate category area, for a proposed development site which has areas which drain to a closed depression(s), the design release from the site will be the lesser of (A) the applicable release rate flow assuming no closed depression(s) or (B) the existing peak flow actually leaving the site. In cases where (C) would result in an unreasonably small design release, the design discharge of less than or equal to the release rate will be determined by the available downstream conveyance capacity to the main channel calculated using subsection .4 and the minimum orifice criteria.
10. Off-site areas which drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site using the capacity criteria in subsection .4 and the detention criteria in §23-307.
11. For development sites proposed to take place in phases, all detention ponds shall be designed to meet the applicable release rate(s) applied to all site areas tributary to the proposed pond discharge direction. All site tributary areas will be assumed as developed, regardless of whether all site tributary acres are proposed for development at that time. An exception shall be sites with multiple detention ponds in series where only the downstream pond must be designed to the stated release rate.
12. Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area shall be subject to the release rate criteria. The impact area includes any proposed cover or grading changes.
13. Development proposals which, through groundwater recharge or other means, do not increase either the rate or volume of runoff discharged from the site compared to pre-development are not subject to the release rate provisions of this Chapter.
14. *“No Harm” Water Quality Option.* For any proposed development site not located in a conditional/provisional no detention district, the developer has the option of using a less restrictive runoff control (including no detention) if the developer can prove that special circumstances exist for the proposed development site and that “no harm” would be caused by discharging at a higher runoff rate than that specified by the plan. Special circumstances are defined as any hydrologic or hydraulic aspects of the development itself not specifically considered in the development of the plan runoff control strategy. Proof of “no harm” would have to be shown from the development site through the remainder of the downstream drainage network to the confluence of the

creek with the Delaware or Lehigh River. Proof of “no harm” must be shown using the capacity criteria specified in subsection .4 if downstream capacity analysis is a part of the “no harm” justification.

Attempts to prove “no harm” based upon downstream peak flow versus capacity analysis shall be governed by the following provisions:

- A. The peak flow values to be used for downstream areas for the design return period storms (2-, 10-, 25- and 100-year) shall be the values from the calibrated PSRM Model for the Jordan Creek or as calculated by an applicant using an alternate method acceptable to the Municipality. The flow values from the PSRM Model would be supplied to the developer by the Municipality upon request.
- B. Any available capacity in the downstream conveyance system as documented by a developer may be used by the developer only in proportion to his development site acreage relative to the total upstream undeveloped acreage from the identified capacity (i.e., if his site is 10 percent of the upstream undeveloped acreage, he may use up to 10 percent of the documented downstream available capacity).
- C. Developer-proposed runoff controls which would generate increased peak flow rates at storm drainage problem areas would, by definition, be precluded from successful attempts to prove “no harm,” except in conjunction with proposed capacity improvements for the problem areas consistent with subsection .15.

Any “no harm” justifications shall be submitted by the developer as part of the drainage plan submission per Part 4. Developers submitting “no harm” justifications must still meet all of the water quality requirements in §23-304.

15. *Regional Detention Alternatives.* For certain areas within the study area, it may be more cost-effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of prospective developers. The design of any regional control basins must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined based on the required release rate at the point of discharge.
16. *Capacity Improvements.* In certain instances, primarily within the conditional/provisional no detention areas, local drainage conditions may dictate more stringent levels of runoff control than those based upon protection of the entire watershed. In these instances, if the developer could prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the local drainage network, then the capacity improvements could be provided by the developer in lieu of runoff controls on the development site. Peak flow calculations shall be done assuming that the local watershed is in the existing condition and then assuming that the local watershed is developed per current zoning and using the specified runoff controls. Any capacity improvements would be designed using the larger of the above peak flows and the capacity criteria specified in subsection .4. All new development in the entire subarea(s) within which the proposed development site is located shall be assumed to implement the developer’s proposed discharge control, if any.

Capacity improvements may also be provided as necessary to implement any regional detention alternatives or to implement a modified “no harm” option which

proposes specific capacity improvements to provide that a less stringent discharge control would not create any harm downstream.

(Ord. 2007-1, 5/10/2007, §306)

§23-307. Calculation Methodology.

1. Stormwater runoff from all development sites shall be calculated using either methodology.

$$\frac{\text{(Area tributary to infiltration BMP)}}{\text{(Base area of infiltration BMP)}} * 100\% \text{ The rational Method or the soil-cover-complex}$$

2. Infiltration BMP loading rate percentages in the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix 23-D shall be calculated as follows:

The area tributary to the infiltration BMP shall be weighted as follows:

- All disturbed areas to be made impervious: weight at 100%
- All disturbed areas to be made pervious: weight at 50% All undisturbed pervious areas: weight at 0%
- All existing impervious areas: weight at 100%

3. Soil thickness is to be measured from the bottom of any proposed infiltration system. The effective soil thickness in the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix 23-D is the measured soil thickness multiplied by the thickness factor based on soil permeability (as measured by the adapted 25 Pa.Code §73.15. percolation test in Appendix 23-G), as follows:

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

*If the permeability rate (as measured by the adapted 25 Pa.Code §73.15 percolation test in Appendix 23-G) falls on a break between two thickness factors, the smaller thickness factor shall be used.

Sites with soil permeability greater than 12.0 in/hr or less than 0.5 in/hr, as measured by the adapted 25 Pa.Code §73.15 percolation test in Appendix 23-G, are not recommended for infiltration.

4. The design of any detention basin intended to meet the requirements of this Chapter shall be verified by routing the design storm hydrograph through the proposed basin using the storage indication method or other methodology demonstrated to be more appropriate. For basins designed using the rational method technique, the design hydrograph for routing shall be either the universal rational hydrograph or the modified rational method trapezoidal hydrograph which maximizes detention volume. Use of the modified rational hydrograph shall be consistent with the procedure described in Section "PIIPE.RAT" of the "Users' Manual" for the Penn State Urban Hydrology Model (1987).
5. BMPs designed to store or infiltrate runoff and discharge to surface runoff or pipe flow shall be routed using the storage indication method.
6. BMPs designed to store or infiltrate runoff and discharge to surface runoff or pipe flow shall provide storage volume for the full WQv below the lowest outlet invert.
7. Wet detention ponds designed to have a permanent pool for the WQv shall assume that the permanent pool volume below the primary outlet is full at the beginning of design event routing for the purposes of evaluating peak outflows.
8. All stormwater detention facilities shall provide a minimum 1.0 foot freeboard above the maximum pool elevation associated with the 2- through 25-year runoff events. A 0.5 foot freeboard shall be provided above the maximum pool elevation of the 100-year runoff event. The freeboard shall be measured from the maximum pool elevation to the invert of the emergency spillway. The 2- through 100-year storm events shall be controlled by the primary outlet structure. An emergency spillway for each basin shall be designed to pass the 100-year return frequency storm peak basin inflow rate with a minimum 0.5 foot freeboard measured to the top of basin. The freeboard criteria shall be met considering any offsite areas tributary to the basin as developed, as applicable. If this detention facility is considered to be a dam as per DEP 25 Pa.Code, Chapter 105, the design of the facility must be consistent with the Chapter 105 regulations, and may be required to pass a storm greater than the 100-year event.
9. The minimum circular orifice diameter for controlling discharge rates from detention facilities shall be 3 inches. Designs where a lesser size orifice would be required to fully meet release rates shall be acceptable with a 3-inch orifice provided that as much of the site runoff as practical is directed to the detention facilities. The minimum 3-inch diameter does not apply to the control of the WQv.
10. Runoff calculations using the soil-cover-complex method shall use the Natural Resources Conservation Service Type II 24-hour rainfall distribution. The 24-hour rainfall depths for the various return periods to be used consistent with this Chapter may be taken from NOAA Atlas 14, Volume 2 Version 2.1, 2004 or the PennDOT "Intensity - Duration - Frequency Field Manual" ("PDT-IDF") (May 1986) for Region 4. The following values are taken from the "PDT-IDF Field Manual":

Return Period	24-Hour Rainfall Depth
1-year	2.40 inches
2-year	3.00 inches
5-year	3.60 inches
10-year	4.56 inches

Return Period	24-Hour Rainfall Depth
25-year	5.52 inches
50-year	6.48 inches
100-year	7.44 inches

A graphical and tabular presentation of the Type II-24 hour distribution is included in Appendix 23-C.

11. Runoff calculations using the rational method shall use rainfall intensities consistent with appropriate times of concentration and return periods and NOAA Atlas 14, Volume 2 Version 2.1, 2004 or the intensity-duration-frequency curves as presented in Appendix 23-C.
12. Runoff curve numbers (CN's) to be used in the soil-cover-complex method shall be based upon the matrix presented in Appendix 23-C.
13. Runoff coefficients for use in the rational method shall be based upon the table presented in Appendix 23-C.
14. All time of concentration calculations shall use a segmental approach which may include one or all of the flow types below:
 1. Sheet flow (overland flow) calculations shall use either the NRCS average velocity chart (Figure 3-1, Technical Release-55, 1975) or the modified kinematic wave travel time equation (equation 3-3, NRCS TR-55, June 1986). If using the modified kinematic wave travel time equation, the sheet flow length shall be limited to 50 feet for designs using the rational method and limited to 150 feet for designs using the soil-cover-complex method.
 2. Shallow concentrated flow travel times shall be determined from the watercourse slope, type of surface and the velocity from Figure 3-1 of TR-55, June 1986.
 3. Open channel flow travel times shall be determined from velocities calculated by the Manning equation. Bankfull flows shall be used for determining velocities. Manning 'n' values shall be based on the table presented in Appendix 23-C.
 4. Pipe flow travel times shall be determined from velocities calculated using the Manning equation assuming full flow and the Manning 'n' values from Appendix 23-C.
15. If using the rational method, all pre-development calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas. If using the rational method, all post-development calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas.
16. The Manning equation shall be used to calculate the capacity of watercourses. Manning 'n' values used in the calculations shall be consistent with the table presented in Appendix 23-C or other appropriate standard engineering 'n' value resources. Pipe capacities shall be determined by methods acceptable to the Municipality. The Pennsylvania DEP, 25 Pa.Code, Chapter 105, rules and regulations, apply to the construction, modification, operation or maintenance of both existing and proposed

dams, water obstructions and encroachments throughout the watershed. Criteria for design and construction of stormwater management facilities according to this Chapter may differ from the criteria that are used in the permitting of dams under the Dam Safety Program.

(Ord. 2007-1, 5/10/2007, §307)

Part 4**Drainage Plan Requirements****§23-401. General Requirements.**

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

(Ord. 2007-1, 5/10/2007, §401)

§23-402. Exemptions.

Exemptions from the drainage plan requirements are as specified in §23-105.

(Ord. 2007-1, 5/10/2007, §402)

§23-403. Drainage Plan Contents.

The following items shall be included in the drainage plan:

1. *General.*
 - A. General description of project.
 - B. General description of proposed permanent stormwater controls.
 - C. The name and address of the project site, the name and address of the owner of the property and the name of the individual or firm preparing the drainage plan.
2. *Map(s) of the Project Area Showing.* The location of the project relative to highways, municipalities or other identifiable landmarks. Existing contours at intervals of 2 feet. In areas of steep slopes (greater than 15 percent), 5-foot contour intervals may be used. Off-site drainage areas impacting the project including topographic detail.
 - A. Streams, lakes, ponds or other bodies of water within the project area.
 - B. Other features including flood hazard boundaries, existing drainage swales, wetlands, closed depressions, sinkholes and areas of natural vegetation to be preserved.
 - C. Locations of proposed underground utilities, sewers and water lines. The locations of all existing and proposed utilities, sanitary sewers and water lines within 50 feet of property lines of the project site.
 - D. An overlay showing soil types and boundaries based on the Lehigh or Northampton County Soil Survey, as applicable, latest edition. Any hydric soils present on the site should be identified as such.
 - E. An overlay showing geologic types, boundaries and any special geologic features present on the site.
 - F. Proposed changes to land surface and vegetative cover.

- G. Proposed structures, roads, paved areas and buildings.
 - H. Final contours at intervals of 2 feet. In areas of steep slopes (greater than 15 percent), 5-foot contour intervals may be used.
 - I. Stormwater management district boundaries applicable to the site.
 - J. Clear identification of the location and nature of permanent stormwater BMPs.
 - K. An adequate access easement around all stormwater BMPs that would provide municipal ingress to and egress from a public right-of-way.
 - L. A schematic showing all tributaries contributing flow to the site and all existing man-made features beyond the property boundary that would be affected by the project.
 - M. The location of all public water supply wells within 400 feet of the project and all private water supply wells within 100 feet of the project.
3. *Stormwater Management Controls and BMPs.*
- A. All stormwater management controls and BMPs shall be shown on a map and described, including:
 - (1) Groundwater recharge methods such as seepage pits, beds or trenches. When these structures are used, the locations of septic tank infiltration areas and wells shall be shown.
 - (2) Other control devices or methods such as roof-top storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc. All calculations, assumptions and criteria used in the design of the BMPs shall be shown.
 - (3) All site testing data used to determine the feasibility of infiltration on a site.
 - (4) All details and specifications for the construction of the stormwater management controls and BMPs.
4. The BMP operations and management plan, as required in Part 7, describing how each permanent stormwater BMP will be operated and maintained and the identity of the person(s) responsible for operations and maintenance. A statement must be included, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without approval by the Municipality.
5. An environmental resources site design assessment that describes the following:
- A. The extent to which the proposed grading and impervious cover avoid disturbance of significant environmental resources and preserve existing site hydrology.
 - B. An assessment of whether alternative grading and impervious cover site design could lessen the disturbance of significant environmental resources and/or make better use of the site hydrologic resources.
 - C. A description of how the propose stormwater management controls the BMPs serve to mitigate any adverse impacts on environmental resources on the site. Significant environmental resources considered in the site design assessment

include, but are not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, floodplains, riparian vegetation, native vegetation and special geologic features.

(Ord. 2007-1, 5/10/2007, §403)

§23-404. Plan Submission.

1. For regulated activities specified in §§23-104.3.A. and 23-104.3.B:
 - A. The drainage plan shall be submitted by the developer to the municipal secretary (or other appropriate person) as part of the preliminary plan submission for the subdivision or land development.
 - B. Four copies of the drainage plan shall be submitted.
 - C. Distribution of the drainage plan will be as follows:
 - (1) One copy to the Municipal Governing Body.
 - (2) One copy to the Township Engineer.
 - (3) Two copies to the Lehigh Valley Planning Commission, except for drainage plans involving less than 10,000 square feet of additional impervious cover.
 - D. Drainage plans involving more than 10,000 square feet of additional impervious cover shall be submitted by the developer (possibly through the Municipality) to the Lehigh Valley Planning Commission as part of the preliminary plan submission. The Lehigh Valley Planning Commission will conduct an advisory review of the drainage plan for consistency with the Jordan Creek Watershed Stormwater Management Plan. The LVPC will not review details of the erosion and sedimentation plan or the BMP operations and maintenance plan.
 - (1) Two copies of the drainage plan shall be submitted.
 - (2) The LVPC will provide written comments to the developer and the Municipality, within a time frame consistent with established procedures under the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as to whether the drainage plan has been found to be consistent with the Stormwater Management Plan.
2. For regulated activities specified in §§23-104.3.C. and 23-104.3.D., the drainage plan shall be submitted by the developer to the municipal building permit officer as part of the building permit application.
3. For regulated activities specified in §§23-104.3.E, 23-104.3.F and 23-104.3.G:
 - A. The drainage plan shall be submitted by the developer to the Lehigh Valley Planning Commission for coordination with the DEP permit application process under 25 Pa.Code, Chapter 105, (Dam Safety and Waterway Management), 25 Pa.Code, Chapter 106, (Floodplain Management) of DEP's Rules and Regulations and the NPDES regulations.
 - B. One copy of the drainage plan shall be submitted.
4. Earthmoving for all regulated activities under §23-104 shall be conducted in accordance with the current Federal and State regulations relative to the NPDES and DEP 25 Pa.Code, Chapter 102, regulations.

(Ord. 2007-1, 5/10/2007, §404)

§23-405. Drainage Plan Review.

1. The Municipality shall review the drainage plan, including the BMP operations and maintenance plan, for consistency with the adopted Jordan Creek Watershed Stormwater Management Plan as embodied by this Chapter and with any permits issued by DEP. The Municipality shall also review the drainage plan against any additional storm drainage provisions contained in the municipal subdivision and land development or zoning ordinance, as applicable.
2. The Municipality shall notify the applicant in writing whether the drainage plan, including the BMP operations and maintenance plan, is approved.
3. The Municipality shall not approve any subdivision or land development (regulated activities §§23-104.3.A and 23-104.3.B) or building permit application (regulated activities §§23-104.3.C and 23-104.3.D) if the drainage plan has been found to be inconsistent with the Stormwater Management Plan.
4. The Municipality may require an “as-built survey” of all stormwater BMPs and an explanation of any discrepancies with the drainage plan.

(Ord. 2007-1, 5/10/2007, §405)

§23-406. Modification of Plans.

A modification to a submitted drainage plan for a proposed development site which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the drainage plan (as determined by the Municipality) shall require a resubmission of the modified drainage plan consistent with §23-404 subject to review per §23-405 of this Chapter.

(Ord. 2007-1, 5/10/2007, §406)

§23-407. Hardship Waiver Procedure.

The Municipality may hear requests for waivers where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The waiver request shall be in writing and accompanied by the requisite fee based upon a fee schedule adopted by the Municipality. A copy of the waiver request shall be provided to each of the following:

Municipality, Township Engineer, Township Solicitor and Lehigh Valley Planning Commission. The request shall fully document the nature of the alleged hardship. The Municipality may grant a waiver provided that all of the following findings are made in given case:

1. That there are unique physical circumstances or conditions, including irregularity of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the stormwater management district in which the property is located.
2. That because of such physical circumstances or conditions, there is no

possibility that the property can be developed in strict conformity with the provisions of this Chapter, including the “no harm” provisions, and that the authorization of a waiver is therefore necessary to enable the reasonable use of the property.

- A. That such unnecessary hardship has not been created by the applicant.
- B. That the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least modification possible of the regulation in issue.
- C. That financial hardship is not the criteria for granting of a hardship waiver.
- D. In granting any waiver, the Municipality may attach such conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. If a hardship waiver is granted, the applicant must still manage the quantity, velocity, direction and quality of resulting storm runoff as is necessary to prevent injury to health, safety or other property.
 - (1) For regulated activities described in §§23-104.3.A and 23-104.3.B, the Board of Supervisors shall hear requests for and decide on hardship waiver requests on behalf of the Municipality.
 - (2) For regulated activities in §§23-104.3.C, 23-104.3.D, 23-104.3.E, 23-104.3.F and 23-104.3.G, the Zoning Hearing Board shall hear requests for and decide on hardship waiver requests on behalf of the Municipality.
 - (3) The Municipality shall not waive the water quality provisions of this Chapter.

(Ord. 2007-1, 5/10/2007, §407)

Part 5**Inspections****§23-501. Schedule of Inspections.**

1. DEP or its designees (e.g., County Conservation District) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the Municipality or its designee may inspect all phases of the construction, operations, maintenance and any other implementation of stormwater BMPs.
2. During any stage of the regulated earth disturbance activities, if the Municipality or its designee determines that any BMPs are not being implemented in accordance with this Chapter, the Municipality may suspend or revoke any existing permits issued by the Municipality or other approvals issued by the Municipality until the deficiencies are correct.

(Ord. 2007-1, 5/10/2007, §501)

Part 6**Fees and Expenses****§23-601. General.**

The Municipality may charge a reasonable fee for review of the drainage plan, including the BMP operations and maintenance plan, to defray review costs incurred by the Municipality. The applicant shall pay all such fees.

(Ord. 2007-1, 5/10/2007, §601)

§23-602. Expenses Covered by Fees.

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

1. The review of the drainage plan, including the BMP operations and maintenance plan, by the Municipality.
2. The site inspection.
3. The inspection of required controls and improvements during construction.
4. The final inspection upon completion of the controls and improvements required in the plan.
5. Any additional work required to monitor and enforce any permit provisions, regulated by this Chapter, correct violations, and assure the completion of stipulated remedial actions.
6. Administrative and clerical costs.

(Ord. 2007-1, 5/10/2007, §602)

Part 7**Stormwater BMP Operations and Maintenance Plan Requirements****§23-701. General Requirements.**

No regulated earth disturbance activities within the Municipality shall commence until approval by the Municipality of the BMP operations and maintenance plan which describes how the permanent (e.g., postconstruction) stormwater BMPs will be properly operated and maintained.

(Ord. 2007-1, 5/10/2007, §701)

§23-702. Responsibilities for Operations and Maintenance of BMPs.

1. The BMP operations and maintenance plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater BMPs, as follows:
 - A. If a plan includes structures or lots which are to be separately owned and if which streets, sewers and other public improvements are to be dedicated to the Municipality, stormwater BMPs may also be dedicated to and maintained by the Municipality.
 - B. If a plan includes operations and maintenance by a single owner or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater BMPs shall be the responsibility of the owner or private management entity.
2. The Municipality shall make the final determination on the continuing operations and maintenance responsibilities. The Municipality reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater BMPs.

(Ord. 2007-1, 5/10/2007, §702)

§23-703. Adherence to Approved BMP Operations and Maintenance Plan.

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

(Ord. 2007-1, 5/10/2007, §703)

§23-704. Operations and Maintenance Agreement for Privately Owned Stormwater BMPs.

1. The property owner shall sign an operations and maintenance agreement with the Municipality covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix 23-E of this Chapter.
2. Other items may be included in the agreement where determined by the Municipality to be reasonable or necessary to guarantee the satisfactory operation and

maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the Municipality.

(Ord. 2007-1, 5/10/2007, §704)

§23-705. Stormwater Management Easements.

Stormwater management easements shall be provided by the property owner if necessary for access for inspections and maintenance or for preservation of stormwater conveyance, infiltration, detention areas and other BMPs by persons other than the property owner. The purpose of the easement shall be specified in any agreement under §23-704.

(Ord. 2007-1, 5/10/2007, §705)

§23-706. Recording of Approved BMP Operations and Maintenance Plan and Related Agreements.

1. The owner of any land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP operations and maintenance plan, shall record the following documents in the Office of the Recorder of Deeds for Lehigh or Northampton County, as applicable, within 90 days of approval of the BMP operations and maintenance plan by the Municipality:
 - A. The operations and maintenance plan or a summary thereof.
 - B. Operations and maintenance agreements under §23-704.
 - C. Easements under §23-705.
2. The Municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section.

(Ord. 2007-1, 5/10/2007, §706)

§23-707. Municipal Stormwater BMP Operations and Maintenance Fund.

1. If stormwater BMPs are accepted by the Municipality for dedication, the Municipality may require the applicant to pay a specified amount to the Municipal Stormwater BMP operations and maintenance fund to help defray costs of operations and maintenance activities. The amount may be determined as follows:
 - A. If the BMP is to be owned and maintained by the Municipality, the amount shall cover the estimated costs for operation and maintenance in perpetuity, as determined by the Municipality.
 - B. The amount shall then be converted to present worth of the annual series values.
2. If a BMP is proposed that also serves as a recreation facility (e.g., ball field, lake), the Municipality may adjust the amount due accordingly.

(Ord. 2007-1, 5/10/2007, §707)

Part 8**Prohibitions****§23-801. Prohibited Discharges.**

1. No person in the Municipality shall allow or cause to allow stormwater discharges into the Municipality's separate storm sewer system which are not composed entirely of stormwater except as provided in subsection .2 below or as allowed under a State or Federal permit.
2. Discharges that may be allowed based on the Municipality finding that the discharge(s) do not significantly contribute pollution to surface waters of the Commonwealth are listed below.
 - A. Discharges from firefighting activities.
 - B. Potable water sources including dechlorinated water line and fire hydrant flushings.
 - C. Irrigation drainage.
 - D. Routine external building washdown which does not use detergents or other compounds.
 - E. Air conditioning condensate.
 - F. Water from individual residential car washing.
 - G. Springs.
 - H. Water from crawl space pumps.
 - I. Uncontaminated water from foundation or footing drains.
 - J. Flows from riparian habitats and wetlands.
 - K. Lawn watering.
 - L. Pavement wash waters where spills or leaks of toxic or hazardous materials may not occurred (unless all spill material has been removed) and where detergents are not used.
 - M. Dechlorinated swimming pool discharges.
 - N. Uncontaminated groundwater.
3. In the event that the Municipality determines that any of the discharges identified in subsection .2 significantly contribute to pollution of waters of the Commonwealth or is so notified by DEP, the Municipality will notify the responsible person to cease the discharge.
4. Upon notice provided by the Municipality under subsection .3, the discharger will have a reasonable time, as determined by the Municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.
5. Nothing in this Section shall affect a discharger's responsibilities under State law.

(Ord. 2007-1, 5/10/2007, §801)

§23-802. Prohibited Connections.

The following connections are prohibited, except as provided in §23-801.2 above:

1. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater and wash water to enter the separate storm sewer system and any connections to the storm drain system from indoor drains and sinks.
2. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps or equivalent records and approved by the Municipality.

(Ord. 2007-1, 5/10/2007, §802)

§23-803. Roof Drains.

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

(Ord. 2007-1, 5/10/2007, §803)

§23-804. Alteration of BMPs.

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

(Ord. 2007-1, 5/10/2007, §804)

Part 9**Right of Entry, Notification and Enforcement****§23-901. Right of Entry.**

1. Upon presentation of proper credentials and with the consent of the land owner, duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the implementation, condition or operation and maintenance of the stormwater BMPs or to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Chapter.
2. In the event that the land owner refuses admission to the property, duly authorized representatives of the Municipality may seek an administrative search warrant issued by a magisterial district judge to gain access to the property. [A.O.]

(Ord. 2007-1, 5/10/2007, §901; as amended by A.O.)

§23-902. Notification.

1. Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Municipality may order compliance by written notice to the responsible person. Such notice may require, without limitation:
 - A. The name of the owner of record and any other person against whom the Municipality intends to take action.
 - B. The location of the property in violation.
 - C. The performance of monitoring, analyses and reporting.
 - D. The elimination of prohibited connections or discharges.
 - E. Cessation of any violating discharges, practices or operations.
 - F. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
 - G. Payment of a fine to cover administrative and remediation costs.
 - H. The implementation of stormwater BMPs.
 - I. Operation and maintenance of stormwater BMPs.
2. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s). Said notice may further advise that should the violator fail to take the required action within the established deadline, the work will be done by the Municipality or designee and the expense thereof, together with all related lien and enforcement fees, charges and expenses, shall be charged to the violator.
3. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Chapter. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

(Ord. 2007-1, 5/10/2007, §902)

§23-903. Public Nuisance.

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

(Ord. 2007-1, 5/10/2007, §903)

§23-904. Suspension and Revocation of Permits and Approvals.

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

(Ord. 2007-1, 5/10/2007, §904)

§23-905. Penalties.

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney's fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to a separate violation, unless the magisterial district judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. [A.O.]
2. The court of common pleas, upon petition, may grant an order of stay upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Municipality the right to commence any action for enforcement pursuant to this Section.
4. Magisterial district judges shall have initial jurisdiction in proceedings brought under this Section. [A.O.]
5. In addition, the Municipality, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(Ord. 2007-1, 5/10/2007, §905; as amended by A.O.)

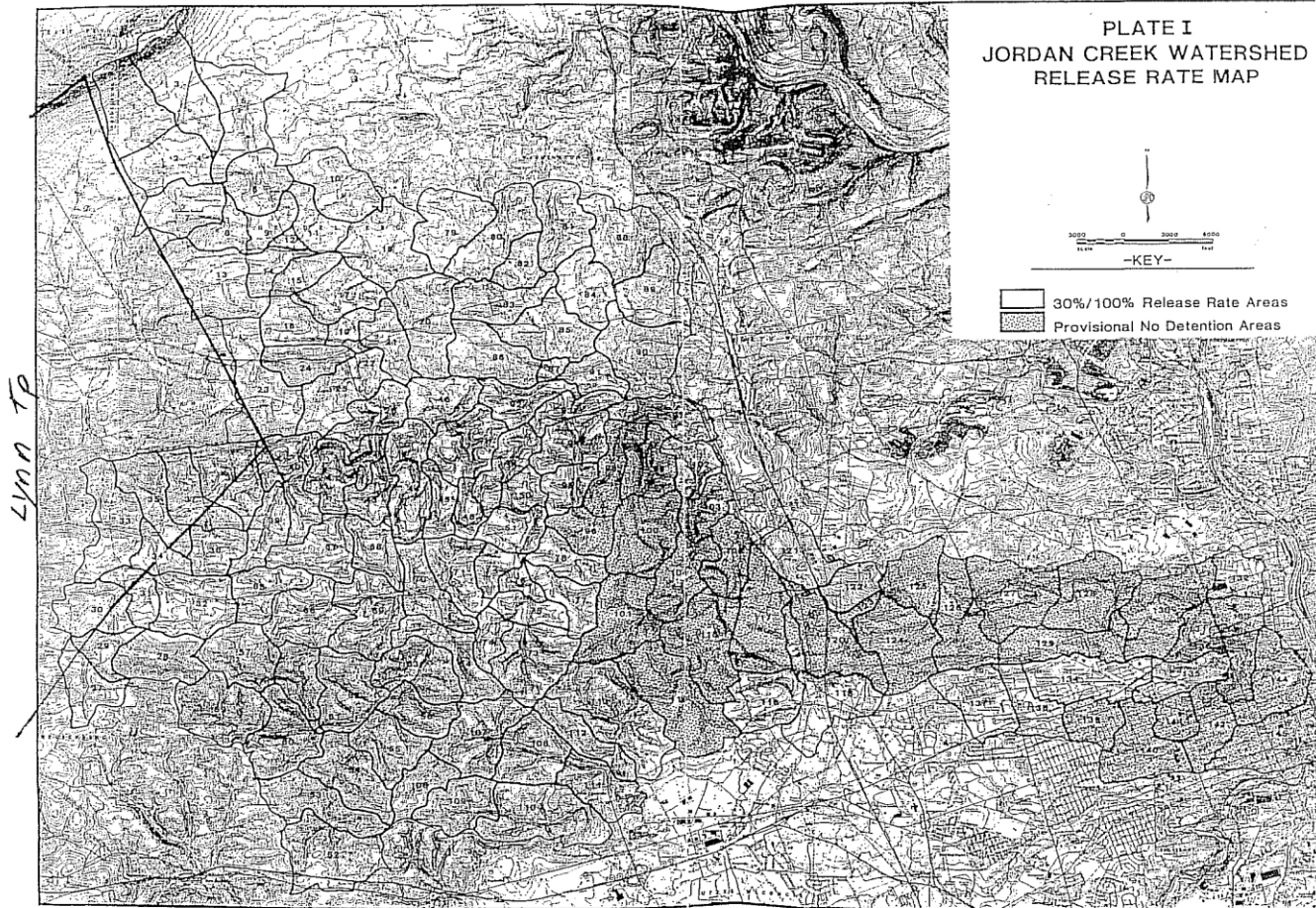
§23-906. Appeals.

Any person aggrieved by any action of the Municipality or its designee relevant to the provisions of this Chapter may appeal using the appeal procedures established in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(Ord. 2007-1, 5/10/2007, §906)

Appendix 23-A

A-1 Map of Jordan Creek Watershed in Lynn Township and Neighboring Region



Appendix 23-B

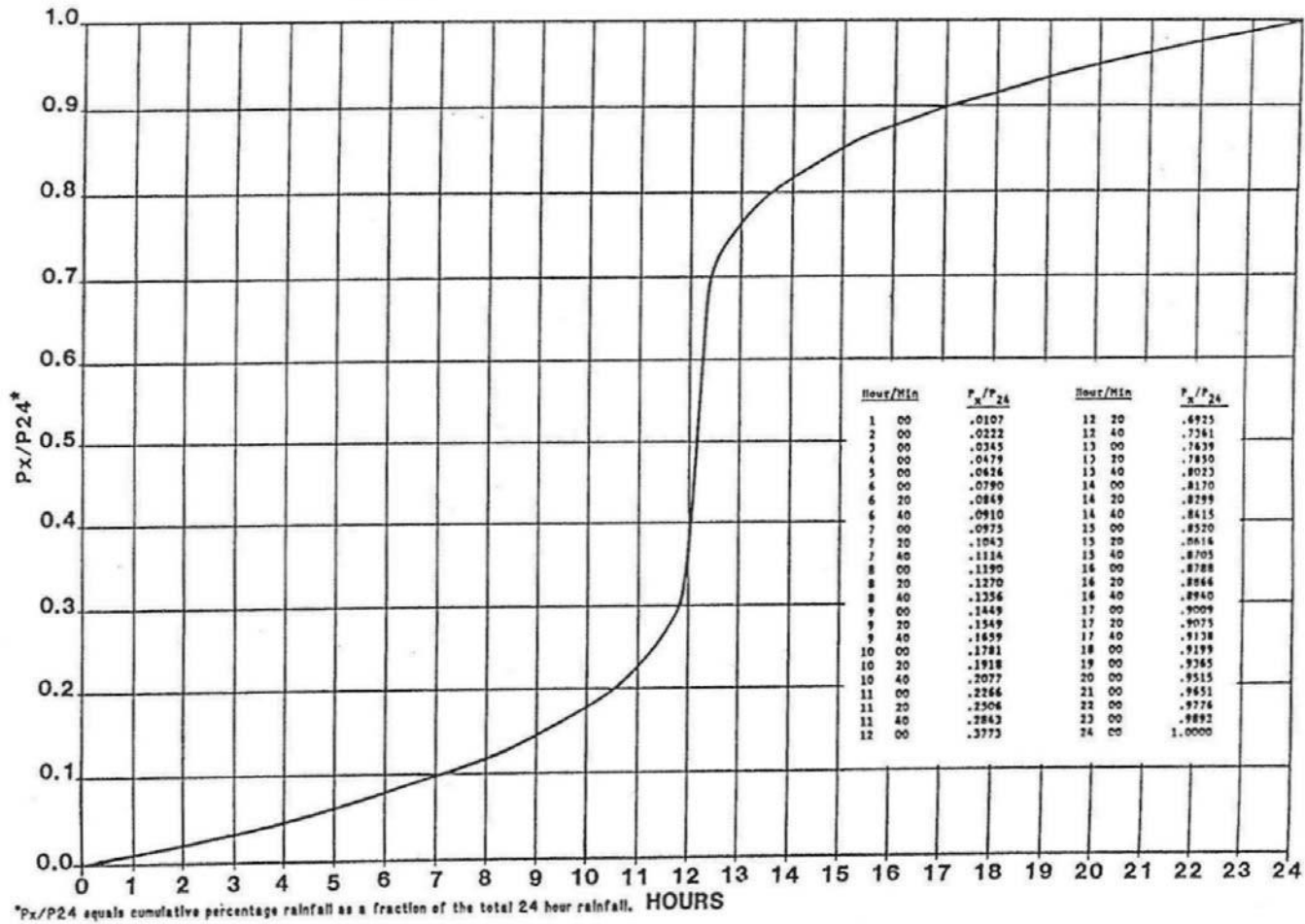
(Not Included in Plan Copy Text) B-1

Map of Storm Drainage Problem Areas

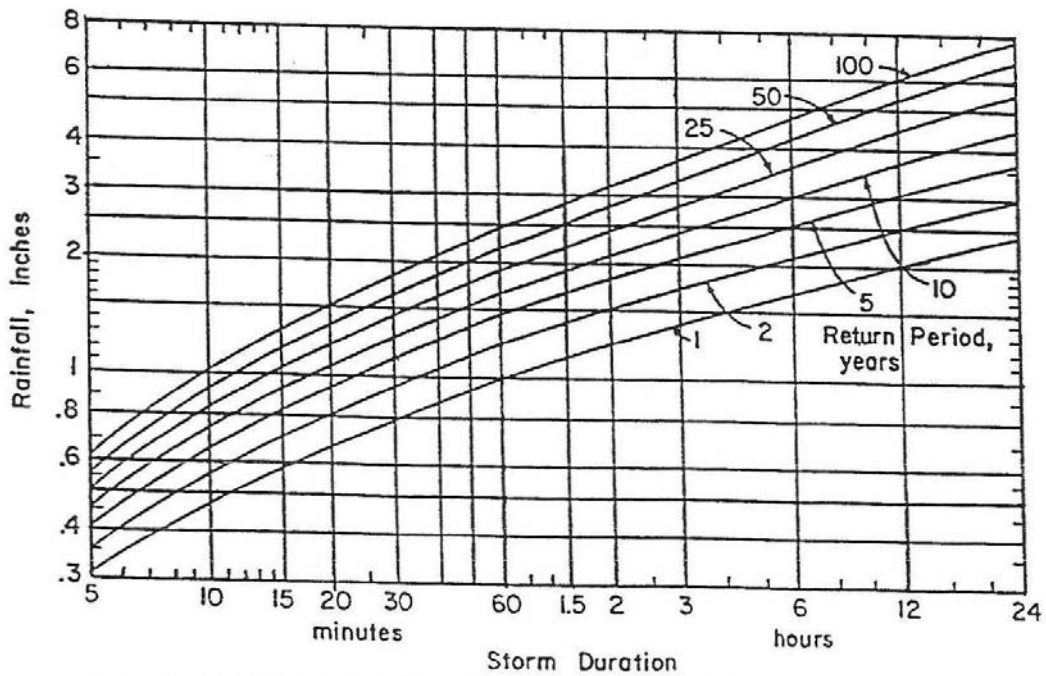
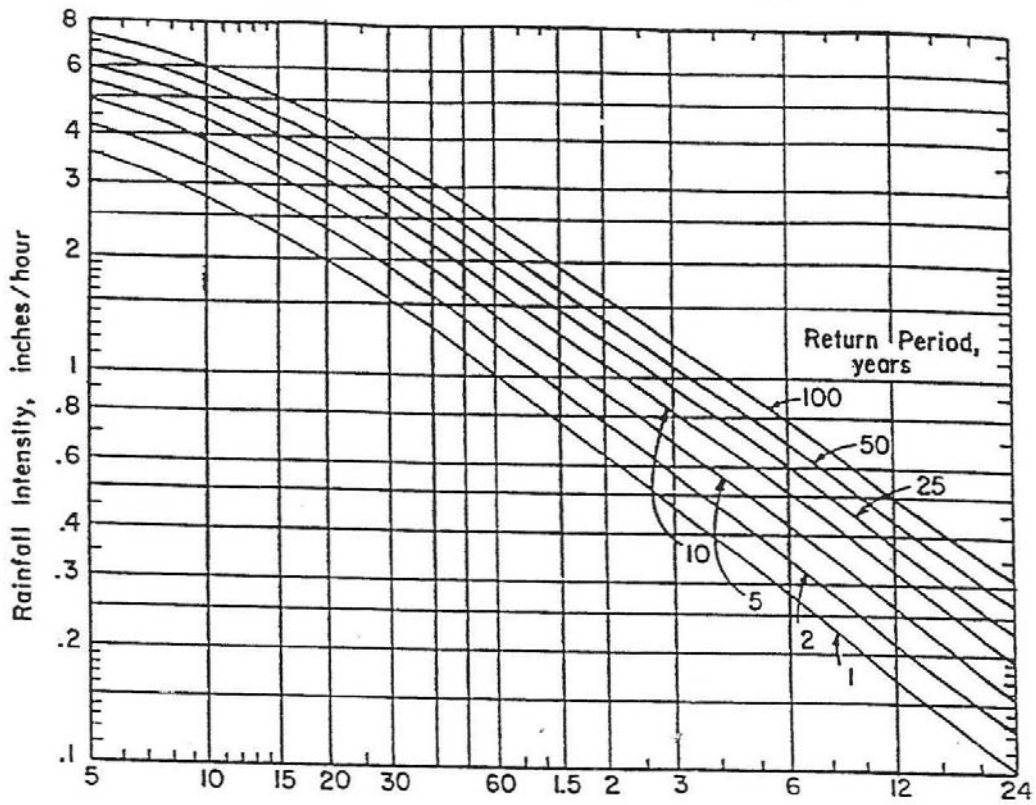
B-2 Description of Storm Drainage Problem Areas

Appendix 23-C

C-1 NRCS Type II 24-Hour Rainfall Distribution (Graphic & Tabular)



C-2 Intensity-Duration-Frequency Curves



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

C-3 Runoff Curve Numbers and Percent Imperviousness Values*

Cover Description	Average Percent Impervious Area	Curve Numbers for Hydrologic Soil Group**			
		A	B	C	D
Land Use Cover Type					
Open space (lawns, parks, golf courses, cemeteries, etc.):					
Good condition (grass cover greater than 75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way)		98	98	98	98
Paved; open ditches (including right-of-way)		83	89	92	93
Gravel (including right-of-way)		76	85	89	91
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
acre or less (townhouses)	65	77	85	90	92
¼ acre	38	61	75	83	87
aacre	30	57	72	81	86
½ acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
Woods		30	55	70	77
Agriculture		Refer to Table 2-2b in source document (TR55) by crop type and treatment.			

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

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

C-4 Runoff Coefficients for the Rational Method*
Hydrologic Soil Group and Slope Range**

Land Use	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Cultivated ^A	^a 0.18	0.23	0.28	0.24	0.29	0.33	0.30	0.34	0.38	0.33	0.37	0.41
	^b 0.23	0.29	0.34	0.30	0.36	0.40	0.36	0.41	0.45	0.39	0.44	0.48
Pasture ^B	0.13	0.17	0.19	0.19	0.24	0.29	0.27	0.31	0.36	0.31	0.35	0.39
	0.12	0.17	0.23	0.24	0.30	0.36	0.33	0.38	0.43	0.37	0.42	0.46
Meadow, Lawn ^C	0.08	0.12	0.15	0.15	0.20	0.24	0.23	0.28	0.32	0.28	0.32	0.36
	0.07	0.12	0.17	0.19	0.25	0.30	0.28	0.34	0.39	0.33	0.39	0.43
Forest, Woods	0.05	0.08	0.11	0.11	0.16	0.20	0.20	0.25	0.29	0.25	0.30	0.34
	0.04	0.08	0.12	0.15	0.21	0.26	0.25	0.31	0.36	0.31	0.37	0.41
Gravel	0.29	0.33	0.38	0.38	0.43	0.47	0.35	0.39	0.43	0.37	0.41	0.44
	0.30	0.36	0.40	0.38	0.43	0.47	0.42	0.46	0.50	0.44	0.48	0.51
Parking, Other	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
Impervious	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97
Residential, Commercial, Industrial and Other "Developed"	Runoff coefficients should be calculated based upon weighted average impervious area coefficients and pervious area coefficients from above based upon soil type, slope and the particular development proposal.											

*Coefficients for all land uses except parking and other impervious cover are based on the Rossmiller Equation for translating NRCS curve numbers into Rational Method 'c' values. The source for the parking and other impervious cover coefficients is RAWLS, WJ., S.L. WONG and R.H. McCUEN, 1981. Comparison of urban flood frequency procedures. Preliminary draft report prepared for the Soil Conservation Service, Beltsville, MD.

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

Runoff coefficients for storm recurrence intervals less than 25 years. b-Runoff

coefficients for storm recurrence intervals of 25 years or more.

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

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

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

C-5 Manning 'n' Values

Manning 'n' Values by Typical Reach Description

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

Roughness Coefficients (Manning 'n') for Sheet Flow

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

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

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

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

Appendix 23-D

Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock*

Site Risk Factors	Geology Type	Carbonate Bedrock																							
	Effective Soil Thickness	Less than 2 Feet						2 to 4 feet						Over 4 feet to 8 feet						Over 8 feet					
	Special Geologic Features**	Low Med/High Buffer		Low Buffer		Medium Buffer		High Buffer		Low Buffer		Medium Buffer		High Buffer		Low Buffer		Medium Buffer		High Buffer					
Site Investigation Recommended	(Unacceptable)	Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary			
Design Factors	Infiltration Loading Rates (% increases)***	(Unacceptable)	0-100%	100-300%	300-500%	0-100%	100-300%	300-500%	0-100%	100-300%	300-500%	0-100%	100-300%	300-500%	0-100%	100-300%	300-500%	0-100%	100-300%	300-500%	0-100%	100-300%	300-500%		
Program Summary Guidance****			1		1				1		2				1		2				1				



RECOMMENDED



NOT RECOMMENDED

* Source: Developed by Cahill Associates based on information in "Technical Best Management Practice Manual and Infiltration Feasibility Report," November 2002 and input from the LVPC, 2003.

** Special Geologic Feature Buffer widths are as follows: Low

- Buffer is less than 50 feet
- Medium Buffer is 50 feet to 100 feet
- High Buffer is greater than 100 feet

*** Rates greater than 500% not recommended.

**** Assumes adequately permeable soils and lack of natural constraints as required for all infiltration systems.

1. Infiltration systems may be allowed at the determination of the Engineer and/or Geologist, provided that a detailed site investigation is undertaken which confirms nature of rock, location of Special Geologic Features, and adequacy of the buffer and the proposed stormwater system(s).
2. In those Special Geologic Features: Low buffer situations, infiltration systems may be allowed at the determination of the Engineer and/or Geologist, provided that a detailed site investigation is undertaken and a 25-foot buffer from SGFs is maintained.

APPENDIX 23-E

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

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

WITNESSETH

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

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

WHEREAS, the stormwater management BMP operations and maintenance plan approved by the Municipality (hereinafter referred to as the “Plan”) for the property identified herein, which is attached hereto as Appendix 23-A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the property through the use of Best Management Practices (BMP’s); and

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

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

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

recharge of stormwater into the soil and/or underground aquifer, and

WHEREAS; the Municipality requires, through the implementation of the plan, that stormwater management BMPs as required by said plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the landowner, his successors and assigns, and

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

1. The BMPs shall be constructed by the landowner in accordance with the plans and specifications identified in the plan.
2. The landowner shall operate and maintain the BMP(s) as shown on the plan in good working order acceptable to the Municipality and in accordance with the specific maintenance requirements noted on the plan.
3. The landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the Municipality shall notify the landowner prior to entering the property.
4. In the event the landowner fails to operate and maintain the BMP(s) as shown on the plan in good working order acceptable to the Municipality, the Municipality or its representatives may enter upon the property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the Municipality to erect any permanent structure on the land of the landowner. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this agreement be construed to impose any such obligation on the Municipality.
5. In the event the Municipality, pursuant to this agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Municipality and of not timely paid, a municipal lien shall be placed upon the premises for 110 percent of the invoice amount, plus statutorily allowed fees, expenses and costs.
6. The intent and purpose of this agreement is to ensure the proper maintenance of the onsite BMP(s) by the landowner; provided, however, that this agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The landowner, its executors, administrators, assigns, and other successors in interests, hereby release and hold harmless the Municipality's employees and designated representatives from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives

from the construction, presence, existence, or maintenance of the BMP(s) by the landowner or Municipality. In the event that a claim is asserted against the Municipality, its designated representatives or employees, the Municipality shall promptly notify the landowner and the landowner shall defend, at his own expense, any suit based on the claim if any judgment or claims against the Municipality's employees or designated representatives shall be allowed, the landowner shall pay all costs and expenses regarding said judgment or claim.

8. The Municipality shall inspect the BMP(s) as necessary to ensure their continued functioning.

This agreement shall be recorded at the Office of the Recorder of Deeds of Lehigh County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the municipality:

(SEAL)

For the landowner:

ATTEST:

_____ (City, Borough, Township)

County of _____, Pennsylvania

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

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

Notary Public

(Seal)

APPENDIX 23-F

LOW IMPACT DEVELOPMENT PRACTICES

ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

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

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

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

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

depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.

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

- **Constructing Cluster Developments.** Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings is in street length, which also will reduce costs of the development. Cluster development clusters the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

APPENDIX 23-G

PRELIMINARY SITE INVESTIGATION AND TESTING REQUIREMENTS

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

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

Preliminary Site Investigation Required for Sites Intending to Use Infiltration

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

- Geologic maps and references for the development area
- The Little Lehigh Creek Basin Carbonate Prototype Area Closed Depression Map - available at the LVPC
- USGS topographic maps
- Lehigh and Northampton County soil survey maps
- Aerial photographs from the LVPC or other sources
- Relevant Pennsylvania Geologic Survey Open File Reports that provide maps of sinkholes and Karst features for Lehigh County (OF 87-01) and Northampton County (OF 87-02)
- Kochanov and Reese (2003). Density of Mapped Karst Feature in South-Central and Southeastern Pennsylvania (Map 68)
- DCNR Online Sinkhole Inventory - (<http://www.dcnr.state.pa.us/topogeo/hazards/sinhole/default.asp>)

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

Soil Test Pit and Percolation Test Requirements: A minimum of one test pit and a minimum of two percolation tests are required for every site. A test pit is a 2-3 foot wide, 8-foot deep trench excavated with a backhoe for observing subsurface conditions. The test pits will be used to describe soil depth and quality, including soil horizons, and testing of permeability or percolation rates and can be conducted by a certified sewage enforcement officer.

Percolation tests are to be conducted as follows (adapted from 25 Pa.Code, §73.15, "Percolation Tests"):

1. The percolation tests shall be made in separate holes uniformly spaced over the possible infiltration area.
2. An "initial presoak" should not be performed.
3. Percolation holes located within the possible infiltration area shall be used in that calculation of the average percolation rate.
4. Holes having a uniform diameter of 6 to 10-inches shall be bored or dug as follows:
 - a. To the depth of the bottom of the possible infiltration BMP.
 - b. Alternate depths if the test pits/auger holes indicate that the soils are more suitable at a different depth (i.e., if a clay horizon is identified and more suitable soils are located beneath the horizon, and infiltration test should be performed in the suitable horizon).
5. The bottom and sides of the hole shall be scarified with a knife blade or sharp- pointed instrument to completely remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Loose material shall be removed from the hole. Two inches of coarse sand or fine gravel shall be placed in the bottom of the hole to protect the soil from scouring and clogging of the pores.
6. Immediately before the percolation test, as a final presoak, water shall be placed in the hole to a minimum depth of 6 inches over the gravel and readjusted every 30 minutes for 1 hour.
7. The drop in the water level during the last 30 minutes of the final presoaking period shall be applied to the following standard to determine the time interval between readings for each percolation hole:
 - a. If water remains in the hole, the interval for readings during the percolation test shall be 30 minutes.
 - b. If no water remains in the hole, the interval for readings during the percolation test may be reduced to 10 minutes.
8. After the final presoaking period, water in the hole shall again be adjusted to approximately 6-inches over the gravel and readjusted when necessary after each reading.
 - a. Measurement to the water level in the individual percolation holes shall be made from a fixed reference point and shall continue at the interval determined from step No. 7 (above) for each individual percolation hole until a minimum of eight readings are completed or until a stabilized rate of drop is obtained, whichever occurs first. A stabilized rate of drop means a difference of ¼-inch or less of drop between the highest and lowest readings of four consecutive readings.
 - b. The drop that occurs in the final period in percolation test holes, expressed as inches per hour, shall be used to calculate the average percolation rate.
 - c. When the rate of drop in a percolation test is too slow to obtain a measurable rate, the rate of 0.25 inches per hour shall be assigned to that hole for use in

calculating the average percolation rate. The infiltration area may be placed over holes with no measurable rate when the average percolation rate for the possible infiltration area is within the acceptable range.

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

Additional Site Investigation and Testing Required if Infiltration is Proposed

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

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

*No. of Test Pits required infiltration sq. ft. x test pit density from chart rounded up to the nearest whole number.

**No. of Percolation Test required = Infiltration sq. ft. 143,560 sq. ft. x percolation tests from chart rounded up to the nearest whole number.

***Auger testing is only required on Carbonate sites.

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

Percolation Testing Requirements: For each proposed infiltration area, a minimum of six percolation tests shall be conducted with a vertical component permeability test unless the applicant can demonstrate that fewer tests accurately represent the

percolation rate of the proposed infiltration area. Additional testing shall be required if the initial test results show significant variability in the vertical component percolation rate. For large infiltration areas, percolation tests shall be conducted at the densities listed in the table above.

Chapter 25

[Reserved]

Chapter 26 Water

Part 1

Water Conservation

- §26-101. General Policy
- §26-102. Water Conservation Performance Standards for Plumbing Fixtures and Fittings
- §26-103. Special Provisions
- §26-104. Official Review and Modification
- §26-105. Violations

Part 1**Water Conservation****§26-101. General Policy.**

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental, or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way, unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of §26-102 of this Part. The provisions of this Part shall apply to any such building or structure constructed or remodeled on or after March 10, 1992.

(Ord. 1992-1, 3/5/1992, §2)

§26-102. Water Conservation Performance Standards for Plumbing Fixtures and Fittings.

1. *Water Closets and Associated Flushing Mechanisms.* The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6M.
2. *Urinals and Associated Flushing Mechanisms.* Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6M.
3. *Showerheads.* Showerhead discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.
4. *Faucets.* Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

(Ord. 1992-1, 3/5/1992, §3)

§26-103. Special Provisions.

1. *Special Purpose Equipment.* The performance standards of §26-102 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets, and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.
2. *Exemptions.* Any person(s) may apply to the Board of Supervisors of Lynn Township for an exemption to the terms of this Part, which may be granted by the Board of Supervisors, upon proof that some other device, system or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with, without undue hardship.

(Ord. 1992-1, 3/5/1992, §4)

§26-104. Official Review and Modification.

The Board of Supervisors may, from time to time, modify, add to, or remove from the standards and restrictions herein.

(Ord. 1992-1, 3/5/1992, §5)

§26-105. Violations.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1992-1, 3/5/1992, §6; as amended by A.O.)

Chapter 27 Zoning

Part 1

Title and Purpose

- §27-101. Title
- §27-102. Short Title
- §27-103. Declaration of Purpose

Part 2

Application of Regulations

- §27-201. Uniformity of Application
- §27-202. Application of Regulations
- §27-203. Relationship of this Ordinance to Other Provisions of Law

Part 3

Districts and Boundaries

- §27-301. Classes of Districts
- §27-302. District Boundaries
- §27-303. Blue Mountain Preservation - BM
- §27-304. Agricultural Preservation - AP
- §27-305. Rural - R
- §27-306. Village Center - VC
- §27-307. Rural Village - RV
- §27-308. General Commercial/General Industrial - GC/CI
- §27-309. Rural Residential – RR
- §27-310. Age Qualified Community Overlay District – AQC-OD

Part 4

Supplemental Regulations

- §27-401. Applicability
- §27-402. Environmental Protection Areas
- §27-403. General Regulations
- §27-404. Regulations Particular to One District or One Use
- §27-405. Industrial Performance Standards
- §27-406. Parking and Loading Requirements
- §27-407. Signs
- §27-408. Logging
- §27-409. Boulder Fields

Part 5

Special Exception Uses

- §27-501. Procedure for Special Exception Uses
- §27-502. General Standards
- §27-503. Standards Relevant to Individual Uses

Part 6

Administration and Enforcement

- §27-601. Zoning Officer
- §27-602. Building Permits
- §27-603. Fees
- §27-604. Site Plan Review for Selected Residential and Nonresidential Uses
- §27-605. Nonconforming Lots, Structures, and Uses
- §27-606. Violation and Enforcement
- §27-607. Exemptions

Part 7

Zoning Hearing Board

- §27-701. Organization
- §27-702. Procedure
- §27-703. Jurisdiction
- §27-704. Special Exception Uses
- §27-705. Variances
- §27-706. Challenge to the Validity of the Zoning Ordinance or Map

Part 8

Procedure for Amendment

- §27-801. Power to Amend
- §27-802. Public Hearing and Notice
- §27-803. Definitions

Part 9

Definitions

- §27-901. Definitions

Zoning Map Amendments

Part 1**Title and Purpose****§27-101. Title.**

An ordinance establishing districts and regulations in regard to the use of land within each district in Lynn Township, and providing means by which to enforce this Chapter.

(Ord. 1982-1, 6/3/1982, §110)

§27-102. Short Title.

This ordinance shall be known and may be cited as the "Lynn Township Zoning Ordinance."

(Ord. 1982-1, 6/3/1982, §120; and by Ord. 13-2, 11/14/13§1)

§27-103. Declaration of Purpose.

The purpose of this Chapter is to promote the public health, safety, morals, and general welfare of the Township, its residents, and its landowners. This Chapter is also intended to promote the following specific objectives:

1. To protect the established character and the social and economic well-being of both private and public property.
2. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.
3. To secure safety from fire, panic, flooding and other danger, and to provide adequate light, air, and convenience of access.
4. To prevent overcrowding of land and buildings and to avoid undue concentration of population.
5. To prevent, where possible, traffic congestion on public streets.
6. To guide and direct the orderly development of and the use of land in Lynn Township in accordance with the plans and policies of the Lynn Township Comprehensive Plan of 1968 as revised by the Multi-Municipal Comprehensive Plan for the Northern Region of Lehigh County. These policies include, but are not limited to: *[Ord. 13-2]*
 - A. To maintain the character of the Township as rural rather than to promote its suburbanization. *[Ord. 1994-3]*
 - B. To preserve the agricultural economy of the Township. *[Ord. 1994-3]*
 - C. To guide development so as to be in harmony with the Township's natural features. *[Ord. 1994-3]*
 - D. To provide limited development opportunities in areas adjacent to those villages where utility services exist. *[Ord. 1994-3]*
 - E. To provide for a convenient and safe system of traffic movement within the Township. *[Ord. 1994-3]*
 - F. To promote the arrangement of adjacent land uses for maximum compatibility. *[Ord. 1994-3]*

(Ord. 1982-1, 6/3/1982, §130; Ord. 1994-3, 9/1/1994, §§1, 2; and by Ord. 13-2, 11/14/13§2)

Part 2**Application of Regulations****§27-201. Uniformity of Application.**

The regulations set forth by this Chapter are to be considered the minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare. The regulations shall apply uniformly to each class of uses and structure within each district except as otherwise provided in this Chapter.

(Ord. 1982-1, 6/3/1982, §210)

§27-202. Application of Regulations.

No structure or land shall be used or occupied and no structure or part thereof shall be erected, constructed, reconstructed, moved, or altered after the effective date of this Chapter except in conformity with the intent and regulations specified in this Chapter for the district in which it is located. This provision shall not apply to nonconformities as provided in §27-605 or where a variance is warranted as provided for in §27-705.

1. No yard or lot existing at the effective date of this Chapter shall be reduced in dimensions or area below the minimum applicable requirements specified in this Chapter.
2. Yards or lots created on or after the effective date of this Chapter shall meet or exceed the minimum applicable requirements specified in this Chapter.
3. No more than one principal use shall be permitted on a lot unless specifically permitted by this Chapter. *[Ord. 1989-4]*

(Ord. 1982-1, 6/3/1982, §220; as amended by Ord. 1989-4, 10/5/1989, §1)

§27-203. Relation of this Ordinance to Other Provisions of Law.

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements adopted for the public health, safety, morals and general welfare. Where this Chapter imposes a greater restriction upon the use of buildings, structures, or requires larger lots, yards, courts, or other open space than imposed or required by other provisions of law, ordinance, or regulation, the provisions of this Chapter shall control. Wherever the provisions of any other law or ordinance or regulations impose a greater restriction than this Chapter, the provisions of such other law or ordinance or regulation shall control.

(Ord. 1982-1, 6/3/1982, §230)

Part 3
Districts and Boundaries

§27-301. Classes of Districts.

For the purpose of this Chapter, Lynn Township is hereby divided into the following districts:

1. Blue Mountain Preservation - BM.
2. Agriculture Preservation - AP.
3. Rural - R.
4. Village Center - VC.
5. Rural Village - RV.
6. General Commercial/General Industrial - GC/GI.
7. Rural Residential - RR.
8. Environmental Protection Overlay – ER.
9. Mixed Use Residential Neighborhood Overlay – MURN-OD. [*Ord. 13-2*]
10. Age Qualified Community Overlay District – AQC-OD [*Ord. 14-4*]

(*Ord. 1982-1, 6/3/1982, §310; Ord. 2006-7, 11/2/2006, Art. I, §1; Ord. 13-2, 11/14/13§3; and by Ord. 14-4, 7/10/14, §§1-2*)

§27-302. District Boundaries.

1. *Zoning Map.* The boundaries of each district or zone are established as shown on the Official Zoning Map of Lynn Township which, together with any explanatory matter thereon, is declared to be part of this Chapter. The Official Zoning Map shall be signed by the Chairman of the Board of Supervisors and by the Chairman of the Planning Commission. This Map shall be located and displayed in the office of the Zoning Officer. Any subsequent amendment to this Chapter which involves matter portrayed on the Official Zoning Map shall be promptly reflected on the Official Zoning Map. The map which accompanies this Chapter is a replica of the Official Zoning Map at the date of the adoption of this Chapter.
2. *Replacement of Official Zoning Map.* In the event that the Official Zoning Map becomes damaged, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map, or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.
3. *Delineation of District Boundaries.* The following rules shall apply as to the delineation of district boundaries.
 - A. Where district boundaries are indicated or approximately coinciding with the center lines of streets, highways, public utility rights of way, or streams, such center lines shall be construed to be such boundaries.
 - B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries.

- C. Where district boundaries are so indicated that they are approximately parallel to lot lines or the center lines of streets, highways, public utility rights of way, or streams, such district boundaries shall be construed as being parallel thereto. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 4. *Interpretation of District Boundaries.* In cases of uncertainty as to the true location of a district boundary line in a particular instance, the determination thereof shall be made by the Zoning Officer. Appeals of decisions by the Zoning Officer may be taken to the Zoning Hearing Board, as provided in §27-703 of this Chapter.

(Ord. 1982-1, 6/3/1982, §320)

§27-303. Blue Mountain Preservation - BM. [Ord. 2006-7]

- 1. *Intent.* The purpose of this district is to provide for uses and for intensities of uses compatible with the severe topographic limitations and the minimal development related infrastructure such as roads and utilities available in the area. Further, the district is to protect the esthetic beauty of the Blue Mountain area, to conserve the unique and sensitive natural features and resources present in the Blue Mountain Preservation - BM District. The Blue Mountain is recognized in the report, *A Natural Inventory of Lehigh and Northampton Counties, Pennsylvania*, as an exceptional natural feature. This zone represents the confluence of unique natural systems which include: steep slopes, woodlands, boulder fields, springs, streams, wetlands, aquifer recharge zones, raptor migratory paths, and black bear and other wildlife habitat. Woodlands, agricultural operations, and wildlife habitat are to be conserved. In order to achieve this purpose, this Chapter does provide for very low densities appropriate to the zone and flexible design standards where a perpetual conservation easement is offered to an IRS §§501 (c)(3) and 170(h) qualified natural land conservation organization or the Township. [Ord. 2006-7].
- 2. *Permitted Uses.* These uses are permitted by right in this district. Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit.
 - A. Agriculture.
 - B. Animal husbandry.
 - C. Logging, provided the provisions of §27-408 are met.
 - D. Sale of agricultural products at roadside stands, pursuant to the requirements of §27-304.8.A.
 - E. Wildlife sanctuary, nature center, outdoor education laboratory, woodland preserve or arboretum.
 - F. Single-family detached dwelling.
 - G. Cluster Development.

[Ord. 2002-2]

- 3. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable regulations of this Chapter. There shall be a maximum of one accessory structure on a lot of 0 to 20 acres and two accessory structures on a lot larger than 20 acres. The first structure shall not exceed 1,400 square feet (foot print) and the second structure shall not exceed 900 square feet (foot print). [Ord. 2002-2]

- A. Private garage or private parking areas, pursuant to §§27-403.1 and 27-406.
 - B. Other customary accessory structure and use, pursuant to §27-403.1.
 - C. Sign, pursuant to §27-407.
 - D. Home occupation, pursuant to §27-404.4.
 - E. Private noncommercial swimming pool, pursuant to §27-403.9.
 - F. No-Impact Home-Based Business. [Ord. 13-2]
4. *Special Exception Uses.* Application for these uses is subject to review by the Zoning Hearing Board according to the provisions of §27-704. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 5 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter and to protect the public health, safety, morals, and the general welfare.
- A. Membership club.
 - B. Nurseries, greenhouses and related horticultural uses. [Ord. 2002-3]
 - C. Game farm, hunting and fishing reserves or similar uses designed for the protection or propagation of wildlife. [Ord. 2002-3]
5. *Lot Area, Width, Lot Coverage and Height Measurement.*

Use	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Maximum Bldg. Height
Agriculture	None	None	5%	None
All other Uses	10 acres	500 feet	0 - 10 Ac - 5% 11 - 30 Ac. - 4% 31 plus Ac. - 3%	35'
Single-Family Detached Dwelling	10 acres	500 feet	5%	35'

[Ord. 2002-2]

6. *Minimum Yard Requirements.* Front yard, side yard with abutting street, measured from the centerline of the road.

	Front Yard	Each Side Yard	Side Yard w/Abutting Street	Rear Yard
Agriculture except structures	None	None	None	None
All other uses, including structures customarily associated with agriculture.				
Local Road	75 feet	30 feet	75 feet [Ord. 2002-2]	50 feet
Collector Road	80 feet	30 feet	80 feet [Ord. 2002-2]	50 feet
Arterial Road	90 feet	30 feet	90 feet [Ord. 2002-2]	50 feet

[Ord. 1993-2]

All structures, except underground utility service, shall be set back at least 100 feet from the top of any stream bank, edge of wetland, any body of water or any environmentally sensitive area. [Ord. 2002-2]

7. *Cluster Development.*

- A. The purpose of the cluster development is to permit, subject to final approval by the Board of Supervisors, high quality lot layouts, planning and landscaping designs for residential subdivision in a Blue Mountain Preservation - BM District. Furthermore, certain area and dimensional specifications, pursuant to this Section are a means for residential developers to improve the feasibility of creating attractive and practical designs in lot layout, street alignment and building orientation, while preserving desirable natural features. All cluster developments shall meet the requirements of this Section and all applicable sections of the Lynn Township Subdivision and Land Development Ordinance [Chapter 22] and this Chapter. [Ord. 2006-7]
- B. The minimum lot size shall be 3 acres per single-family detached dwelling.
- C. The lot area, width, lot coverage and height shall conform to §27-402.3.B(1) for 3-acre lots.
- D. The maximum lot coverage shall be 8 percent.
- E. The maximum density shall not exceed 1 single-family detached dwelling per 10 gross acres.
- F. No building or structure may be erected, constructed, reconstructed, altered or moved upon or within any resources protected land and open space area, as such term is defined in the Subdivision and Land Development Ordinance [Chapter 22].
- G. The open space, which is the remaining usable site area but not developed as part of the cluster development, shall be protected from development in perpetuity. The perpetual preservation of open space shall be in accordance with this Chapter.

[Ord. 2002-2]

8. *Open Space and Resource Protected Land.*

- A. The area set aside as open space and resource protected lands shall be subject to one of the following methods, as selected by the owner, for ensuring permanent protection of the same against further subdivision and development, or any activity deleterious to the purposes for which the Blue Mountain Preservation - BM District exists: [Ord. 2006-7]

Open space agreement in such form as shall be acceptable to the Township and which shall be executed by the owner and the Township Board of Supervisors, be recorded in the Office of Recorder of Deeds and noted along the margin of the last recorded deed containing the legal or metes and bounds description of the open space.

(1) Conservation easement in such form as shall be acceptable to the Township and which shall be executed by the owner granting enforcement rights to (a) a qualified natural land conservation organization meeting the requirements of IRS §§501(c)(3) and 170(h), (b) the Wildlands Conservancy, (c) the Commonwealth of Pennsylvania Game Commission, or, on the discretion of the Township, to the Township or other political subdivision. Such conservation easement shall be recorded in the Office of Recorder of Deeds and noted along the margin of the last recorded deed containing the legal or metes and bounds description of the open space.

(2) Declaration of covenants in such form as shall be acceptable to the Township and which shall be executed by the owner and the Township Board of Supervisors, be recorded in the Office of Recorder of Deeds and noted along the margin of the last recorded deed containing the legal or metes and bounds description of the open space.

(3) Deed restriction(s) in such form as shall be acceptable to the Township and which shall be executed by the owner and the Township Board of Supervisors, be recorded in the Office of Recorder of Deeds and noted along the margin of the last recorded deed containing the legal or metes and bounds description of the open space.

(4) Dedication of the open space by fee simple deed to the Township, provided the Township agrees to accept such dedication by resolution.

[Ord. 2002-2]

9. For any construction or development proposed in the Blue Mountain Preservation - BM District, compliance with all of the following provisions, i.e., §§27-303.9.A through 27-303.9.E, shall be required: [Ord. 2006-7]

A. *Submission of an Existing Resource and Site Analysis Plan.* This plan must contain the minimum following information:

- (1) The plan shall be clearly and legibly drawn to a scale of 1 inch equals 100 feet for sites under 100 acres and 1 inch equals 200 feet for sites over 100 acres. If additional plans are needed to show unique detail of the site, that scale shall be 1 inch equals 50 feet.
- (2) The plan shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. The use of county aerial survey maps will be accepted.
- (3) The plan shall include topography, from USGS maps. The topographic plan shall have 2-foot contour intervals, interpolated from USGS maps. The Building Permit Officer may specify greater or lesser intervals on steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated.
- (4) The plan shall include streams, woodlands, (woodlands over ½ acre from aerial photographs where available), ridge lines, public and private roads and trails.
- (5) The plan shall show natural drainage patterns, water resources, drainage swales, ditches, drains, ponds, quarries, lakes, floodplains, floodways, wetlands, permanent and seasonal high water table areas.

- (6) The plan shall show soils types and provide a soil description of all the soils present on the site. The soil analysis shall include prime agricultural soil areas, soils with shallow depth to bedrock, soils most susceptible to erosion, soils most suitable for urban development, floodplain soils, wetland soils and soils generally suitable for on-lot sewage disposal. The plan shall be based on information from the latest Lehigh County Soil Survey.
 - (7) The plan shall show geologic formations, including rock outcroppings, boulder fields, cliffs and visible sinkholes.
 - (8) The plan shall show vegetative cover including, but not limited to, cultivated land, permanent grassland, meadow, pasture, woodland, wetland, tree and canopy lines.
 - (9) The plan shall identify watershed boundaries.
 - (10) The plan shall identify all existing man-made features.
 - (11) The plan shall show all historically significant sites and structures including, but not limited to, cellar holes, stone walls, and marked graves.
 - (12) The plan shall identify all recorded utility easements, rights-of-way, public or private, public land and land protected under conservation easements.
 - (13) Where applicable, the plan shall include a wetland delineation plan and report by a qualified person.
 - (14) The plan shall include all surveys, dimensions, locations and size of resource protected land, and calculations of resource protected area, photographs and any other data as proof of the inventory.
 - (15) The plan shall include the total tract area, and the resource protected area, including the supporting calculations.
 - (16) The plan shall include an inventory table and location of all resource protected land listed in Appendix 22-F, Table 22-1, of the Lynn Township Subdivision and Land Development Ordinance [Chapter 22].
 - (17) The plan, maps and supporting documentation shall bear the name, signature, address, professional seal and telephone number of the qualified professional preparing the plan.
- B. *Woodland Disturbance.* Whenever any new use, construction or development involves the disturbance of any woodland, the following regulations shall apply:
- (1) *Woodland Disturbance.*
 - (a) Woodland disturbance, including alteration or removal of any hedgerows, shall be minimized. Hedgerows shall not be removed if they are on the property line. Within 150 feet of any permitted structure, dead, injured, noxious weed and/or diseased vegetation may be removed.
 - (b) No specimen vegetation, which appears on the list of protected or endangered species maintained by the Commonwealth of Pennsylvania or

the United States Government or which provides a habitat for protected or endangered animal species on such lists shall be removed from any tract, except where applicant demonstrates to the satisfaction of the Board of Supervisors that such removal is essential to eliminate hazardous conditions, diseased or blighted specimen vegetation, or to otherwise permit lawful use of the lot or tract. Where permitted, removal of specimen vegetation shall be minimized. Specimen trees to be retained within the area to be disturbed shall be credited toward any tree replacement.

- (c) If the woodland disturbance exceeds 20,000 square feet for each permitted use, special exception use or driveway, woodland replacement shall be required in accordance with §27-303.9.C.
- (d) For each accessory use and clear sight triangle, the permitted removal of specimen vegetation and woodland disturbance shall not exceed 5,000 square feet. If the woodland disturbance exceeds 5,000 square feet for any one of these uses, woodland replacement shall be required in accordance with Section.
- (e) The property owner may request an additional clear area around the permitted and accessory structures in wooded areas. This additional area shall be only for creating a fire safety zone or fire protection zone between the wooded area and the structures. A plan must be submitted to and reviewed by the Township at the same time a building permit application is submitted to the Township. Woodland replacement may be required in accordance with §27-303.9.C. The Township, based on the individual site features, will determine if woodland replacement is necessary.
- (f) In determining where necessary woodland disturbance shall occur, the applicant shall consider the following:
 - 1) The location and benefit of conservation of healthy and mature woodland stands.
 - 2) The impacts in terms of functions and value to wildlife of separating, dividing and/or encroaching on wildlife travel corridors and/or extensive habitat areas, especially woodlands exceeding 10 acres in area.
 - 3) In areas of permitted woodland disturbance and areas adjacent to permitted woodland disturbance, care shall be exercised to protect remaining trees from damage. The following procedures shall be utilized during construction in order to protect remaining trees:
 - a) Where existing trees are to remain, no change in existing grade shall be permitted within the drip line of the trees.
 - b) Roots shall not be cut within the drip line of any trees to remain, except as necessary for the installation of wells, septic systems and underground utilities.
 - c) Trees within 25 feet of a building or 15 feet bordering entrances or exits to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.

- d) Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the drip lines of trees to remain, except for mulched vegetative matter used to prevent compaction.
 - e) Tree trunks, limbs and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.
 - (g) All logging associated with woodland disturbance must conform to the standards of §27-408.
- C. *Woodland Replacement.* Whenever any new use, construction or development use involves a disturbance in excess of 20,000 square feet for each individual permitted use, special exception use or driveway, or involves a disturbance in excess of 5,000 square feet for each individual accessory use or site triangle, with respect to any woodland, the following woodland replacement regulations shall also apply:
- (1) *Woodland Replacement.*
 - (a) Where woodland disturbance involves more than 5,000 square feet or 20,000 square feet, as specified in this Chapter, one tree, 4½-inch caliper minimum (measured 3½ feet above grade) and two shrubs 24 to 30 inches in height, minimum, shall be planted for each 500 square feet, or fraction, in excess of the permitted woodland disturbance area. All specimen trees to be retained within the area proposed for disturbance shall be credited toward any tree replacement requirement, at a ratio of three trees credited for each individual specimen tree retained.
 - (b) Plantings and their measurement shall conform to the standards of the publications "American or USA Standard for Nursery Stock," ANSI or U.S.A.S. Z60.1 of the American Association of Nurseryman, as amended.
 - (c) All plant material used on the site shall have been grown within a similar or hardier USDA zone as the site and shall be nursery grown.
 - (d) Species of replacement plantings selected and planting locations shall reflect careful site evaluation and in particular the following considerations:
 - 1) Existing and proposed site conditions and their suitability for the plant materials, based upon the site geology, hydrology, soils and microclimate.
 - 2) Specific functional and design objectives of the plantings, which may include, but not necessarily be limited to, replacement of woodland area removed, enhancement of existing woodland or old field areas, reforestation of riparian buffer areas, provision for landscape buffer, visual screening habitats and aesthetic values.
 - 3) Maintenance considerations such as hardiness, resistance to

insects and disease, longevity and availability.

- 4) Because of the many benefits of native plants, ease of maintenance, longevity, wildlife habitat, the use of nursery grown free fruiting native trees and shrubs is strongly encouraged. Species selection should reflect species diversity characteristic of the native woodland. Use of nonnative and invasive planting is not permitted.
- D. *Woodland Management.* For any new use, construction or development proposed in the BM-Blue Mountain Preservation - BM District, compliance with all of the following shall be required: [Ord. 2006-7]
- (1) *Woodland Management.*
 - (a) The applicant shall include as part of the permit application, provisions for the long-term management of any woodland areas not subject to woodland disturbance and any area selected for introduction of replacement plantings in accordance with this Chapter. Where applicable, submission shall include a statement of woodland management objectives.
 - (b) Also, the plans shall demonstrate, to the satisfaction of the building permit officer, the feasibility of intended management practices, aiming to ensure the success of stated objectives, including the viability of introduced plantings, deterrence of invasive species, and means to minimize any future woodland disturbance.
 - (c) Applicants are strongly encouraged to seek woodland management assistance through the Pennsylvania "Forest Stewardship Program" administered by the Pennsylvania Bureau of Forestry.
- E. *Replacement Guarantee.* For any new use, construction or development proposed in the Blue Mountain Preservation - BM District which involves a disturbance in excess of 20,000 square feet for each individual permitted use, special exception use or driveway, or involves a disturbance in excess of 5,000 square feet for each individual accessory use or site triangle, with respect to any woodland, the following replacement guarantees shall also apply: [Ord. 2006-7]
- (1) *Replacement Guarantee.*
 - (a) All plantings new or replacement and any other required landscaping shall be guaranteed and maintained in a healthy and/or sound condition for at least 12 months or shall be replaced.
 - (b) The costs of landscape materials and installation shall be considered in determining the amount of any performance guarantee required. At the Township's discretion, the applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the proposed vegetation during the 12-month replacement period. In addition, an escrow may be required for the removal and replacement of specimen vegetation damaged during construction.

[Ord. 2002-3]

(Ord. 1982-1, 6/3/1982, §330; as amended by Ord. 1987-1, 5/7/1987, §1; by Ord. 1993-2, 2/4/1993, §§1, 2, and 3; by Ord. 2000-2, 11/2/2000, §1; by Ord. 2002-2, 9/5/2002, Art. I, §§1-7; by Ord. 2002-3, 9/5/2002, §2; and by Ord. 2006-7, 11/2/2006, Art. I, §1; and by Ord. 13-2, 11/14/13§4)

§27-304. Agriculture Preservation - AP. [Ord. 2006-7]

1. *Intent.* The purposes of this district are to promote the continued use of the area for agricultural purposes and to protect the integrity of the area for agricultural uses. Although limited non-agriculturally related residential development is permitted, this district is not intended to serve as an area for widespread suburban/exurban development.
2. *Permitted Uses.* These uses are permitted by right in this district. Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit.
 - A. Agriculture.
 - B. Animal husbandry.
 - C. Nurseries, greenhouses and related horticultural uses.
 - D. Logging, provided the provisions of §27-408 are met. [Ord. 2002-2]
 - E. Dwelling or other building customarily provided in conjunction with permitted agricultural and animal husbandry uses on-lots in existence on the effective date of this Ordinance. [Ord. 13-2]
 - F. Dwellings for temporary quarters for farm laborers, incident and necessary to the gathering of crops grown on the premises that conform to applicable State and Federal regulations for such structures.
 - G. Game farm, hunting and fishing reserves, or similar uses designed for the protection or propagation of wildlife, (shooting or target areas or stands without restriction, other than as to safety, shall be considered permitted uses in this district). [Ord. 1982-2]
 - H. Church, or other place of worship.
 - I. Cemetery or mausoleum.
 - J. Single-family detached dwellings pursuant to the provisions of §27-304.7.
 - K. Sale of agricultural products at roadside stands pursuant to the provisions of §27-304.8.
 - L. Local agricultural industries pursuant to the provisions of §27-304.8.
 - M. Wildlife sanctuary, nature center, outdoor education laboratory, woodland preserve or arboretum. [Ord. 1984-3]
3. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable regulations of this Chapter.
 - A. Private garage or private parking areas, pursuant to §§27-403.1 and 27-
 - B. Other customary accessory structure and use, pursuant to §27-403.1.
 - C. Sign, pursuant to §27-407.
 - D. Home occupation, pursuant to §27-404.4.
 - E. Private noncommercial swimming pool, pursuant to §27-403.9.
 - F. No-Impact Home-Based Business. [Ord. 13-2]
4. *Special Exception Uses.* Applications for these uses are subject to review by the Zoning Hearing Board according to the provisions of §27-704. These uses shall be permitted after the

Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 5 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter and to protect the public health, safety, morals, and the general welfare.

- A. Membership club.
 - B. Highway safety shelters.
 - C. Commercial recreation areas.
 - D. Sanitary landfill.
 - E. Extraction of mineral resources.
 - F. Conversions of existing structures to apartments.
 - G. Agri-business. [Ord. 1984-3]
 - H. On-lot business. [Ord. 1991-1]
 - I. Outdoor recreation areas. [Ord. 1993-2]
 - J. Public building such as fire station, municipal building and library. [Ord. 1999-2]
 - K. Heliport and helistop. [Ord. 1999-2]
 - L. Airport. [Ord. 1999-2]
 - M. Public or private school. [Ord. 2000-2]
5. *Lot Area, Width, Lot Coverage and Height Requirements.*

Use	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Maximum Bldg. Height
Construction of additional dwelling units, churches, membership clubs	30,000 sq. ft.	150 feet	20%	35'
All other Uses	None	None	20%	None
Sanitary Landfill	25 acres	200 feet	Use: 75% Buildings: 10% Total: 85%	35'
Extraction of Mineral Resources	3 acres	200 feet	Use: 75% Buildings: 10% Total: 85%	35'
Commercial Recreation Area	3 acres	200 feet	Use: 75% Buildings: 10% Total: 85%	35'

[Ord. 2003-1]

6. *Minimum Yard Requirements.*

	Front Yard	Each Side Yard	Side Yard w/Abutting Street	Rear Yard
Agriculture except structures	None	None	None	None
All other uses, including structures customarily associated with agriculture.				
Local Road	75 feet	30 feet	75 feet	50 feet
Collector Road	80 feet	30 feet	80 feet	50 feet
Arterial Road	90 feet	30 feet	90 feet	50 feet

[Ord. 1993-2]

7. *Nonagricultural Dwelling Units.* Single-family detached dwellings shall be constructed in accordance with the following provisions: [Ord. 13-2]

- A. *Maximum Percentage of New Lots Available for Non-Agricultural Development.* No more than one lot plus 10% of the area described in the recorded deed as it existed on the effective date of this Ordinance, shall be used for this purpose, including the area of any access roads constructed. Flag lots may be allowed provided the provisions of Section 404.8 are met. [Ord. 13-2]
- B. These provisions shall be applicable to each lot as defined by recorded deeds as of the effective date of this Chapter. These provisions shall be applied cumulatively from that date except as provided under §27-304.7.F.
- C. *Soil Characteristics of Lots.* The property owner shall locate the lots for single-family detached dwellings on the least agriculturally productive land feasible and in such a way as to minimize interference with agricultural production.
 - (1) Soils which fall within the Capability Classes IV through VIII, as described in the *Soil Survey of Lehigh County, Pennsylvania* (Series 1959, No. 31, issued November 1963), shall be considered the least agriculturally productive land.
 - (2) Areas which cannot feasibly be farmed (a) due to existing features of the site such as rock outcroppings or the fact that the area is heavily wooded, or (b) due to the fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of farm machinery shall be considered the next least agriculturally productive land.
 - (3) In the case where there is no area of the land which fits the criteria of subsections .7.C(1) and .7.C(2) which can feasibly be used for single-family detached dwellings, the property owner may use more agriculturally productive land.
 - (4) The applicant shall have the burden of proving that the land he seeks to subdivide for these purposes meets the criteria set forth in this Section or §27-304.7.E. In the case where the applicant disagrees with the classification given to the land by the *Soil Survey of Lehigh County, Pennsylvania* (Series 1959, No. 31, issued November 1963), he should contact the Soil Conservation Service or hire a qualified geologist or soil scientist to perform a more detailed analysis. The Zoning Officer may use the results of this analysis in

determining the applicability of the provisions of this Section.

D. *Suitability for Agricultural Use.* The land shall be considered unsuitable for agricultural use if:

- (1) Its soils fall within the Capability Classes V through VIII, as described in the *Soil Survey of Lehigh County, Pennsylvania* (Series 1959, No. 31, issued November 1963).
- (2) It cannot feasibly be farmed (a) due to the existing features of the site such as rock outcroppings, rock too close to the surface to permit plowing, swamps, the fact that the area is heavily wooded, or the fact that the slope of the area exceeds 15 percent, or (b) due to the fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of farm machinery.

E. The provisions of this Section shall not be deemed to regulate the division of land for agricultural purposes into parcels of more than 10 acres not involving any new street or easement of access or residential dwelling. [*Ord. 1987-1*]

8. *Sale of Agricultural Products and Agricultural Industries.*

A. The following regulations shall apply to the sale of agricultural products:

- (1) Fifty percent or more of the products sold shall be raised on the lot(s). [*Ord. 13-2*]
- (2) Off-street parking shall be provided at the rate of six parking spaces for each 1,000 square feet of sales area with a minimum of three spaces for any given establishment.
- (3) Sufficient space shall also be provided for off-street backing and turning movements of vehicles so that the flow of traffic is not hindered.
- (4) The provisions of §27-304.8 shall not apply to the sale of agricultural products to wholesalers, distributors, or other farmers.

B. All structures associated with agricultural industries activity shall not be located closer than 100 feet from any property line.

(*Ord. 1982-1, 6/3/1982, §340; as amended by Ord. 1982-2, 9/2/1982, §§1; by Ord. 1984-3, 7/5/1984, §§1-3; by Ord. 1987-1, 5/7/1987, §2; by Ord. 1991-1, 3/7/1991, §1; by Ord. 1993-2, 2/4/1993, §§4-7; by Ord. 1997-5, 10/2/1997, §5; by Ord. 1999-2, 2/4/1999, §§1, 7; by Ord. 1999-6, 10/7/1999, §1, 2; by Ord. 2000-2, 11/2/2000, §§2, 3; Ord. 2002-2, 9/5/2002, Art. I, §8; by Ord. 2003-1, 7/3/2003, §1; and by Ord. 2006-7, 11/2/2006, Art. I, §1; Ord. 13-2, 11/14/13, §§ 5-9*)

§27-305. Rural - R. [*Ord. 2006-7*]

1. *Intent.* The purpose of this district is to permit the conclusion of the development of this area with uses compatible with the existing uses. The densities are intended to reflect the lack of centralized sewer and water service and the character of the existing development.
2. *Permitted Uses.* These uses are permitted by right in this district. Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit.
 - A. Agriculture.
 - B. Sale of agricultural products pursuant to the requirements of §27-304.8.
 - C. Single-family detached dwelling.

- D. Church, Sunday school or other place of worship. [*Or. 1994-3*]
 - E. Logging, provided the provisions of §27-408 are met. [*Ord. 2002-2*]
3. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable regulations of this Chapter.
- A. Private garage or private parking areas, pursuant to §§27-403.1 and 27-406.
 - B. Other customary accessory structure and use, pursuant to §27-403.1.
 - C. Sign, pursuant to §27-407.
 - D. Home occupation, pursuant to §27-404.4.
 - E. Private noncommercial swimming pool, pursuant to §27-403.9.
 - F. No-Impact Home-Based Business. [*Ord. 13-2*]
4. *Lot Area, Width, Lot Coverage and Height Requirements.*

Use	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Maximum Bldg. Height
Agriculture	None	None	None	35'
All other Uses	1 acre	150'	10%	35'

5. *Minimum Yard Requirements.*

	Front Yard	Each Side Yard	Side Yard w/Abutting Street	Rear Yard
Agriculture except structures	None	None	None	None
All other uses, including structures customarily associated with agriculture.				
Local Road Collector	75 feet	30 feet	75 feet	50 feet
Road	80 feet	30 feet	80 feet	50 feet
Arterial Road	90 feet	30 feet	90 feet	50 feet

6. *Special Exception Uses.* Applications for these uses are subject to review by the Zoning Hearing Board according to the provisions of §27-704. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 5 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those necessary to implement the purpose of this Chapter and to protect the public health, safety, morals, and the general welfare.
- A. Outdoor recreation areas. [*Ord. 1993-2*]

(*Ord. 1982-1, 6/3/1982, §350; as amended by Ord. 1993-2, 2/4/1993, §§8-10; by Ord. 1994-3, 9/1/1994, §3; by Ord. 2002-2, 9/5/2002, Art. I, §8; Ord. 2006-7, 11/2/2006, Art. I, §1; and by Ord. 13-2, 11/14/13, §10*)

§27-306. Village Center - VC. [Ord. 2006-7]

1. *Intent.* The purpose of this district is to permit the expansion of intensive development around the village of New Tripoli where public sewer is available. Different housing needs are to be met by allowing a variety of housing types. Public and commercial uses are encouraged to locate in this focus for the Townships services.
2. *Permitted Uses.* These uses are permitted by right in this district. Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit.
 - A. Agriculture.
 - B. Single-family detached dwellings shall not be less than 30 percent of the total number of dwelling units on lots of 4 acres or more in existence at the enactment date of the date of this Chapter. [Ord. 2006-10]
 - C. Single-family semidetached dwellings (duplex) shall not exceed 20 percent of the total number of dwelling units on lots of 4 acres or more in existence at the enactment date of the date of this Chapter. [Ord. 2006-10]
 - D. Sale of agricultural products pursuant to the requirements of §27-304.8.
 - E. Church or other place of worship.
 - F. Public utility building, structure, or facility.
 - G. Public or private school.
 - H. Cemetery.

[Ord. 1994-3]

- I. Logging, provided the provisions of §27-408 are met. [Ord. 2002-2]
3. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable regulations of this Chapter.
 - A. Private garage or private parking areas, pursuant to §§27-403.1 and 27-406.
 - B. Other customary accessory structure and use, pursuant to §27-403.1.
 - C. Sign, pursuant to §27-407.
 - D. Home occupation, pursuant to §27-404.4.
 - E. Private noncommercial swimming pool, pursuant to §27-403.9.
 - F. No-Impact Home-Based Business. [Ord. 13-2]
4. *Special Exception Uses.* Applications for these uses are subject to review by the Zoning Hearing Board according to the provisions of §27-407. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 5 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter and to protect the public health, safety, morals, and the general welfare.

- A. Mobile home park.
 - B. Conversion of existing structures to apartments.
 - C. Retail store or shop.
 - D. Business or professional office.
 - E. Bank or other financial institution.
 - F. Personal service or repair establishment.
 - G. Automobile service station.
 - H. Restaurant, tavern, or other establishment serving food or beverage.
 - I. Private membership club.
 - J. Recreational vehicle park.
 - K. Commercial recreation areas.
 - L. Single-family attached dwellings (townhouses) shall not exceed 50 percent of the total number of dwelling units on lots of 4 acres or more in existence at the enactment date of the date of this Chapter. [Ord. 2006-10]
 - M. Multi-family dwellings (apartments) shall not exceed 20 percent of the total number of dwelling units on lots of 4 acres or more in existence at the enactment date of the date of this Chapter. [Ord. 2006-10]
 - N. Outdoor recreation areas.
 - O. Public buildings such as fire station, municipal building and library. [Ord. 1994-3]
 - P. The number of single-family attached dwellings (townhouses) plus the number of multi-family dwellings (apartments) shall not exceed 50 percent of the total number of dwelling units on lots of 4 acres or more in existence at the enactment date of the date of this Chapter. [Ord. 2006-10]
5. *Lot Area, Width, Lot Coverage and Height Requirements.*

Use	Min. Lot Area	Max. No. Units per Gross Acre	Min. Lot Width	Max. Lot Coverage	Max. Bldg. Height
Single-family detached dwelling	8,000 sq. ft.	-----	55 feet	30%	35 feet
Single-family semi-detached dwelling	8,000 sq. ft.	-----	45 feet	40%	35 feet
Single-family attached dwelling with on-lot water	-----	6	20 feet	40%	35 feet

Use	Min. Lot Area	Max. No. Units per Gross Acre	Min. Lot Width	Max. Lot Coverage	Max. Bldg. Height
with central	-----	7	20 feet	40%	35 feet
Multi-family	-----	8	none	40%	35 feet
[Ord. 2006-10]					
Mobile Home Parks	10 acres	5	none	25%	25 feet
Conversions of dwelling units	none	-----	none	none	none
Agriculture, recreation uses, cemetery	none	-----	-----	-----	-----
Commercial Campground	6 acres	-----	-----	10%	35 feet
All other uses	10,000 sq. ft.	-----	80 feet	35%	35 feet
[Ord. 1994-3]					

6. *Sewer Connection.* Upon construction, all principal uses in this district, except agriculture, sale of agricultural products, outdoor recreation areas and cemetery, shall be subject to the requirements of §2502 of the Second Class Township Code, 53 P.S. §67502, which mandates connection to a public sanitary sewage disposal system in certain instances. Thereafter, such principal use shall comply with the provisions of §27-405.5. [Ord. 2007-3]
7. *Minimum Yard Requirements.*

**Front Yard, and Side Yard with Abutting Street,
Measured from the Centerline of the Road**

Front Yard and Side Yard w/abutting street

	Local Road	Collector Road	Arterial Road	Unattached Side Yard	Rear Yard
Single-family Detached Dwelling	55 feet	60 feet	70 feet	7 feet	25 feet

Front Yard and Side Yard w/abutting street

	Local Road	Collector Road	Arterial Road	Unattached Side Yard	Rear Yard
Single-family semidetached dwelling	55 feet	60 feet	70 feet	10 feet	20 feet
Single-family attached					
with off-street parking	65 feet	70 feet	80 feet	25 feet	35 feet
with on-street parking	55 feet	60 feet	70 feet	15 feet	25 feet
[Ord. 1999-6]					
Multi-family dwelling	55 feet	60 feet	70 feet	15 feet	25 feet
Mobile home parks	70 feet	75 feet	85 feet	30 feet	40 feet
Conversions of dwelling units	55 feet	60 feet	70 feet	7 feet	25 feet
Agriculture, except structures	none	none	none	none	none
Recreation, cemetery, except structures	none	none	none	none	none
Commercial campground	70 feet	75 feet	85 feet	30 feet	40 feet
All other uses	55 feet	60 feet	70 feet	10 feet	30 feet

[Ord. 1993-2]

(Ord. 1982-1, 6/3/1982, §360; as amended by Ord. 1989-1, 4/6/1989, §§1 and 2; by Ord. 1989-4, 10/5/1989, §2; by Ord. 1993-2, 2/4/1993, §§11-13; by Ord. 1994-3, 9/1/1994, §§4, 5, and 6; by Ord. 1999-6, 10/7/1999, §§3, 4; ; by Ord. 2002-2, 9/5/2002, Art. I, §8; by Ord. 2005-1, 11/3/2005, §2; by Ord. 2006-7, 11/2/2006, Art. I, §1; by Ord. 2006-10, 12/27/2006, §§1-4; Ord. 2007-3, 10/11/2007, §1 and by Ord. 13-2, 11/14/13, §11-13)

§27-307. Rural Village - RV. [Ord. 2006-7]

1. *Intent.* The purpose of this district is to recognize the existing concentration of development in such areas and to encourage the further location of commercial and community facilities insofar as is appropriate in recognition of the lack of centralized utilities in such areas. The villages are planned to continue to serve as limited service bases for the surrounding agricultural areas.
2. *Permitted Uses.* These uses are permitted by right in this district. Upon demonstration to the Zoning Officer that the dimensional and other applicable

requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit.

- A. Agriculture.
 - B. Sale of agricultural products, pursuant to the requirements of §27-304.8.A.
 - C. Local agricultural industries, pursuant to the requirements of §27-304.8.B.
 - D. Single-family detached dwelling.
 - E. Church or other place of worship.
 - F. Public utility building, structure or facility.
 - G. Retail store or shop.
 - H. Bank or other financial institutions.
 - I. Barber shop, beauty shop, self-service laundry or dry cleaning establishment or pick-up agency, tailor or dressmaking shop, or other personal service store or shop.
 - J. General servicing or repair shop, such as watch, clock, radio, television or other home appliance repair.
 - K. Restaurant, café, tavern or other place serving food and beverage.
 - L. Automobile and other machinery sales with accessory service facilities.
 - M. Logging, provided the provisions of §27-408 are met. [*Ord. 2002-2*]
3. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable regulations of this Chapter.
- A. Private garage or private parking areas, pursuant to §§27-403.1 and 27-406.
 - B. Other customary accessory structure and use, pursuant to §27-403.1.
 - C. Sign, pursuant to §27-407.
 - D. Home occupation, pursuant to §27-404.4.
 - E. Private noncommercial swimming pool, pursuant to §27-403.9.
 - F. No-Impact Home-Base Business. [*Ord. 13-2*]
4. *Special Exception Uses.* Applications for these uses are subject to review by the Zoning Hearing Board according to the provisions of §27-704. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 5 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter and to protect the public health, safety, morals, and the general welfare.
- A. Conversion of existing structures to apartments.
 - B. Membership club.
 - C. Drive-in bank.
 - D. Commercial recreation areas.
 - E. Automobile service stations.
 - F. Outdoor recreation areas. [*Ord. 1993-2*]
 - G. Business or professional office, medical or dental clinic. [*Ord. 1993-2*]
 - H. Public buildings such as fire station, municipal building or library. [*Ord. 1993-2*]

5. *Lot Area, Width, Lot Coverage and Height Requirements.*

Use	Min. Lot Area	Min. Lot Width	Max. Lot Coverage	Max. Bldg. Height
Agriculture Single-family Dwelling	None	None	10%	35 feet
Units	43,560 sq. ft.	120 feet	10%	35 feet
All other Uses	43,560 sq. ft.	120 feet	25%	35 feet

6. *Minimum Yard Requirements.*

Front Yard, and Side Yard with Abutting Street, Measured From the Centerline of the Road

Front Yard and Side Yard with Abutting Street

	Front Yard and Side Yard with Abutting Street	Side Yard	Rear Yard
Agriculture except for structures	None	None	None
Single-family Dwelling		15 feet	50 feet
Local Road	55 feet		
Collector Road	60 feet		
Arterial Road	70 feet		
All other uses, including structures customarily associated with agriculture		10 feet	30 feet
Local Road	55 feet		
Collector Road	60 feet		
Arterial Road	70 feet		

[Ord. 1993-2]

(Ord. 1982-1, 6/3/1982, §370; as amended by Ord. 1993-2, 2/4/1993, §§14–16; by Ord. 1994-3, 9/1/1994, §7; by Ord. 2002-2, 9/5/2002, Art. I, §8; Ord. 2006-7, 11/2/2006, Art. I, §1; and by Ord. 13-2, 11/14/13 §14)

§27-308. General Commercial/General Industrial - GC/CI. [Ord. 2006-7]

1. *Intent.* The purpose of this district is to provide an area where intensive commercial and industrial development could be located. The development of such areas is intended to take advantage of the public sewers and excellent access available.
2. *Permitted Uses.* These uses are permitted by right in the district. Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit.

- A. Any manufacturing or assembly operation meeting the performance standards of this Chapter.
 - B. Agriculture.
 - C. Wholesaling and warehousing operations.
 - D. Retail stores (selling items such as food, clothing, furniture, drugs, etc.)
 - E. Professional, medical and business offices.
 - F. Restaurants.
 - G. Personal and repair services.
 - H. Automobile sales and services.
 - I. Automobile service stations.
 - J. Wholesale operations.
 - K. Public buildings such as fire stations, municipal buildings and libraries. [*Ord. 1994-3*]
 - L. Mini-mall [*Ord. 1996-2*]
 - M. Logging, provided the provisions of §27-408 are met. [*Ord. 2002-2*]
3. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable provisions of this Chapter.
- A. Parking and loading facilities, pursuant to §27-406.
 - B. Other customary accessory structures and uses, pursuant to §27-403.1.
 - C. Signs, pursuant to §27-407.
 - D. Storage facilities, pursuant to §27-404.9. [*Ord. 1994-3*]
 - E. Home occupation, pursuant to §27-404.4.
 - F. No-Impact Home-Base Business. [*Ord. 13-2*]
4. *Special Exception Uses.* Application for these uses is subject to review by the Zoning Hearing Board according to the provisions of §27-704. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 5 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter, and to protect the public health, safety, morals, and the general welfare.
- A. Transportation terminals.
 - B. Printing.
 - C. Drive-in banks.
 - D. Shopping centers, office parks and industrial parks. [*Ord. 1993-2*]
 - E. Adult book stores, adult motion picture theaters, and adult mini-motion picture theaters.
 - F. Food processing.

- G. Bottling or packaging establishment.
 - H. Agri-business. [*Ord. 1984-3*]
 - I. Commercial recreation facilities. [*Ord. 1993-2*]
 - J. Child day care center, provided the provisions of §27-503.Z are met. [*Ord. 2005-1*]
 - K. Adult day care center, provided the provisions of §27-503.AA are met. [*Ord. 2005-1*]
 - L. Group care facility, large, provided the provisions of §27-503.R are met. [*Ord. 2005-1*]
 - M. Group care facility, small, provided the provisions of §27-503.R are met. [*Ord. 2005-1*]
 - N. Assisted living facility, provided the provisions of §27-503.BB are met. [*Ord. 2005-1*]
 - O. Nursing home, provided the provisions of §27-503.CC are met. [*Ord. 2005-1*]
 - P. Hospital, provided the provisions of §27-503.DD are met. [*Ord. 2005-1*]
 - Q. Medical or rehabilitation clinic. [*Ord. 2005-1*]
 - R. Detoxification center, provided the provisions of §27-503.EE are met. [*Ord. 2005-1*]
 - S. Drug or alcohol rehabilitation center, provided the provisions of §27-503.FF are met. [*Ord. 2005-1*]
 - T. Institutional uses similar to those set forth in subsections .4.J and .4.S. [*Ord. 2005-1*]
 - U. Lifecare community, provided the provisions of §27-503.GG are met. [*Ord. 2005-1*]
5. *Lot Area, Width, Height and Building Requirements.*

Principal Use	Min. Lot Area	Min. Lot Width	Max. Lot Coverage	Max. Bldg. Height
Shopping Center	5 acres		25%	35 feet
Industrial Park	10 acres		40%	35 feet
Agriculture			10%	35 feet
All other Uses	20,000 sq. ft.	80 feet	30%	35 feet
Whoesaling and Warehousing	20,000 sq. ft.	80 feet	50%	35 feet
Mini-mall	1 acre		35%	35 feet

[*Ord. 1993-4*]

- 6. *Minimum Yard Requirements.*

**Front Yard, and Side Yard with Abutting Street,
Measured from the Centerline of the Road**

	Front Yard and Side Yard with Abutting Street	Side Yard	Rear Yard
Agriculture except for structures	None	15 feet	25 feet
Shopping Center			
Local Road	75 feet		
Collector Road	80 feet		
Arterial Road	90 feet		
Wholesaling and Warehousing		15 feet	20 feet
Local Road	75 feet		
Collector Road	80 feet		
Arterial Road	80 feet		
All Other Uses		20 feet	25 feet
Local Road	75 feet		
Collector Road	80 feet		
Arterial Road	90 feet		

[Ord. 1993-2]

7. *Sewer Connection.* All uses allowed in this overlay zoning district, excepting agricultural uses, shall upon construction be subject to the requirements of the Second Class Township, which mandates connection to a public sanitary sewage disposal system in certain circumstances. Connection will be subject to compliance with the provisions of Section 405.5 of this Ordinance. [Ord. 14-1]
8. *Site Plan Review.* All proposed principal uses shall be subject to a site plan review pursuant to the provisions of §27-604.

(Ord. 1982-1, 6/3/1982, §380; as amended by Ord. 1984-3, 7/5/1984, §4; by Ord. 1989-4, 10/5/1989, §3; by Ord. 1993-2, 2/4/1993, §§17–19; by Ord. 1994-3, 9/1/1994, §§8–10; by Ord. 1996-2, 3/11/1996, §1; by Ord. 2002-2, 9/5/2002, Art. I, §8; by Ord. 2005-1, 11/3/2005, §1; by Ord. 2006-7, 11/2/2006, Art. I, §1; Ord. 2007-3, 10/11/2007, §2; Ord. 13-2, 11/14/13 §14; and by Ord. 14-1, 4/10/14, §1)

§27-309. Rural Residential - RR. [Ord. 2006-7]

1. *Intent.* The purpose of this district is to permit the orderly development of residential neighborhoods of single-family detached and cluster housing at a density equal to the Rural - R District, or a slightly greater density where public sewer is available, as well as agriculture related operations and businesses. [Ord. 2006-7]
2. *Permitted Uses.* These uses are permitted by right in this district. Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit.

- A. Agriculture.
 - B. Sale of agricultural products pursuant to the requirements of §27-304.8.
 - C. Single-family detached dwelling.
 - D. Church, Sunday school or other place of worship.
 - E. Logging, provided the provisions of §27-408 are met. [Ord. 2002-2]
 - F. Public utility building, structure, or facility.
 - G. Building or structure used by any municipal authority or municipality.
3. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable regulations of this Chapter.
- A. Private garage or parking areas, pursuant to §§27-403.1 and 27-406.
 - B. Other customary accessory structure and use, pursuant to §27-403.1.
 - C. Sign, pursuant to §27-407.
 - D. Home occupation, pursuant to §27-404.4.
 - E. Private noncommercial swimming pool, pursuant to §27-403.9.
 - F. No-Impact Home-Based Business. [Ord. 13-2]
4. *Lot Area, Width, Lot Coverage and Height Requirements.*

Use	Min. Lot Area	Min. Lot Width	Max. Lot Coverage	Max. Bldg. Height
Agriculture	None	None	None	None
All other Uses	1 acre**	150 feet	10%	35 feet

**=can be reduced to 32,670 sq. ft. (0.75 acres) at property owner’s discretion so long as the principal residential structure on the lot is served by public sewer.

5. *Minimum Yard Requirements: Front Yard, and Side Yard with Abutting Street, Measured From the Centerline of the Road.*

Use	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
Agriculture, except for structures	None	None	None	None
All other uses, including structures customarily associated with agriculture:				
Local Road	75 feet	30 feet**	75 feet	50 feet
Collector Road	80 feet	30 feet**	80 feet	50 feet
Arterial Road	90 feet	30 feet**	90 feet	50 feet

**= can be reduced to 20 feet at property owner’s discretion for as long as the principal residential structure on the lot is served by public sewer.

6. *Special Exception Uses.* Applications for these uses are subject to review by the Zoning Hearing Board according to the provisions of §27-704. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 5 are met.

The Zoning Hearing Board may attach the relevant standards and criteria contained in Part 5 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those necessary to implement the purpose of this Chapter and to protect the public health, safety, morals, and the general welfare.

- A. Animal husbandry.
- B. Fire station.
- C. Public or private (noncommercial) school.
- D. Conversions of existing structures to apartments.
- E. Cluster development.
- F. Drive-in bank.

(Ord. 1982-1, 6/3/1982, §390; as added by Ord. 2003-3, 12/17/2003, §1; as amended by Ord. 2005-2, 12/1/2005, §2; by Ord. 2006-1, 3/2/2006, §1; and by Ord. 2006-7, 11/2/2006, Art. I, §1)

§27-310. Age Qualified Community Overlay District – AQC-OD. [Ord. 14-4]

1. *Intent.* The AQC-OD is an overlay established to permit development of age qualified communities within the areas designated on the Official Zoning Map. The purpose of this district is to provide housing and related private passive open space and recreational facilities for “older persons” as that term is defined in the Federal Fair Housing Act, as amended, and in regulations promulgated, or to be promulgated thereunder on tracts of land that are consistent with an environment for housing and permitted amenities for older persons. Age qualified communities as set forth within this Section shall be permitted by right solely within the AQC-OD, in accordance with the minimum requirements set forth hereafter. In the absence of a specific standard for age qualified communities, the provisions of the base zoning district shall apply.

In determining the propriety of an age qualified community, the Board of Supervisors shall, in addition to the specific requirements of this Section, consider the following criteria:

- A. Consistency with the Township and Regional Comprehensive Plans and other development objectives as embodied in Township ordinances, documents and records.
 - B. Compatibility with the character of the neighborhood in which the subject parcel(s) is located.
2. *Location of District.* The AQC-OD consists of tracts of land that are at least thirty (30) acres in size and which are located entirely within the RR, VC, R and/or GC/GI zoning districts.

Multiple contiguous parcels of land under common equitable or legal ownership or control may be considered together to meet the thirty (30) acre requirement when they are proposed to be developed as part of the same age qualified community. For purposes of the AQC-OD, land parcels under common ownership or control which are located on opposite sides of a private or public road shall be considered contiguous.

Ownership shall refer to legal and/or equitable ownership.

3. *Use Regulations.*

A. Permitted Uses

All of the permitted by right uses in the base zoning district(s) which underlie the AQC-OD shall be permitted in the AQC-OD. The AQC shall be a use permitted by right in the AQC-OD.

B. Accessory Uses

These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable regulations of this Ordinance.

- (1) Recreational facilities as defined in Section 398A.1 for the exclusive use of members of the age qualified community and invited guests.
- (2) Community centers or clubhouses consisting of inter alia, activity rooms, kitchen areas, meeting rooms, craft rooms, fitness rooms, lounges or similar facilities for the exclusive use of members of the age qualified community and invited guests.
- (3) Administrative and sales facilities exclusively for the management of the age qualified community and located within the community center.
- (4) Service facilities, including medical and retail stores.
- (5) Gatehouses, entrance facilities, and other similar structures.
- (6) Parking areas.

Any of the foregoing accessory uses, provided they are under common ownership with the age qualified community, may be located in the Blue Mountain ("BM") and/or Agricultural Preservation ("AP") zoning district.

4. *Dwelling Types*

- A. The following dwelling types, as defined in this Ordinance shall be allowed within an AQC-OD: Dwelling unit- single family detached (except that mobile homes shall not be permitted), dwelling unit-single family-semi-detached and dwelling unit - single family attached. A minimum of fifty percent (50%) of the total dwelling units shall be single family detached dwelling units.
- B. Every dwelling unit shall have an attached garage capable of accommodating at least two (2) automobiles.

5. *Age Restriction Requirements.* The AQC shall be designed and operated for occupancy by persons 55 years of age or older in accordance with the following requirements:

- A. The AQC shall be age-qualified in accordance with the Federal Fair Housing Act.

Specifically, the dwelling units within an AQC shall be considered as “housing for older persons” and “intended and operated for occupancy by persons 55 years of age or older”, as those terms are defined and limited in Section 805(d)(2)(c) of the Fair Housing Amendment Act of 1988, 42 U.S.C. Sec. 3607(b)(2)(c), as amended, and regulations promulgated or to be promulgated in the future thereunder. (“Fair Housing Act”).

- B. The developer of the AQC and the community association as defined in Section 396A shall publish policies and procedures for owners and residents that enable enforcement of the requirements of this Section and demonstrate an intent to provide to housing for older persons and an agreement to comply with the rules and regulations established pursuant to the Fair Housing Act.
 - C. The age restriction requirements of this Section shall apply to each dwelling unit in an AQC and shall be set forth as a deed restriction for each dwelling unit. In addition, prior to the recording of the plan, the Developer shall record a declaration of covenants running with the land applicable to each dwelling unit, in a form acceptable to the Township Solicitor, binding the dwelling units to the age restriction requirements of this Section. The recorded declaration shall relieve the Township from any obligation to enforce the qualifications and regulations set forth therein, and shall place the obligation of enforcement on the developer, unit owners and governing association of the development.
6. *Community Association.* The developer of an AQC shall create a homeowners’ association or condominium association whose members shall consist of all dwelling unit owners, which association shall maintain commonly owned areas, private streets, recreation areas, open space facilities, and other common facilities and otherwise comply with all requirements of the Fair Housing Act. All dwelling owners in the development shall be required to pay necessary fees to the homeowners or condominium association with a proper enforcement mechanism as provided by state law.
7. *Dimensional Requirements.* The following dimensional requirements for the AQC-OD shall be in lieu of all other dimensional requirements set forth in this Zoning Ordinance and also in lieu of all other dimensional requirements in other Township - Ordinances to the extent such requirements are addressed herein; if the dimensional requirements of this Section conflict with one or more dimensional requirements otherwise applicable under Township Ordinances, the provisions of this Section shall apply. In addition, the Applicant shall submit a copy of the plan to the Fire Company for review and comment. The following dimensional requirements shall be observed for an AQC:
- A. Tract size. The minimum tract size shall be thirty (30) acres, which shall be owned or controlled (such as being under an agreement to purchase) by a single party at the time of the land development application.
 - B. Density. The maximum density shall be four (4) dwelling units per gross acre of tract size for development.

- C. Setbacks. Unless requested otherwise by the Fire Company, each building shall have the following minimum setbacks: (a) 50 feet from the ultimate/future right-of-way of a public collector or arterial road; (b) 30 feet from the ultimate/future right-of-way of any other public street; (c) 25 feet from the edge of the required street area; (d) 25 feet from all other parts of the perimeter of the tract that will constitute the AQC. The following minimum separation distances shall apply between the exterior walls of adjacent buildings: (x) 15 feet between the sides of the buildings; (y) 25 feet between the rear and side of buildings; and (z) 40 feet between the rears of buildings.
 - D. Height. The maximum building height shall be 35 feet measured from the average ground elevation on the front facade of the building to the highest point of the building, excluding a chimney or other similar protrusions or structures such as those listed in Section 433.
 - E. Attached Dwellings. No more than four (4) dwelling units shall be attached in one (1) building.
 - F. Impervious Coverage. Total impervious surface coverage for the AQC shall not exceed fifty (50%) percent of the gross acreage of the tract and/or tracts that make up the AQC, including lands in other Districts upon which accessory uses are intended to be constructed as authorized by this Ordinance.
 - G. Buffer yard. A twenty (20) foot buffer yard shall be provided along any portion of the tract boundary which abuts any residential zoning district. Existing vegetation located within the buffer yard may be used to satisfy any planting requirements. The buffer yard and any required setback not overlap, and the setback requirements shall be measured from the edge of the buffer yard.
 - H. Lot Lines. Each dwelling in an AQC may be owned as a unit within a condominium without the requirement for individual lot lines. For a planned community with lot lines, there are no minimum lot sizes or dimensions; rather, density and setbacks are regulated through the other dimensional provisions of this Section.
 - I. Interior Square Footage. Every single family detached dwelling unit in an AQC shall have a minimum of 1,500 square feet of interior space, not including the garage required under Section 394A.3 of the Ordinance. Every other dwelling type in an AQC shall have a minimum of 1,200 square feet of interior space, not including the garage required under Section 394A.3 of the Ordinance.
8. *Additional Performance Standards*
- A. Recreation Requirements. A common recreation area shall be constructed by the developer pursuant to a schedule approved by the Board of Supervisors at the time of preliminary plan approval with private recreation facilities for the residents of the development and their invited guests. At a minimum, this recreation area shall include an indoor community center, an indoor and/or outdoor swimming pool or spa and an accessory outdoor recreation area, such as facilities for games for seniors. The community center shall include a

minimum of 25 square feet of interior building space per dwelling unit. The community center shall include, as a minimum, the following: adult education and learning space, indoor exercise/fitness facilities, multi-purpose room (for crafts, activities, etc.), kitchen and restrooms. These recreation facilities shall be in place of any recreation land dedication required under this Ordinance, the Township Subdivision and Land Development Ordinance (“SALDO”), including but not limited to SALDO Section 493, and other applicable Ordinances.

The developer shall also pay a recreation fee to the Township in accordance with Section 493.4 of the SALDO. The recreation fee for each dwelling unit shall be due upon issuance of the building permit for each dwelling unit in the AQC.

- B. Utilities. Each dwelling unit shall be served by public water or a private centralized water system, for which all legally required permits have been obtained. Each dwelling unit shall connect to the public sanitary sewage disposal system if connection is required by the Second Class Township, otherwise the Applicant shall provide sanitary sewage disposal in accordance with Section 440 of the SALDO.
- C. Roads. Any internal streets, which are not accepted for dedication by the Township, shall be privately owned and maintained. The width of each street shall be a minimum of 33 feet, 24 feet of which shall be paved, constructed to the minimum standards of local streets as specified in the SALDO.
- D. Pedestrian Walkway. A pedestrian circulation system shall be provided as an integral part of any AQC. Such pedestrian circulation system shall include any one or a combination of sidewalks, pathways, and trails to provide access to neighborhoods and recreation areas within the AQC. Sidewalks and/or curbing may be required at the discretion of the Board of Supervisors.
- E. Individual Dwelling Access. All driveways from dwellings shall enter onto an internal street or parking court system within the development. No new driveway for a dwelling shall enter directly onto an existing public street.
- F. Service Street (“Alley”). Service Streets (“Alleys”), as defined in SALDO, to an age qualified community may pass through lands located in the Blue Mountain (“BM”) and/or Agricultural Preservation (“AP”) zoning districts, provided they are in common ownership with the age qualified community.
- G. Traffic. The AQC shall be designed to minimize the impact of the development on traffic and vehicular circulation both inside and outside of the AQC.
- H. Off-Street Parking Regulations. A minimum of three (3) off-street parking spaces shall be provided for each dwelling unit within fifty (50) feet of each building. Parking spaces in garage and driveways may fulfill this requirement without regard to whether or not vehicles must be moved for the ingress or egress of another vehicle.
- I. Structures. Dams, retaining walls, culverts, bridges and appurtenances, located within the AQC-OD as part of an age qualified community, or located outside of the AQC-OD and proposed in connection with an age qualified community,

under common ownership with an age qualified community, shall be permitted by right provided all permits and approvals needed from the Pennsylvania Department of Environmental Protection are received prior to the start of construction.

- J. All subdivision and/or land development plans for an age qualified community shall comply with the submission procedures and requirements, recording requirements, and all other applicable sections of the SALDO.

(Ord. 1982-1, 6/3/1982, as added by Ord. 14-4, 7/10/14, §1-4)

Part 4**Supplemental Regulations****§27-401. Applicability.**

The standards and regulations contained in this Section are applicable in all districts in addition to the regulations for individual districts set forth in Part 3 of this Chapter.

(Ord. 1982-1, 6/3/1982, §410)

§27-402. Environmental Protection Areas.

1. *Types of Environmental Areas Protected.* Land with natural slopes (15% slope or greater), land in flood plains or land with high water table characteristics are included in the Environmental Protection Overlay District. [Ord. 13-2]
2. *Determination of Areas of Steep Slope, Floodplains, or High Water Table.* When presented with a proposed use, building permit application, land development or subdivision, the Zoning Officer shall make a determination of the extent to which the lot or lots is characterized by as laying wholly or partially in an area of steep slope, floodplain, or high water table area by reference to the latest available official maps of United States Geologic Survey, unless more precise information, the accuracy of which is certified by a registered professional engineer or registered surveyor, is provided by the applicant. The Zoning Officer may consult the Township Engineer on the accuracy of all information submitted. Once the Zoning Officer is satisfied that the information submitted is accurate, he shall use the more precise information to review the lot(s) for compliance with the minimum lot requirements: [Ord. 13-2]
 - A. (Ph) Philo silt loam.
 - B. (Aw) Atkins silt loam.
 - C. (AxA) Atkins silt loam, local alluvium.
 - D. (Hn) Huntington silt loam.
 - E. (Ln) Lindside silt loam.
 - F. (Mh) Melvin silt loam.
 - G. (MkA) Melvin silt loam, local alluvium.
 - H. (Rv) Riverwash. [Ord. 2003-3]
3. *Regulations for Areas of Steep Slope.* Upon determination that the lot under consideration is partially or wholly an area of steep slope, the following regulations shall apply:
 - A. Where (1) the lot only partially is a steep slope, (2) there are no earthmoving activities or removal of vegetation proposed for the steep slope portion of the lot, and (3) Pennsylvania Department of Environmental Protection standards for on-lot sewage disposal will be met on other soils of the lot, only the requirements contained in other Sections of this Chapter for the use proposed and for the district in which the lot lies shall be applied. [A.O.]

- B. Where (1) the lot is wholly a steep slope, (2) earth-moving activities or removal of vegetation are proposed for any portion of the lot determined to be a steep slope, or (3) any portion of a steep slope is to be used to meet Pennsylvania Department of Environmental Protection standards for on-lot sewage disposal, the minimum lot area requirements shall be 10 acres, except in the VC District. In the VC District, if public sewers are used, the minimum lot size (per dwelling unit) shall be 1 acre. If public sewers are not used in the VC District, the minimum lot size shall be 3 acres. [A.O.]

(1) *Lot Area, Width, Lot Coverage and Height Requirements.*

Use	Lot Area	Min. Lot Width	Max. Lot Coverage	Max. Bldg. Height
All Uses	3 acres	400 feet	5%	35 feet
	10 acres	400 feet	5%	35 feet
	1 acre	150 feet	20%	35 feet

[Ord. 1994-3]

(2) *Minimum Yard Requirements.*

**Front Yard, and Side Yard with Abutting Street,
Measured from the Centerline of the Road**

Use	Lot Area	Front Yard and Side Yard with Abutting Street	Side Yard	Rear Yard
All Uses	1 acre		20 feet	75 feet
	Local	55 feet		
	Collector	60 feet		
	Arterial	70 feet		
	3 acres		30 feet	50 feet
	Local	75 feet		
	Collector	80 feet		
	Arterial	90 feet		
	10 acres		30 feet	50 feet
	Local	75 feet		
	Collector	80 feet		
	Arterial	90 feet		

[Ord. 1994-3]

- B. No development shall be planned on slopes of 25 percent or greater. Open space, forestry and wildlife protection uses are appropriate in these areas.
4. *Regulations for Floodplains.* Upon determination that the lot under consideration is partially or wholly within the floodplain, the following regulations shall apply to the portion of the site within the floodplain:
- A. *Permitted Uses.* The following uses shall be permitted within the floodplain to the extent that they are not prohibited by other provisions of this Chapter and provided that they do not require structures, fill or storage of materials or equipment:
- (1) Recreation uses, including private or commercial as well as public, such as parks, camps, picnic areas, golf courses, fishing, sport or boating clubs; not to include enclosed structures but permitting piers, docks, floats, or shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage systems where feasible.
 - (2) Cultivation and harvesting of crops in accordance with recognized soil conservation practices.
 - (3) Pasture and grazing in accordance with recognized soil conservation practices.
 - (4) Outdoor plant nursery or orchard in accordance with recognized soil conservation practices.
 - (5) Wildlife sanctuary, nature center, outdoor education laboratory, woodland preserve, or arboretum.
 - (6) Game farm, fish hatchery, hunting and fishing reserves, or similar uses designed for the protection or propagation of wildlife.
 - (7) Forestry, lumbering and reforestation in accordance with recognized natural resources conservation practices.
 - (8) Front, side and rear yards and required lot area in any district, provided such yards are not to be used for on-lot sewage disposal systems or for outdoor storage or dumping of any nature.
 - (9) Overhead utility transmission lines.
- B. *Accessory Uses.*
- (1) Signs, pursuant to §27-407.
 - (2) Previous roads, driveways, or parking areas.
- C. *Special Exception Uses.* The following uses are permitted subject to Zoning Hearing Board approval, pursuant to §27-503.K.
- (1) Impervious roads, driveways or parking areas.
 - (2) Outlet installations for sewage treatment plants, or pumping stations, with the approval of the Township Engineer and appropriate sewer authority.
 - (3) Sealed public water supply wells, with the approval of the Township Engineer and the Pennsylvania Department of Environmental Protection.

- (4) Dams, culverts, bridges and appurtenances, with the approval of the Pennsylvania Department of Environmental Protection.
 - (5) Sanitary or storm sewers, or impoundment basins, with the approval of the Township Engineer.
 - (6) Grading or re-grading of lands, including the deposit of fills and the grading thereof, and the construction of retaining walls. The application for special permission shall be accompanied by the following:
 - (a) Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as on the property in question.
 - (b) An application for amending the boundaries of the Floodplain District.
 - (7) Utility transmission lines located at or below grade.
 - (8) Uses similar to the above which are in compliance with the intent of this Chapter.
- D. *Approval for Special Exception Uses.* The Zoning Hearing Board shall exercise discretion by permitting only those uses which are substantially in accord with the intent of this Chapter. In considering a use for approval by special permission, the Board shall consider the following:
- (1) The effect of the use shall not substantially alter the cross-section profile of the streams and floodplains at the location of the proposed use.
 - (2) Adjacent stream neighbors shall not be unreasonably affected by the use.
 - (3) The general welfare or public interest, either of Township residents or of residents of other municipalities in the same watershed, shall not be adversely affected.
- E. *Site Plan Review.* A detailed site plan is required for all uses in the floodplain portion of the Environmental Protection District which shall be submitted to the Planning Commission for review and report.
- F. *Lot Size and Other Dimensional Requirements.* The minimum lot size and other dimensional requirements applicable to the underlying zoning district shall also be applicable in the Floodplain District.
5. *Regulations for High Water Table Areas.* Upon determination that the lot under consideration is partially or wholly within a high water table area, the following regulations shall apply:
- A. Where (1) the lot is only partially within a high water table area, (2) there are no structures proposed for the high water table portion of the lot, and (3) Pennsylvania Department of Environmental Protection's standards for on-lot sewage disposal will be met on other soils of the lot; or when the lot is served by public sewers, only the requirements contained in other Sections of this Chapter for the use proposed and for the district in which the lot lies shall be applied.
 - B. Where (1) structures are proposed for the high water table portion of the lot, or (2) any portion of a high water table area is to be used to meet Pennsylvania Department of Environmental Protection's standards for on-lot sewage disposal, the minimum lot area requirement shall be 2 acres.

(1) *Lot Area, Width, Lot Coverage and Height Requirements.*

Use	Lot Area	Min. Lot Width	Max. Lot Coverage	Max. Bldg. Height
All Uses	2 acres	210 feet	10%	35 feet

(2) *Minimum Yard Requirements.*

Use	Lot Area	Front Yard and Side Yard with Abutting Street	Side Yard	Rear Yard
All Uses	1 acre		25 feet	50 feet
	Local	75 feet		
	Collector	80 feet		
	Arterial	90 feet		

[Ord. 1993-2]

(3) All public utilities and facilities such as sewer, gas, electrical and water systems located in a high water table area shall be constructed to minimize or eliminate infiltration of ground water into the systems.

(4) A detailed site plan is required for all uses in the High Water Table District.

6. *Appeals to Zoning Hearing Board.*

A. *Appeal of Zoning Officer's Determination of Environmental Protection District.* Where the Zoning Officer's determination of the extent to which a lot or lots lie within the Environmental Protection District is appealed to the Zoning Hearing Board, as provided in §27-703 of this Chapter, the appellant shall bear the burden of establishing, through actual field surveys or otherwise, that such conditions do not exist on the land in question.

B. *Variances.* Where the regulations of the Environmental Protection District cause a hardship to a particular landowner, a variance may be sought pursuant to §27-705 of this Chapter.

(Ord. 1982-1, 6/3/1982, §420; as amended by Ord. 1987-1, 5/7/1987, §3; by Ord. 1993-2, 2/4/1993, §§20 and 21; by Ord. 1994-3, 9/1/1994, §11; by Ord. 2003-3, 12/17/2003, §3; Ord. 13-2, 11/14/13 §§ 17,18; and by A.O.)

§27-403. General Regulations.

1. *Placement of Accessory Uses and Structures.* The placement of a private garage, accessory parking area, or other accessory building or use, shall be subject to the following requirements:

A. No accessory building shall be constructed within five (5) feet of any rear lot line. No accessory structures less than 200 square feet shall be constructed within ten (10) feet of any side lot line. No accessory structures exceeding 200 square feet shall be

constructed within twenty (20) feet of any side lot line. [Ord. 13-2]

- (1) Notwithstanding any other provisions to the contrary, no accessory structure shall be located closer than 25 feet to the ultimate right of way of any street. [Ord. 1999-2]
 - B. Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed, the exterior garage walls shall be regarded as the walls of the main dwelling in applying the front, rear, and side yard regulations of this Chapter.
 - C. No private garage or other accessory building shall be within a required front yard or side yard in any District. [Ord. 13-2]
 - D. Accessory buildings and uses shall be on the same lot with the main building or buildings, or on an immediately adjacent lot in the same ownership. Parking areas shall be located in conformity with the provisions of §27-406.3(C).
 - E. Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across an adjoining lot.
 - F. No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage, or any other use.
 - G. Accessory private garages may be constructed within or under any portion of a main building.
 - H. All on-lot water supply and distribution system wells must have an isolation distance of at least 50 feet from any other on-lot water supply and distribution system well. [Ord. 1999-6]
 - I. No mobile homes or school buses, no more than one truck body or trailer, or the like, may be used as any type of storage structure, animal husbandry building or as a structure for any permitted, accessory or special exception use in the Agricultural Preservation and Blue Mountain Preservation - BM Districts unless specifically allowed by this Chapter. Furthermore, in the Village Center - VC, Rural - R, Rural Village - RV and General Commercial/General Industrial - GC/GI Districts, no mobile homes, school buses and truck bodies or the like may be used as any type of storage structure, animal husbandry building or as any nonresidential structure for any permitted, accessory or special exception use.
[Ord. 2006-7]
2. *Small Lots.*
 - A. Notwithstanding the lot area, lot width, and lot coverage requirements of any district listed in Part 3 and §27-402, a dwelling, where it is a permitted or special exception use, may be erected on any lot with less than the required lot width or lot area if separately owned and not adjacent to any lot in the same ownership at the effective date of this Chapter; provided, that the aggregate width of the side yards be not less than 25 percent of the lot width, and that the narrower side yard be not less than 3 feet in width, and provided that a variance has been obtained pursuant to §27-705.

- B. Notwithstanding the front yard setback requirements of any district listed in Part 3 or Part 4, a building may be erected within the required front yard where the lot is bordered by lots on either side (along the frontage) on which the buildings do not conform to the front yard requirement. The adjacent lots must be located in the same zoning classification as the lot in question. The proposed building must be set back at a distance no less than the average setback of the adjacent buildings.
3. *Height.* Nothing herein contained shall restrict the height of a church spire, cupola, dome mast, belfry, clock tower, radio or transmission line tower, flagpole, chimney flue, water tank, elevator or stair bulkhead, stage tower, scenery loft, smokestack, silo, or similar structure. No such structure shall be used for residence or tenancy purposes.
4. *Yards.*
- A. *Front Yard.* The space in a required front yard shall be open and unobstructed except for an unroofed balcony or terrace or steps giving access to a porch or first floor entry door.
- B. *All Yards.* Every part of a required yard shall be open to the sky unobstructed by structures except for retaining walls, fences and privacy screens and for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, and for ornamental features projecting not to exceed 6 inches.
- C. Open or lattice enclosed fireproof fire escapes or stairways, required by law, projecting into a yard not more than 4 feet, and the ordinary projections or chimneys and pilasters shall be permitted when placed so as not to obstruct light and ventilation.
5. *Through Lots and Lot Access.*
- A. Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.
- B. Every building hereafter erected or moved shall be on a lot abutting and having direct access to an improved street. All structures shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
6. *Corner Clearance.* Clear sight triangles shall be provided at all street intersections. Within such triangles no object greater than 2½ feet in height and no other object that would obscure the vision of the motorist shall be permitted. Such triangles shall be established from a distance of:
- A. Seventy-five feet from the point of intersection of the centerlines of two streets where both are local streets.
- B. One hundred feet from the point of intersection of the centerlines of two streets where one is a collector street.
- C. One hundred fifty feet from the point of intersection of the centerlines of two streets where one is an arterial street. [Ord. 1984-3]

- D. Whenever any tree is planted within the right of way width of any public street, or is planted on private property and has limbs which extend into the right of way width of any public street, the owner of the property in which such tree is planted, or the owner of the property which abuts that portion of the public street right of way in which such tree is planted, as the case may be, shall keep the limbs of such tree trimmed so that the same shall not obstruct height of at least 10 feet above the surface of the street and at least 8 feet above the surface of the side walk. [Ord. 1999-2]
7. *Measurement of Lot Width.*
- A. *Rectangularly Shaped Lots.* For such lots, the lot width measurement shall be made at the front property line.
- B. *Lots Not Rectangularly Shaped.* For such lots, the lot width measurement shall be made at the rear line of the required front yard. However, the width measurement made at the front property line shall not be less than 40 percent of the lot width requirement of cul-de-sacs or street centerline curves of less than 300 feet radius, and 80 percent of the lot width requirement in all other situations.
8. *Temporary Structures and Uses, and Mobile Home Siting.*
- A. A temporary building permit for non-residential structures may be issued for a period not to exceed one (1) year for a nonconforming structure or use incidental to a building or construction project, including such uses as the storage of building supplies and machinery, for a real estate office located on a tract of land where individual properties are being offered for sale, or for an emergency situation caused by natural disaster, fire, or similar occurrence. [Ord. 13-2]
- B. *Mobile Home Siting.* All mobile home placements shall occur in accordance with the following provisions: [Ord. 13-2]
- (1) The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home.
 - (2) The stand shall be constructed from material sufficient to adequately support the mobile home and to prevent abnormal settling or heaving under the weight of the home. The corners of the mobile home shall be anchored to prevent wind overturn and rocking with tie-downs such as concrete "dead men," screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.
 - (3) After a mobile home has been anchored to the mobile home stand, the hitch which is employed for the transportation of the unit shall be removed if not of bolted construction, and there shall be a decorative skirt installed around the base of the unit.
- C. *Temporary Secondary Dwelling Unit.* A mobile home may be placed or erected on the same lot with an existing principal or primary dwelling unit for occupancy as a separate single-family dwelling unit in accordance with the following provisions:

- (1) The lot of the principal or primary dwelling unit shall be owned by the occupant and shall be not less than the minimum lot size of the zoning district in which it is situated.
- (2) The occupant(s) of the unit shall be related by blood or marriage to the owner-occupant of the principal dwelling unit.
 - (a) The occupant(s) of the unit shall be dependent upon the owner-occupant of the principal dwelling unit for their daily care and maintenance which will, in fact, be provided by the owner-occupant of the principal dwelling unit.
 - (b) The owner-occupant of the principal dwelling unit shall be dependent upon the occupant (s) of the unit for their daily care and maintenance which will, in fact, be provided by the occupant (s) of the unit.
 - (c) A temporary permit for occupancy may be issued for a period of 2 years, which permit may be renewed by the Zoning Officer annually.
 - (d) Upon the death of the occupant(s) of the unit, or upon the death of the owner-occupant of the principal dwelling unit, or in the event the original occupant of the unit or the owner-occupant of the principal dwelling unit shall vacate or sell the lot, the unit shall be removed from the lot within 90 days.
 - (e) The unit shall have a sewer system separate from the principal dwelling unit.
 - (f) The Zoning Officer may attach such reasonable additional conditions to the permit as are necessary to protect the public health, safety, moral and general welfare and the character of the neighborhood in which the property is located.

[Ord. 1989-4]

9. *Noncommercial Swimming Pool.*

- A. A noncommercial swimming pool shall not be located in a front yard except in the BM District. [Ord. 13-2]
- B. In R, VC, and RV Districts such pool shall be located in a rear yard only.
- C. Every noncommercial swimming pool located on a lot shall be entirely enclosed with a high quality fence in accordance with current Uniform Construction Code regulations. [Ord. 13-2]
- D. Every noncommercial swimming pool located on a lot of two (2) or more acres shall not be located closer than forty (40) feet from any rear or side lot line. For noncommercial swimming pools located on less than two (2) acre lots, the requirements of Section 403.9.C shall apply. [Ord. 13-2]
- E. The water supply connection shall comply with current Uniform Construction Code regulations. [Ord. 13-2]

- F. No permit shall be granted for the installation or construction of an in-ground pool unless the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public streets. [Ord. 13-2]
- G. No overhead electrical wire shall be placed within ten (10) feet of the pool or current Uniform Construction Code requirements only. [Ord. 13-2]
- H. No noncommercial swimming pool shall be located closer than ten (10) feet from a sewer line or sewer lateral or current Uniform Construction Code requirements, whichever is greater, but to be in accordance with Uniform Construction Code requirements only. [Ord. 13-2]

(Ord. 1982-1, 6/3/1982, §430; as amended by Ord. 1984-3, 7/5/1984, §§5 and 6; by Ord. 1989-4, 10/5/1989, §4; by Ord. 1993-2, 2/4/1993, §22; by Ord. 1999-2, 2/4/1999, §§2, 3, 5; by Ord. 1999-6, 10/7/1999, §5; by Ord. 2002-3, 9/5/2002, §4; Ord. 2006-7, 11/2/2006, Art. I, §1; and by Ord. 13-2, 11/14/13 §§ 19-30)

§27-404. Regulations Particular to One District or One Use.

1. *Waiver of Yard and Lot Requirements for an Industrial Park.* The interior lot and yard requirements for individual sites located in an industrial park may be waived when the overall development is based on an overall site plan. However, main buildings shall not be placed closer together than the height of the higher building; front yard requirements along public streets and rights-of-way shall be observed. Minimum lot and yard requirements may be waived for individual sites provided the average area of all sites in the industrial park is not less than the minimum area requirements of the district in which it is located, and no single lot shall be less than one-half the minimum requirement.
2. *Animals.* In the RV, VC, and R Districts, farm livestock may be kept as pets or for domestic purposes; provided, that for each five (5) acres of property not more than three (3) large animals, such as cows, horses, sheep and pigs, shall be kept for this purpose and not more than a total of twenty-five (25) poultry, fowl, rabbits or other similar small animals shall be kept. In the other districts, no restrictions as to the number of animals for pet or domestic purposes are applicable. [Ord. 13-2]
3. *Fences.* Fences are exempt from front, side and rear yard setbacks established for other accessory structures, except in that the standards of §27-403.6 which provide for adequate visibility shall apply.
4. *Home Occupation.* A home occupation is any gainful occupation or profession engaged in by an occupant of a dwelling unit which meets the following conditions and requirements:
 - A. A home occupation shall be incidental to the use of a dwelling unit for residential purposes. No more than 30 percent of the floor area of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home occupation. Floor area of a dwelling unit, in this case, shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit, including basements.
 - B. Only members of the immediate family permanently residing on the premises and one nonfamily member shall be employed in the home occupation.

- C. In no case shall a home occupation be open to the public at times earlier than 6 a.m. nor later than 10 p.m.
- D. No more than 10 people may avail themselves of the services provided by the home occupation use at a given dwelling unit at any given moment in time.
- E. A home occupation shall be carried on wholly within the principal building. Storage of goods, materials, or produce connected with a home occupation shall be allowed in accessory buildings or providing it does not exceed 50 percent of allowable home occupation area in a dwelling unit.
- F. No materials which decompose by detonation shall be allowed in conjunction with a home occupation.
- G. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat. A home occupation as provided by this Section shall be completely contained within the principal building. Any noise, vibration, smoke, electrical interference, dust, odors, or heat detectable beyond the property lines shall constitute a violation of the terms of these provisions. The judgment of the Zoning Officer shall be considered decisive and final in this matter unless formally appealed to the Zoning Hearing Board within 30 days of the Zoning Officer's written determination.
- H. No articles shall be sold or offered for sale except such as that are produced on the premises unless incidental to the principal service provided. [*Ord. 13-2*]
- I. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials are to be used or stored on this site.
- J. No outside operations, storage, or display of materials or products shall be permitted.
- K. No alteration of the residential appearance of the premises shall occur including creation of a separate entrance to the dwelling or utilization of an existing entrance exclusive for the business.
- L. The home occupation shall not displace or impede use of parking spaces required by this Chapter, including any business storage in required garage parking areas.
- M. No more than two vehicles shall be utilized in the business.
- N. Home occupations that attract customers, clients or students to the premises for sales or services shall not be allowed in multi-family dwelling units.
- O. Home occupations that comply with the above conditions may be permitted in any district upon the issuance to the applicant of a home permit.
- P. All home occupations may be subject to periodic inspection.
- Q. The following uses shall be allowed as a home occupation:
 - (1) Architectural services.
 - (2) Art restoration.
 - (3) Art studio.
 - (4) Automobile Repairing Parts, Sales, Upholstery or House Detailing, Painting [*Ord. 13-2*]
 - (5) Babysitting.
 - (6) Bed and breakfast.
 - (7) Beauty salons and barber shops.

- (8) Carpentry, cabinet makers.
- (9) Chimney cleaning.
- (10) Consulting services.
- (11) Data processing.
- (12) Dental technician with laboratory.
- (13) Direct sale product distribution (Amway, Avon, Jaffra, Tupperware, Herbalife).
- (14) Drafting and graphic services.
- (15) Dressmaking, sewing, tailoring, contract sewing.
- (16) Electronic assembly.
- (17) Engineering services.
- (18) Financial planning, investment services.
- (19) Flower arranging.
- (20) Food preparation and catering service.
- (21) Gardening, landscape maintenance.
- (22) Health salons, gyms, dance studios, aerobic exercise, studios, massage.
- (23) Home crafts.
- (24) House cleaning services; insurance sales or broker.
- (25) Interior designer.
- (26) Jewelry making and jeweler.
- (27) Laundry, ironing service.
- (28) Lawyer or attorney.
- (29) Limousine or pedicab service.
- (30) Locksmith.
- (31) Mail order (not including retail sales from site).
- (32) Millinery.
- (33) Notary public.
- (34) Photographer.
- (35) Real estate sales or broker.
- (36) Sales representative (office only).
- (37) Security service, security systems, auto security systems.
- (38) Small appliance repairing.
- (39) Swimming pool cleaning.
- (40) Surveyor.
- (41) Tax collector.
- (42) Tutoring.

- (43) Typing, word-processing service.
- (44) Wall papering.
- (45) Watch repair.
- (46) Writing, computer programming.
- (47) Upholstery.
- (48) Veterinary uses (including call, grooming or boarding).

R. The following uses shall be prohibited as home occupation:

- (1) Washingservices(includingbusinessesworkingatcustomers' homes).
- (2) Boarding house, time share condominium.
- (3) Medical or dental office.
- (4) Palm reading, fortune telling.
- (5) Retail sale from site (except direct distribution).
- (6) Tow Truck Services.

[Ord. 13-2]

5. *Dwelling Unit Minimum Square Footage.* All dwelling units constructed after the effective date of this Chapter shall include at least the following amount of square footage.

No. of Bedrooms	Minimum Square Footage
1	500
2	650
3	800
4	950

Each additional bedroom 150 additional sq. ft.

6. *Screening Standards.* The following standards shall apply where vegetative screens and buffers are required by this Chapter as part of a land use proposal, or in each instance where a use in Column I is adjacent to a use in Column II:

I. Activity to be Screened

Commercial or Industrial use, any Recreation Area,
Sanitary Landfill, Outdoor Storage.

II. Adjacent Properties

Any Other Use

Educational or Religious use, Fire House/Emergency Service, Kennel, Veterinary Clinic.

Any Residential Use

Mobile Home Park, Multi-Family

Any Other Residential Use

- A. Vegetative screening shall include a variety of deciduous and evergreen species which are designed in a fashion which provides a continuous, year-round visual screen between the activity to be screened and the abutting properties. A vegetative screen shall include a minimum of 50 percent evergreen species and 10 percent flowering material.
- B. Vegetative screening where designed along lot boundaries shall have a minimum depth of 10 feet at the time of planting. All existing trees above 2 inches in caliper and/or 6 feet in height shall be preserved within the screening depth, except when cutting thereof is specifically approved by the Board of Supervisors or can be demonstrated as necessary for insuring adequate sight distances. Sight distances shall be defined under the Lynn Township Subdivision and Land Development Ordinance [Chapter 22].
- C. No plantings shall be placed with their center closer than 10 feet from any property line of the tract and no closer than 20 feet from the edge of the adjacent cart-way or sidewalk.
- D. The amount, density and types of plantings shall be based upon physiographic features, existing plant species, proximity to adjacent land uses, and the level of incompatibility between proposed and existing uses. All trees to be planted shall have a minimum caliper of 2 inches and a minimum height of 6 feet.
- E. Vegetative screening should incorporate earthen mounds, wherever reasonable, to improve sound as well as visual buffering.
- F. Plantings shall be permanently maintained. The landowner shall be responsible for maintenance.
- G. In addition to screening, a buffer may be required by the Board of Supervisors where light and/or noise pollution will be generated by the proposed use.

[Ord. 1996-4]

7. *Single-Family Attached Dwellings, Multi-family Dwellings and Conversions to Apartments.* The maximum number of dwelling units within a multi-family dwelling building shall be 12. The maximum number of single-family attached dwellings in a continuous building shall be eight. The minimum distance between buildings with multi-family dwellings and between buildings with single-family attached dwellings, according to the combination of walls which are facing each other, shall be as follows:

Front to Front	100 feet
Front to Rear	100 feet
Front to Side	
Rear to Rear	100 feet
Rear to Side	75 feet
Side to Side	50 feet
Corner to Corner	50 feet

[Ord. 13-2]

(The minimums established above are for the purpose of encouraging the placement of structures to create usable open space and visually attractive site planning. The Township shall not be bound to permit minimums in instances where the result is contrary to the purpose.)

- A. Multi-family dwellings shall be designed in clusters which create common courtyards and parking areas to reduce the amount of public improvements required to serve them. No more than two multiple family buildings shall be located in a row.
- B. Walkways shall be provided from parking facilities and refuse collection areas to dwelling unit entrances.
- C. Multi-family dwellings and yard areas associated with them shall be designed to provide maximum privacy while affording optimum natural illumination.

[Ord. 1996-4]

8. *Flag Lots.* Flag lots may be allowed in certain circumstances to minimize hardships in the use of land that lack adequate road frontage for an equitable use of the lot. Normally, this situation will be deemed to exist when the lot lacks the required road frontage for lots in that zoning district. However, flag lots will not normally be permitted merely to increase the density of development or to minimize the amount of road improvements. The following requirements will normally apply:
 - A. No more than two flag lots will be permitted per original tract of land even if lots are subdivided from the tract at different times.
 - B. The access lane shall have a minimum width of fifty (50) feet, and serve only one lot, provided in an Agricultural Preservation District a minimum width of thirty (30) feet may be permitted to minimize loss of use of productive farm land. [Ord. 13-2]
 - C. The access lane will be a maximum length of 500 feet measured from the right-of-way of the public road to the perimeter of the rectangle defining the lot area. The access lane shall not be included in the rectangular area.
 - D. A subdivision in excess of three lots shall not include flag/lane lots. [Ord. 1993-2]
 - E. The access lane must abut on a public street or road. [Ord. 13-2]
 - F. The access lane shall not become a Township public road or street unless accepted by a separate agreement as a public street or road by the Township Supervisors. [Ord. 13-2]
9. *Storage Standards.* The following standards shall apply to the storage of man-made materials:
 - A. Storage for periods in excess of 30 days shall be screened from view of any public right-of-way and any contiguous residential use. Screening shall consist of continuous evergreen plantings or include an architectural screen. All evergreens shall have a minimum caliper of 2 inches and a minimum height of 6 feet. Any architectural screen shall be a minimum of 6 feet in height.

- B. No storage shall be permitted within the front yard of any lot.
- C. Any organic refuse or garbage shall be stored in tight, vermin-proof containers. In multi-family, commercial and industrial developments, garbage storage shall be centralized to expedite collection. Storage containers shall be enclosed on three sides by an architectural screen and be located no closer than 50 feet from any occupied dwelling. [Ord. 1997-5]
- D. Flammable and combustible liquids, solids or gases shall be stored in accordance with any State, Federal or municipal fire code.

[Ord. 1993-2]

(Ord. 1982-1, 6/3/1982, §440; as amended by Ord. 1987-1, 5/7/1987, §4; by Ord. 1991-1, 3/7/1991, §3; by Ord. 1993-2, 2/4/1993, §§23–26; by Ord. 1996-4, 10/3/1996, §§1–4; Ord. 1997-5, 10/2/1997, §6; and by Ord. 13-2, 11/14/13 §§31-39)

§27-405. Industrial Performance Standards.

1. *Glare*. No use shall produce glare by a strong dazzling light or a reflection of a strong dazzling light beyond its lot lines.
2. *Vibration*. No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration produced as a result of construction activity.
3. *Electrical Interference*. No use shall cause electrical interference with or disturbance of any equipment, other than that of the creator of the interference or disturbance, at any point beyond its lot lines.
4. *Noise*. No operation or activity shall cause or create noise in excess of the sound levels prescribed below.
 - A. *Method of Measurement*. For the purpose of measuring the intensity and frequency of sound, the sound level meter and the octave band analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Octave band analyzers calibrated in the preferred frequencies (American Standards Association S1. 6-1960, "Preferred Frequencies for Acoustical Measurements") shall be used with Table 27-I. Octave band analyzers calibrated with pre-1960 octave bands (American Standards Association Z24. 10-1953, "Octave Band Filter Set") shall use Tables 27-II which follow.
 - B. *Exemptions*. The following uses and activities shall be exempt from the noise level regulations:
 - (1) Noises not directly under the control of the property user.
 - (2) Noises emanating from construction and maintenance activities between 7 a.m. and 9 p.m.
 - (3) The noises of safety signals, warning devices, and emergency pressure

relief valves.

- (4) Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.

C. *Standards.*

- (1) At residence district boundaries in the General Commercial/General Industrial - GC/GI District, at no point on or beyond the boundary of the AP Zoning District shall the sound pressure level resulting from any use, operation, or activity exceed the maximum sound levels as set forth in Tables 27-I and 27-II below. [Ord. 2006-7]

Table 27-I Preferred Frequencies

Center Frequency Cycles Per Sound	Maximum Permitted Pressure Level, Decibels
31.5	65
63	67
125	66
250	59
500	52
1,000	46
2,000	37
4,000	26
8,000	17

Table 27-II Pre-1960 Octave Bands

Octave Band Cycles Per Second	Maximum Permitted Sound Pressure Level Decibels
20-75	67
75-150	66
150-300	61
300-600	54
600-1,200	54
1,200-2,400	47
2,400-4,600	39
4,600-10K	20

- (2) *At Lot Lines.* In the General Commercial/General Industrial - GC/CI District, at no point on or beyond the boundary of any lot shall the sound pressure level resulting from any use, operation, or activity exceed the maximum permitted decibel levels for the designated octave bands as set forth in Table 27-III and 27-IV. [Ord. 2006-7]

Table 27-III Preferred Frequencies

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level Decibels
31.5	76
63	74
125	68
250	63
500	57
1,000	52
2,000	45
4,000	38
8,000	32

Table 27-IV Pre-1960 Octave Bands

Octave Band Cycles Per Sound	Maximum Permitted Sound Pressure Level, Decibels
20-75	75
75-150	70
150-300	64
300-600	59
600-1,200	53
1,200-2,400	57
2,400-4,800	40
4,800-10KC	34

If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given above.

Type of Operation or Character of Noise	Corrections (in Decibels)
Noise occurs between the hours of 9 p.m. and 7 a.m.	-3
Noise occurs less than 5% of any 1-hour period	+5
Noise is of a periodic character (hum, scream, etc.) or is of an impulsive character (hammering, etc.)	-5

5. *Wastes and Sewage.* All methods of sewage and waste treatment and disposal shall be as approved by the Pennsylvania Department of Environmental Protection and the Township Sewage Enforcement Officer (on-lot systems) or the current National Pollutant Discharge Elimination System (NPDES) permittee operating the public

sanitary sewage disposal system to which the subject use or uses is proposed to be or is connected. Effluents proposed for discharge, or which are discharged, into such public sanitary sewage disposal system, and the producers thereof, shall be subject to all laws, ordinances, regulations, orders, directives, standards, policies, recommendations, specifications and instructions promulgated by any and all governmental units, including the NPDES permittee, having jurisdiction over the same. [Ord. 2007-3]

(Ord. 1982-1, 6/3/1982, §450; as amended by Ord. 1994-3, 9/1/1994, §12; by Ord. 2006-7, 11/2/2006, Art. I, §1; and by Ord. 2007-3, 10/11/2007, §3)

§27-406. Parking and Loading Requirements.

1. *Off-Street Parking.* Off-street parking spaces for the parking of automobiles shall be provided pursuant to the provisions of this Section:

- A. The provisions of subsection .1 shall not apply to any building, structure, or use lawfully in existence at the effective date of this Chapter, whether continued as a permitted or nonconforming use.
- B. Each parking space shall contain a minimum area of 200 square feet and shall be a minimum of 10 feet in width (unless angle parking is used). Areas of traffic movement such as parking lot aisles shall not be measured as part of a parking space.
- C. Parking spaces shall be delineated through clearly marked or painted lines.
- D. The minimum number of off-street parking spaces required shall be calculated on the basis of the following table:

Use	Requirement
Conversions-efficiency or 1 bedroom	1 space per dwelling unit
Conversions-2 or more bedrooms	1.5 spaces per dwelling unit
All other residences	2 spaces per dwelling unit plus 1 visitor space for every 4 dwelling units. [Ord. 2006-10]
Elementary schools	2 spaces per classroom
Commercial school	1 space for each 5 enrollees plus 1 space for every full-time employee
Municipal and other public buildings	1 space per 200 sq. ft. floor area
Retail store, shopping center, adult book store	1 space per 200 sq. ft. gross leasable area
Restaurant, fast food restaurant	1 space for every 3 seats plus 1 space for every 2 employees on maximum shift
Carry out restaurant	1 space for every 25 sq. ft. of gross floor area
Membership club	1 space for every 6 persons of total capacity
Office (other than medical)	1 space for every 200 sq. ft. of gross leasable area plus 1 space for each full time employee

Use	Requirement
Office, medical	7 spaces for each doctor or dentist
Manufacturing facility, food processing, bottling plant print shop	0.8 spaces per employee for combined two largest overlapping shifts plus 1 space per visitor at peak visiting times plus 1 space per company vehicle stored on the premise during the day
Transportation terminal, warehouses, wholesale businesses	1 space per vehicle used in the conduct of business plus 1 space per employee
Automobile service station	3 spaces per bay
Research institute or laboratory	1 space per 2 employees
Personal service or repair shop	1 space per 100 sq. ft. of floor area serving customers plus 1 space per full time employee
Church	1 space per four seats (bench space shall be computed at 1 seat per 20 inches of bench space)
Automobile sales	1 space per 300 sq. ft. of sales floor area plus 1 space per full time employee
Gasoline station	1 space per employee at peak employment period
Home occupation	1 space per 100 sq. ft. of area used by home occupation

- E. For those uses not specifically listed, the requirements of the most similar use listed in subsection .1.D shall be applied.
- F. Where the uses are mixed, the total requirements shall be the sum of the requirements of the component uses computed separately.
- G. In all districts, when the required parking spaces result in the requirement of fractional spaces, any fraction less than one-half shall be disregarded and fractions of one-half or greater shall be construed as requiring a full space.

2. *Off-Street Truck Loading Spaces.*

- A. Every structure or lot put into commercial or industrial use after the effective date of this Chapter which contains a total floor area of 5,000 square feet or more shall be provided with off-street truck loading spaces in accordance with the following schedule:

Total Square Feet Devoted to Use	Required No. of Off-Street Truck Loading Spaces
5,000 to 25,000 sq. ft.	1

Total Square Feet Devoted to Use	Required No. of Off-Street Truck Loading Spaces
---	--

25,000 to 40,000 sq. ft.	2
40,000 to 100,000 sq. ft.	3
Each additional 50,000 sq. ft.	1 additional

- B. *Dimensions of Individual Truck Loading Space.* The minimum width of each truck loading space shall be 12 feet. The minimum length of the truck loading space shall be 50 feet.
- C. All truck loading spaces shall be designed so that maneuvering of trucks to reach the loading dock shall not preempt the use of required off-street parking space or intrude into the street right of way.

3. *Parking Lot Design Standards.*

- A. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into adjoining properties.
- B. The number of off-street parking spaces provided for an existing use may not be reduced below the minimum standards of this Chapter.
- C. The required off-street parking spaces shall be located on the same lot as the principal use served. Where this requirement cannot be met, the spaces shall be located within 300 feet of the principal use.
- D. No parking area shall be designed so as to require vehicles to back out of the area directly onto a public street.
- E. In parking lots for apartments or for townhouses the parking lot design shall prevent through traffic between parking areas.
- F. All off-street parking areas shall be graded and paved with a hard surface such as macadam or concrete. Provisions satisfactory to the Township shall be made with regard to the management of stormwater runoff.
- G. *Landscaping.* All off-street parking areas, other than those for single-family residences, which are not contained in a garage shall be landscaped according to the following standards:
 - (1) If the parking area abuts a residential lot, screening to prevent the glare of headlights from shining on the residential lot shall be provided.
 - (2) One shade tree shall be planted within or adjacent to the parking area for each 10 parking spaces provided.
 - (3) The area between the parking area and a public street shall be landscaped with plantings at least 50 percent evergreen shrubbery and shall average at least one planting for every 10 feet of frontage.

(Ord. 1982-1, 6/3/1982, §460; as amended by Ord. 1999-2, 2/4/1999, §6; by Ord. 2006-10, 12/27/2006, §5; Ord. 2006-7, 11/2/2006, Art. I, §1; and by Ord. 13-2, 11/14/13§40)

§27-407. Signs.

1. *Applicability of Sign Regulations.*
 - A. All signs which can be seen off the premises on which they are located, unless they are listed whether a permit is required or not. Signs which cannot be seen off the premises on which they are located need not comply and do not require a permit.
 - B. A zoning permit shall be required for all business identification signs, advertising signs, temporary signs, bulletin boards, and erection or replacement. No permit shall be required for normal maintenance of existing signs.
 - C. No permit shall be required for and the regulations of this Section shall not be applicable to the following types of situations:
 - (1) Signs not exceeding 2 square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
 - (2) No trespassing signs and other signs indicating the private nature of a road, driveway or premises, which do not exceed 2 square feet in area.
 - (3) Flags and insignia of any government except when displayed in connection with commercial promotion.
 - (4) Legal notices; identification, informational or directional signs erected or required by governmental bodies; official traffic signs and signals; other state.
 - (5) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - (6) Non-illuminated signs, not exceeding 6 square feet in area and bearing no advertising matter, which direct and guide traffic and parking on private property.
 - (7) Non-illuminated signs, not exceeding 5 square feet in area and bearing no advertising matter, which give information telephones, offices, or the functional subdivision of the premises.
2. *Prohibited Signs.* The following types of signs shall not be permitted or erected in any district, notwithstanding any other provisions of this Chapter:
 - A. Signs which make use of words such as "stop," "look," "one-way," "danger," "yield," or any mislead, or confuse traffic.
 - B. Signs of which all or any part is in motion by any means, including fluttering, rotating.
3. *Surface Area Limitations, Number of Signs, and Sign Setbacks.*
 - A. The maximum surface area for each type of sign for which a permit is required shall not exceed subject to the following standards:
 - (1) The total area of any freestanding sign shall not exceed 1 square foot for district in the Schedule of Sign Regulations.
 - (2) The total area of any flat-wall sign shall not exceed 25 percent of the area of to the maximum surface area stipulated for each district in the Schedule of Sign Regulations.
 - (3) Permanent window signs shall be considered flat-wall signs and included in computation of the maximum surface area, but shall nevertheless not exceed 25.

- B. The maximum number of signs allowed for each type of sign for which a permit is required shall number of signs permitted, a sign shall be considered to be a single entity organized, related and composed to form a unit. Where the organization, relationship, or composition of a number of elements is not readily discernible as a single sign, each element shall be considered to be a single sign.
- C. Signs for which a permit is required are subject to the setback requirements set forth.

D. Schedule of Sign Regulations.

Schedule of Sign Regulations

	Type of Sign					
	Wall	Free Stand	Advertising	Temporary	Bulletin Boards	Announcement or Professional
N.A.-Not Applicable *-Not Permitted						
Blue Mountain Preservation - BM [Ord. 2006-7]						
-maximum surface area in square feet	20	20	*	6	32	2
-maximum number allowed per property	One street	Per front	*	1	2	1
-setback from street right-of-way line	N.A.	10	*	10	10	10
Agricultural Preservation						
-maximum surface area in square feet	32	32	*	32	32	2
-maximum number allowed per property	One street	Per front	*	2	2	1
-setback from street right-of-way line in feet	N.A.	10	*	10	10	10
Village Center - VC [Ord. 2006-7]						
-maximum surface area in square feet	60	60	*	32	32	2
-maximum number allowed per property	One street	Per front	*	2	2	1
-setback from street right-of-way line in feet	N.A.	10	*	10	10	10
Rural Village - RV [Ord. 2006-7]						
-maximum surface area in square feet	50	50	*	32	32	2
-maximum number allowed per property	One street	Per front	*	2	2	1
-setback from street right-of-way line in feet	N.A.	10	*	10	10	10
General Commercial/General Industrial - GC/GI [Ord. 2006-7]						
-maximum surface area in surface feet	100	100	100	32	32	2

N.A.-Not Applicable *-Not Permitted	Wall	Free Stand	Advertising	Temporary	Bulletin Boards	Announcement or Professional
-maximum number allowed per property	One street	Per front	See subsection .7	2	2	1
-setback from street right-of-way line in feet	N.A.	10	50	10	10	10
Rural - R [Ord. 2006-7]						
-maximum surface area in square feet	2	10	%	6	32	2
-maximum number allowed per property	One street	Per front	%	1	2	1
-setback from street right-of-way line in feet	%	10	%	10	10	10
Rural Residential - RR [Ord. 2006-7]						
-maximum surface area in square feet	2	10	%	6	32	2
-maximum number allowed per property	One street	Per front	%	1	2	1
-setback from street right-of-way line in feet	%	10	%	10	10	10

- E. *Surface Area Calculation.* The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. In computing the surface area of a multi-faced sign, only one side shall be considered provided all faces are identical. Frames and structural members not bearing advertising matter or not in the form of a symbol shall not be included in the computation of surface area.
4. *Sign Placement, Height, Clearance, Projections from Walls, and Illumination.*
- A. Sign placement shall be subject to the following requirements:
- (1) No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks, or driveways, through confusion with a traffic control device (by reason of color, location, shape, or other characteristics), or through other means.
 - (2) No sign in nonresidential districts of the Township shall be located so as to face residential districts of the Township. This provision shall not apply to signs at right angles to the street right-of-way line of such street or where a street constitutes the zone boundary.
- B. Height shall be measured from the average grade level directly below the face of the sign to the highest part of the sign.
- C. All signs may be interior-lighted with non-glaring lights or may be illuminated by shielded flood lights; provided, however, that no red or green lights shall be permitted within 75 feet of the point of intersection of the street right-of-way lines at a street corner.
5. *Signs for Specific Uses.* Signs for the following uses shall be permitted according to the listed standards. These signs shall be allowed in addition to those set forth in subsection .3.D.
- A. In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this Section related to the maximum surface areas of signs permitted on a premise shall apply with respect to each building, separate store, or similar use. No more than two freestanding signs indicating the name of the center or similar use shall be erected.
- B. An entrance for an industrial or office park serving five or more tenants may have a single sign having a maximum area of 100 square feet indicating the name of the park and listing each tenant.
- C. One sign may be erected to identify a major subdivision, land development, mobile home park, or apartment complex, providing that such sign is located at a main entrance and has a maximum area of 25 square feet.
6. *Temporary Signs.* Temporary signs shall be permitted subject to the following provisions:
- A. Temporary signs which advertise the prospective or completed sale or rental of the premises upon which it is located are permitted, provided that it shall be maintained and removed within 10 days after the execution of a lease or an agreement of sale.
- B. Temporary signs indicating the contractors, consultants, mechanics, and artisans performing work or services on the premises; provided, they shall be

removed within 10 days after completion of the service or work and not more than one sign shall be placed on each street fronted by the sign.

- C. Temporary signs appertaining to campaigns, drives, or events of political, civic, philanthropic, educational, or religious completion of the campaign, drive, or event. No such sign shall be posted earlier than 3 weeks before the occurrence of the event to which it relates.
 - D. Special promotional devices, signs, or displays such as flood lights, flags, banners, pennants, sandwich boards, sidewalks or curb signs, and related devices shall only be permitted for a new business and an existing one for special occasions not more than four times a year for a period of not more than 15 days in any 1 calendar year. At no other time shall such devices, signs, or displays be permitted.
7. *Advertising Signs.* When permitted in a zoning district, advertising signs are subject to the following provisions: There shall be a minimum distance of 300 feet between advertising signs. Advertising signs shall not be permitted within 100 feet of the Blue Mountain Preservation - BM District, unless the advertising surface of such sign is not visible there from, in which instance they shall be no closer than 50 feet to that district. Advertising signs shall not be permitted within 50 feet of any residential use, no matter in what district it is located. [Ord. 2006-7]

(Ord. 1982-1, 6/3/1982, §470; as amended by Ord. 2006-7, 11/2/2006, Art. I, §1)

§27-408. Logging.

1. All logging operations shall be conducted according to current best management practices and all applicable local, State and Federal regulations.
2. A logging plan shall be prepared and submitted to and reviewed by the Township, for each harvesting operation within the district by a professional forester or a forest technician. Pennsylvania Department of Conservation and Natural Resources (DCNR), Bureau of Forestry, shall be contacted for assistance in preparing a harvesting plan and their input shall be included in the plan.
3. All applicants are strongly encouraged to seek woodland management assistance through the Pennsylvania Forest Stewardship Program administered by the Pennsylvania Bureau of Forestry.
4. The plan shall address all applicable erosion and sedimentation control and stream crossing regulations under 25 Pa.Code, Chapter 102, Erosion and Sediment Control Rules and Regulations, issued under the Clean Stream Law, 35 P.S. §691.1 *et seq.*, and 25 Pa.Code, Chapter 105, Dam and Waterway Management Rules and Regulations issued under the Dam Safety and Encroachment Act, 32 P.S. §693.1 *et seq.*, as amended, or subsequent applicable legislation. Any earth disturbance shall require an E & S control plan submitted to and reviewed by the Township. Any earth disturbance over 5,000 square feet shall be submitted to the Lehigh County Conservation District for their review and approval.
5. Copies of all permits and plans shall be available at the site and submitted to the Township.
6. For all tree-harvesting operations the Township enforcement officer shall be notified before the beginning and at the end of the operation. This meeting with Township enforcement officer shall be held prior to any operation. The purpose of this

meeting is to determine the appropriate permits and/or plan required for that particular operation.

7. Felling or skidding on or across any public road is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of said road.
8. No tops or slash shall be left within 25 feet of any public road and named recreational trail.
9. All tops and slash between a distance of 25 feet and 50 feet from a public road and named recreational trails shall be lopped to a maximum height of 4 feet above the surface of the ground.
10. All constant flowing streams are an important natural resource, which need special protection, logging of only selected trees as determined by DCNR will be allowed within 75 feet each side of the stream.
11. No tops or slash shall be left on or across a property boundary without written consent of the adjoining landowner.
12. Litter resulting from any logging operation shall be cleaned up and removed from the site before the operator vacates it.

(Ord. 1982-1, 6/3/1982, §480; as added by Ord. 2002-2, 9/5/2002, Art. I, §9)

§27-409. Boulder Fields.

1. Boulder fields are a unique natural resource and shall be protected from all type of development.
2. No excavation of any type shall be allowed within the boulder field.
3. No tops, slash or litter shall be left within a boulder field.
4. No felling or skidding of trees across or within a boulder field shall be allowed.

(Ord. 1982-1, 6/3/1982, §490; as added by Ord. 2002-2, 9/5/2002, Art. I, §9; and as amended by Ord. 2002-3, 9/5/2002, §5)

Part 5**Special Exception Uses****§27-501. Procedure for Special Exception Uses.**

1. The Zoning Hearing Board shall make a determination that the proposed special exception use will or will not be permitted pursuant to the procedures set forth in §27-704. The use shall be permitted if the standards and criteria set forth in this Part are met. The use shall not be permitted if the standards and criteria set forth in this Section are not met. The Zoning Hearing Board may attach reasonable conditions and safeguards which are necessary for the protection of the public health, safety, general welfare, or morals of the community, in the permitting of a special exception use.
2. No application shall be granted by the Zoning Hearing Board for any special exception use until said Zoning Hearing Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Township, and where appropriate, with reference to the adequacy of the site area and the arrangements of buildings, driveways, parking areas, off-street truck loading spaces, and other pertinent features of the site plan. The Planning Commission shall have 60 days from the date of its receipt of the application within which to file its report thereon. In the event that the Planning Commission fails to file its report within 60 days, such application shall be deemed to have been reviewed by the Planning Commission. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. [Ord. 2000-2]

(Ord. 1982-1, 6/3/1982, §510; as amended by Ord. 1993-2, 2/4/1993, §27; and by Ord. 2000-2, 11/2/2000, §4)

§27-502. General Standards.

These standards are applicable to all applications for special exception uses, as set forth in Part 3 and Section 501. [Ord. 13-2]

1. *Access.* For every special exception use, the Board shall determine that there is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be designed in accordance with relevant standards contained in the Lynn Township Subdivision and Land Development Ordinance [Chapter 22].
2. *Parking.* For every special exception use, the Board shall determine that there are adequate parking areas and off-street truck loading spaces, in conformity with this Chapter, for the anticipated number of occupants, employees and patrons, and that the layout of the parking spaces, truck loading berths, and interior driveways is convenient and conducive to safe operation.
3. *Buffers.* For every special exception use, the Board may require a protective planting strip in accordance with the standards contained in §27-404.6.
4. *Lighting.* For every special exception use where the installation of outdoor

- flood or spot lighting is intended, the Board shall determine that such lighting will not shine directly upon any abutting property, or upon the street. No unshielded lights shall be permitted.
5. *Storm Drainage.* For every special exception use, the Board shall determine that adequate provisions will be made for collection and disposal of stormwater runoff from the site.
 6. The Township may require the applicant to perform a traffic impact study. If required, the applicant shall hire a traffic consultant to prepare said study with the approval of the Township. The study shall follow current PennDOT guidelines for such studies. The study area shall include all intersections within 2,000 feet of the tract. The study shall enable the Township to assess the impact of a proposed development on the highway network and township roads, to identify traffic problems associated with the proposed development, to identify solutions and to present improvements to be incorporated into the project design. [Ord. 1993-2]
 7. The Township may require the applicant to perform a community impact study. If required, the applicant shall submit an impact study which will sufficiently assess the impact the development will have on the Township and the level of public services. The study shall address the manner in which identified negative impacts shall be resolved by the applicant to enable the Board of Supervisors to ascertain if the proposed development is capable of being serviced by existing public services, and further, to specify what efforts the applicant has made to minimize the demand for services. The study shall analyze the following services and facilities:
 - A. *Fire Protection.* The impact the proposed development will have on fire protection capability should analyze including, but not limited to, municipal water supply, pumping capacity and specialized equipment. The applicant must adequately demonstrate what effect the proposed development will have on these factors and its ability to meet any specialized needs so that the development will not have any impact on the public safety by adversely affecting the fire protection capability available to the community.
 - B. *Solid Waste.* A study to determine what amount will be generated as a result of the development shall be analyzed. The study should identify what method will be used to dispose of the solid waste, and what effort will be directed toward recycling solid waste.
 - C. *Historical.* A study shall be made that determines the location of historic properties and structures both on and within 200 feet of the site and the effect said development will have on these properties and structures, and what effort the developer will make to preserve such historic properties will make preserve such historic properties and structures. Determination of historical significance and the treatment of all negative impacts will considered by the Township Planning Commission with the final decision on treatment resting with the Board of Supervisors.
 - D. *Water.* A study of the amount of water needed for domestic and fire use shall be provided. Study shall indicate the location of the source and anticipated pressure of the proposed source. The applicant shall indicate willingness to pay for the cost of improvements to a public water system if it

is determined that connection to said water system is necessary.

- E. *Sewer.* A study providing information on the alternative methods of sewage disposal shall be provided. Developer shall provide information of the estimated gallons per day of sewage that will be treated by the proposed sewage system and details on the specific type of system proposed.
- F. *School Facilities.* A study to determine the impact the development will have on school enrollment within the Northwestern Lehigh School District. The study shall project the number of school aged children to be generated by the development. Said calculations shall be made for each dwelling type proposed and shall utilize demographics of the U. S. Census and the Township Comprehensive Plan.

[Ord. 1993-2]

- 8. *Access of Commercial Uses to Public Roads.* The following standards shall apply to commercial uses when permitted along public roads as defined by the Lynn Township Comprehensive Plan:
 - A. No more than one access point shall be permitted per lot to a public road, except that lots with more than 200 feet of frontage on a public road may have a second access point. The second access point shall not be less than 150 feet from the other - measured from near edge to near edge. Access points shall comply with the Lynn Township Subdivision and Land Development Ordinance [Chapter 22].
 - B. A planting strip shall be provided adjacent to and parallel to the right- of-way of the public road. It shall serve to define the points of access to the lot. The planting strip shall have a minimum depth of 10 feet measured from the near edge of the right-of-way of the public road, and shall be planted in lawn grass and/or low growing plant species which at maturity will not obstruct motorist's views.
 - C. Every use, building or structure located on a lot shall be designed to provide safe and convenient access for emergency service vehicles. Fire lane easements may be required by the Board of Supervisors to insure access. When required, fire lane easements shall extend from a public road and have a minimum right-of-way width of 25 feet, which shall be graded and maintained obstruction free for use by emergency vehicles. The design of such fire lane easements shall be approved by the Board of Supervisors and the local fire company having jurisdiction.
 - D. Interior drives shall be designed so as to prevent the blocking of vehicles entering and leaving site.
 - E. All uses, buildings and structures shall be designed to adequately accommodate off-street parking.

[Ord. 1993-2]

- 9. *Landscape Standards.* Any portion of a lot, site or tract which is not used for buildings or structures, loading or parking spaces and aisles, or other paved surfaces shall be protected by landscaping or other means to prevent soil erosion and subsequent sedimentation from occurring downstream. [Ord. 1993-2]

(Ord. 1982-1, 6/3/1982, §520; Ord. 1993-2, 2/4/1993, §§28–31; and by Ord. 13-2, 11/14/13 §41)

§27-503. Standards Relevant to Individual Uses.

These standards are applicable to the individual uses listed in Part 3. These standards are to be applied in addition to those set forth in §27-502.

1. *Membership Club.*
 - A. It shall be demonstrated to the board that such membership club will serve a purely social, athletic or community service purpose; that it will be operated on a membership basis, and that the nature of such membership club will not cause or create a nuisance to adjoining properties or to its general neighborhood.
2. *Townhouses, Apartments, Conversions to Apartments.*
 - A. Each apartment must include the following number of square feet of interior space:
 - 1) Efficiencies - 250 square feet.
 - 2) One bedroom - 350 square feet.
 - 3) Two bedroom - 500 square feet.
 - 4) Three bedroom - 600 square feet.
 - 5) One hundred square feet of additional space for each additional bedroom.
 - B. Each apartment must provide complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
 - C. *Ingress - Egress.* Exit ways shall provide safe and continuous means of egress to a street or to an open space with direct access to a street. Each apartment shall be provided with direct and continuous access to such an exit way. All required exit ways shall be so located as to be discernible and accessible without obstruction and so arranged as to lead directly to the street or to an area of safety with supplemental means of egress that will not be obstructed or impaired by fire, smoke or other cause.
 - D. *Maximum Dwelling Units.* The maximum number of dwelling units on conversion within a multi-family dwelling building shall be 4. [Ord. 1987-1]
 - E. Individual units shall have approved 2-hour fire separation as per current Uniform Construction Code. There shall be no wall penetration between units which could allow fire to spread from one unit to another. [A.O.]
 - F. All townhouses and newly constructed apartments must obtain site plan approval from the Lynn Township Planning Commission.

[Ord. 1993-2]

3. *Retail Store or Shop, Business or Professional Office, Bank or Other Financial Institution, Personal Service or Repair Establishment, Restaurant, Tavern or Other Establishment Serving Food or Beverage.*
 - A. Each proposed use shall have frontage on and receive its collector or major arterial road in the Lynn Township Comprehensive Plan. [Ord. 1993-2]
4. *Adult Bookstore, Adult Motion Picture Theater, Adult Mini-motion Picture Theater.*

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- (1) These uses shall not be established within 500 feet of a residence, a church, or place of worship, a school, or park unless the applicant presents a petition to the Board which indicates approval of the proposed use by 51 percent of the persons owning, residing or doing business within radius of 500 feet of the location of the proposed use. The applicant shall have attempted to contact all eligible locations within this radius, and must supply a list of all addresses at which no contact was made. The circulator of the petition shall have subscribed to an affidavit attesting to the fact that the circulatory personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appear thereon.
 - (2) All building openings, entries, and windows for adult mini-motion picture and motion picture theaters shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi- public area.
 - (3) Advertisements, displays, or other promotional materials shall not be exhibited so as to be visible to the public from public or semi-public areas.
5. *Shopping Centers, Industrial Parks and Office Parks.*
 - A. Each application for a shopping center, industrial park or office park shall be accompanied by a traffic study prepared by a traffic engineer that details expected peak and total trip volumes and designations. The study shall consider and make recommendations as to highway system improvements necessary for the safe and congestion-free management of the generated traffic.
 - B. An overlay master plan indicating improvements, including layout of lots, roads, utilities, and buildings shall be prepared and submitted as part of the application. [Ord. 1999-2]
 - C. All utilities shall be placed underground. [Ord. 1999-2]
 - D. Only such uses as are permitted by right in the applicable Zoning District shall be allowed in shopping centers, industrial parks and office parks. [Ord. 1999-2]
 - E. Fire lane easements shall be shown on the plan. [Ord. 1999-2]
 6. *Drive-in Banks.*
 - A. Drive-in windows shall be so arranged that sufficient area exists for the expected lines of vehicles. The area set aside for the lines shall not be used for other internal traffic circulation.
 - B. Directions for the internal movement of traffic shall be clearly marked.
 7. *Transportation Terminals.*
 - A. All areas used for vehicle storage, loading, fueling, or maneuvering shall be paved.
 - B. The parking area shall be arranged so that all internal traffic movements can be made without entering the public right-of-way.
 - C. All repair operations shall be conducted within enclosed buildings.
 - D. All storage shall be within enclosed structures.

8. *Commercial Campground.*
 - A. The commercial campgrounds are to provide space for recreational vehicles, motor homes, and tents on a temporary basis only. No permanent dwelling unit or mobile home shall be placed in a commercial campground except the residence of the proprietor.
 - B. Sanitary sewerage service shall be provided through hook up to the Township system.
9. *Automobile Service Station.*
 - A. Automobile service stations and all access points thereto shall be separated by a minimum of 200 feet from entrances and exits to schools, churches, parks and fire stations.
 - B. All gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines.
 - C. Gasoline pumps shall be setback a minimum of 15 feet from all right- of-way or property lines.
 - D. Parking areas shall be designed so that vehicles will not have to back on to a public street. [Ord. 1993-2]
10. *Mobile Home Parks.*
 - A. There shall be a minimum distance of 25 feet between an individual mobile home, including accessory structures attached thereto, and the pavement of any mobile home park street, except that when the street serves less than 10 mobile homes, a minimum distance of 10 feet shall apply.
 - B. Mobile homes shall be separated from each other and from other buildings and structures by a minimum distance of 25 feet.
 - C. Streets shall be designed and constructed in accordance with the requirements for mobile home parks included in the Lynn Township Subdivision and Land Development Ordinance [Chapter 22].
 - D. Mobile home parks shall be connected to the public sewer system and to a centralized water system conforming to the requirements set forth in §22-409.7.A of the Lynn Township Subdivision and Land Development Ordinance of 1980 [Chapter 22].
11. *Floodplain District Uses.*
 - A. No structure, fill, or use may be allowed as a special exception use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.
 - B. *Fill.*
 - (1) The fill or materials must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

- (2) Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulkhead.
 - B. *Structures.*
 - (1) Structures shall offer the minimum obstruction to the flow of floodgates: 1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and 2) As far as possible, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - (2) Structures shall be firmly anchored to prevent flotation.
 - (3) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory floor protection elevation for the particular area or flood proofed.
8. *Commercial and Outdoor Recreation Areas.*
 - A. Sanitary facilities adequate to handle the participants and spectators of the area shall be provided.
 - B. The noise emanating from the use shall comply with the standards contained in §27-405.4.
 - C. All commercial recreation areas shall front on or have direct access to an arterial or collector road as designated in the Lynn Township Comprehensive Plan. [Ord. 1997-5]

[Ord. 1993-2]
9. *Sanitary Landfill.*
 - A. The operator shall have obtained a Department of Environmental Protection permit or a commitment to issue a permit subject to Township approval, for the operation of the sanitary landfill. [A.O.]
 - B. The actual landfill operations shall be set back 500 feet from any residence in existence at the time of the application, which is not on the site.
 - C. The applicant shall indicate the routing of trucks to the site. The applicant shall demonstrate, upon request, that the roads to be utilized for site truck traffic are structurally capable of bearing the expected loads.
 - D. A planting screen in accordance with the standards of §27-404.6 shall be provided for front, side and rear yards.
 - E. All sanitary landfill, land developments shall front on or have direct access to an arterial or collector road as designated in the Lynn Township Comprehensive Plan. [Ord. 1997-5]
10. *Highway Safety Shelters.*

Highway safety shelters shall not exceed 7 feet in width, 8 feet in length (depth), and 7 feet in height and shall be set upon and firmly anchored to a reinforced concrete slab at least 4 inches thick. A mud-free approach from the side of the street on which the shelter fronts to the shelter itself shall be installed. The size of the shelter may be increased when written approval from the school district officials which shall indicate that the shelter is too small for the number of students that will occupy the shelter at that bus stop. The size of the shelter shall then be approved by both the School Board and the Zoning Hearing Board.

- A. Highway safety shelters shall in all cases be located on private property.
 - B. No highway safety shelter shall be erected on private property without the record owner or owners of such private property having first given written permission or lease authorizing the erection and maintenance of the shelter thereon.
 - C. Highway safety shelters shall be erected only at locations designated as official school bus stops by the Northwestern Lehigh School District.
 - D. Highway safety shelters erected between intersections shall be located at least 1 foot back from the legal right-of-way line of the street on which the shelter fronts. Highway safety shelters erected on-street intersection properties where the side of the shelter is less than 50 feet from the legal right-of-way line of the street at the side of the shelter shall be set back at least 15 feet from the legal right-of-way line of the street on which the shelter fronts. The requirements for corner clearance, §27-403.6, shall be applied. Shelters shall also be located at least 15 feet away from the side property line of the property on which the shelter is located unless the owner of the adjoining property gives written permission of consent to have said shelter placed closer than 15 feet from said side property line.
 - E. Highway safety shelters shall not bear advertising displays or print of any sort.
 - F. Highway safety shelters shall at all times be properly maintained and kept in repair by the owner thereof. They shall be kept clean, free of papers and debris, and free of obscene writings and markings on any part thereof.
11. *Extraction of Mineral Resources.*
- A. *General Standards for All Uses.*
 - (1) All mineral resource extraction land developments shall front on or have direct access to an arterial or collector road as designated in the Lynn Township Comprehensive Plan.
 - (2) A site plan must be reviewed by the Lynn Township Planning Commission and approved by the Lynn Township Board of Supervisors. The site plan shall show method of extraction, list of machinery to be used and location of points of ingress and egress.
 - (3) Where materials are removed from the site it shall be planned in such manner that it will not cause any debris or material to be deposited beyond the site boundaries.
 - (4) A written agreement shall be included with the site plan from the applicant stating that all machinery and devices used for extraction purposes will be removed from the site upon completion of the process.
 - (5) An estimated time schedule of operations and completion shall be submitted with the site plan. The Board may extend said schedule, upon request, with reasonable limits and as the situation requires.
 - (6) No extraction shall be conducted and no buildings shall be located closer than 150 feet to the center line of any street. The setback area shall not be used for any other use in conjunction with extraction except access streets, berms, screening and permitted signs.

- (7) There shall be a berm of minimum height of 15 feet and maximum height of 50 feet, separating the extraction areas from the surrounding properties. Slope of sides of berm shall not exceed 1:1 ratio. Berms shall be planted and dust and erosion control measures shall be taken. There shall also be planting sufficient to screen the extractive industry operation. Planting and berm shall begin at a point not closer to the street than the future right-of-way line.
 - (8) Fences are encouraged and may be required within the setback area. Appropriate warning signs shall be posted at intervals of not more than 100 feet.
 - (9) An adequate internal circulation pattern of streets shall be maintained between excavation and processing areas. Use of public streets shall not be permitted for hauling between extractive and processing areas except where required in connection with such pattern, or for access to vehicular traffic origination from or destined to points beyond the limits of such excavation site and processing areas.
 - (10) All activities shall comply with the applicable Federal and State regulations for extraction industries. Necessary permits related thereto shall be submitted.
 - (11) All drainage from the site of extractive operations shall be controlled by dikes, barriers or drainage structures sufficient to: (1) prevent any silt, debris or other loose materials from filling any existing drainage course or encroaching on-streets or adjacent properties; and (2) prevent excessive amounts of runoff from the site.
 - (12) After the completion of the extractive process, the ground shall be restored in compliance with relevant Pennsylvania Department of Environmental Protection and Federal requirements.
 - (13) All operations shall be conducted with sufficient lateral support to be safe with respect to: (1) hazard to persons, (2) physical damage to adjacent lands or improvements, or (3) damage to any street, parking area, or utility, by reason of slides, sinking or collapse.
- B. *Regulations Which Apply to Oil and Gas Well Operations.*
- (1) The operations shall comply with the provisions of the Pennsylvania Oil and Gas Act, 58 P.S. §601.101 *et seq.* Compliance shall be demonstrated by the submission of a permit obtained pursuant to the provisions of the Oil and Gas Act.
 - (2) Internal access roads shall comply with the provisions of §22-403.7 of the Lynn Township Subdivision and Land Development Ordinance [Chapter 22].
 - (3) *Setbacks.*
 - i. Wells and brine storage areas shall be set back 200 feet from all existing buildings and water wells.
 - ii. Wells and brine storage areas shall be setback 100 feet from all streams, springs, and any wetlands of greater than 1 acre in size.

- iii. Wells and brine storage areas shall be setback 100 feet from all property lines and from public streets and rights of way.
 - iv. Other structures accessory to the oil and gas operations shall meet the setback requirements specified in §27-304.6 for “all other uses.” Accessory uses shall not occur in the required front yard.
- (4) The applicant shall indicate the measures to be employed to minimize the noise impacts of the drilling operations to the nearby properties.
- (5) A soil erosion and sedimentation control plan in conformance with the requirements of the Department of Environmental Protection shall be submitted.
- (6) A 6-foot high chain link fence shall enclose all oil and gas operations and individual drilling sites.
- (7) *Groundwater Protection.*
- i. The applicant shall submit a list of all owners of water wells within 1,000 feet of the proposed well. The applicant shall have contacted each water well owner by certified mail notifying them of the proposed well and offering to conduct a test of their well water. Copies of the letters and responses shall be provided to the Zoning Hearing Board. These tests shall be conducted without cost to the water well owners by an independent laboratory. The tests shall encompass the Environmental Protection Agency primary drinking water standards (document #EPS 570/9-76-003) and the secondary drinking water standards of the Congressional Federal Register of 7/19/79-CFR Part 143. Additionally, the testing shall cover specific conductivity, potassium, methane, ethane, oil, and grease. If pollution is detected based on these criteria, testing for volatile organics and base neutral extractables may be required. The results shall be provided to the water well owners, at no cost to the water well owners.
 - ii. Until the well has been abandoned and capped in accordance with DEP regulations, each of the water wells shall be tested annually by an independent laboratory. The tests shall encompass the same parameters as cited in §27-503.O(27). The results shall be provided to the water well owners, at no cost to the water well owners.
 - iii. In the event that no water wells are located within 1,000 feet of the proposed well, the applicant shall drill a monitoring well within 1,000 feet of the proposed drilling site and shall conduct the same tests as required by §§27-503.O(27)(a) and 27-503.O(27)(b). The test results provided in accordance with §§27-503.O(27)(a) and 27-503.O(27)(b) shall be forwarded to the Township Zoning Officer.
- (8) All tanks used for the storage or the production of oil shall conform to the specifications of the American Petroleum Institute. Proof of such compliance shall be submitted to the Zoning Hearing Board and to

the Zoning Officer, upon request.

- (9) Portable equipment not necessary for the continued drilling, or other use of the site shall not be stored on the property except in completely enclosed buildings.
- (10) Prior to the annual anniversary of the issuance of the occupancy permit for the well, the well operator shall make application for the renewal of the occupancy permit on forms provided by the Township. The Zoning Officer shall inspect the well site and shall review relevant documentation, in order to determine if the operation complies with the provisions of this Chapter and the order and/or opinion of the Zoning Hearing Board, if so, the occupancy permit shall be renewed. If the Zoning Officer determines that the operations do not comply in part or all, the occupancy permit renewal shall be denied, in which case, the operation of the well shall cease until the provisions of this Chapter are met. Appeals from the Zoning Officer's decision may be pursued in accordance with the provisions of §27-703.1.C. The annual renewal of the occupancy permit shall continue until the well has been abandoned and plugged in accordance with the rules of the Department of Environmental Protection.

C. *Regulations Which Apply to Water Extraction.*

- (1) A detailed study must be performed by a certified hydro geologist or hydrologist in order to determine the quantity of water available for extraction and the quality of the water being extracted. The study shall include:
 - i. A survey of existing water wells within ½-mile radius of the proposed extraction site. For each well surveyed, the following information shall be set forth:
 - a) Well location.
 - b) Well depth.
 - c) Well casing depth.
 - d) Static water level.
 - e) Specific capacity of the well.
 - f) Date of survey and method by which data was obtained.
 - ii. A map showing the location of all existing on-lot septic systems, all sewage treatment plants and all land application sites for sewage sludge within ½ mile shall be presented. The township engineer shall review the proposal and send any comments to the Zoning Hearing Board for their information.
 - iii. A complete geologic map, including bed rock type, all known faults and lineations, i.e. fracture trace, said map covering an area of a ½ mile radius of the proposed or existing extraction site, shall be presented.
 - iv. A proposed water budget for the drainage basin using the Walton Method. The budget shall specify all necessary energy inputs and all calculations shall be supplied.

- (2) Any wells shall be setback a minimum of 200 feet from any property line.
- (3) Any structures associated with the extraction process shall meet the setback requirements of §27-304.6.
- (4) The standards of §27-405.4 regarding noise must be adhered to.
- (5) A soil erosion and sedimentation control plan must be developed and approved by the Pennsylvania Department of Environmental Protection.
- (6) A 6-foot high chain link fence shall enclose all extraction operations and individual extraction sites.
- (7) *Groundwater Protection.*
 - i. The applicant shall submit a list of all owners of water wells within 1,000 feet of the proposed water extraction site. The applicant shall have contacted each water well owner by certified mail notifying them of the proposed extraction site and offering to conduct a test of their well water. Copies of the letters and responses shall be provided to the Zoning Hearing board. These tests shall be conducted without cost to the water well owner by an independent laboratory. The tests shall encompass the Environmental Protection Agency primary drinking water standards (document #EPS 570760003) and the secondary drinking water standards of the Congressional Federal Register of 7/19/79-CFR Part 143. The results shall be provided to the water well owners at no cost to the water well owners.
 - ii. Until the extraction site has been abandoned and capped in accordance with DEP regulation, each of the Water extraction sites shall be tested annually by an independent laboratory. The tests shall encompass the same parameters as cited in §27-503.O(2)(g)1). The Results shall be provided to the water well owners at no cost to the water well owners.
 - iii. The results shall be provided to the water well owners at no cost to the water well owners.
- (8) Portable equipment not necessary for the continued extraction or other use of the site shall not be stored on the property except in completely enclosed buildings.
- (9) Prior to the annual anniversary of the issuance of the occupancy permit for the extraction site, the well operator shall make application for the renewal of the occupancy permits on forms provided by the Township. The Zoning Officer shall inspect the site and shall review relevant documentation, in order to determine if the operation complies with the provisions of this Chapter and the order and/or opinion of the Zoning Hearing Board. If the Zoning Officer determines that the operations comply, the occupancy permit shall be renewed. If the Zoning Officer determines that the operations do not comply in part of all, the occupancy permit renewal shall be denied in which case, the operation of the well shall cease until the provisions of this Chapter are met. Appeals from the

Zoning Officer's decisions may be pursued in accordance with the provisions of §27-703.1.C. The annual renewal of the occupancy permit shall continue until the well has been abandoned and plugged in accordance with the rules of the Department of Environmental Protection.

- (10) Well construction must conform to all applicable standards of the Lynn Township Subdivision and Land Development Ordinance, Appendix 22-A [Chapter 22].

[Ord. 1997-5]

12. *Food Processing Industry, Bottling and Packaging Facilities, and Print Shops.*
- A. The applicant shall demonstrate that the wastes from the industrial process, whether in the form of solids or sewage, will be treated and disposed of in a manner protecting the public health.
13. *Recreational Vehicle Park.*
- A. The minimum individual campsite shall be 1,400 square feet.
- B. The overall density of campsites per gross acre of park area shall not exceed 15.
- C. Recreational vehicles shall be separated by a minimum distance of 10 feet.
- D. A minimum of 1.5 parking spaces per campsite shall be provided. This parking shall be provided beyond the cart-way of the internal roads.
- E. Internal roads shall be maintained in a mud and dust free state.
- F. No travel trailer shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Continuous occupancy extending beyond 3 months in any 12-month period shall be presumed to be permanent occupancy.
- G. Any action toward removal of the hitch or wheels of a travel-trailer except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited.
- H. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a travel-trailer park and campground are permitted as accessory uses in travel-trailer parks and campgrounds in districts where such uses are not allowed as principal uses, subject to the following restrictions:
- (1) Such establishments and the parking areas primarily related to their operations shall not occupy more than 10 percent of the gross area of the park.
- (2) Such establishments shall be restricted in their use to occupants of the parks.
- (3) Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.
- (4) The structures housing such facilities shall not be located closer

than 100 feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

14. *Large and Small Group Care Facilities.*

- A. The applicant shall demonstrate those support facilities that are essential to the functioning of the specific facility. These support facilities shall include, but are not limited to transportation, medical care, education facilities, recreation facilities, social services and training facilities.
- B. The facility shall have obtained any and all licenses and permits required by the Federal, State, County or local government which may be relevant to the particular type of facility.
- C. A minimum floor area of 900 square feet shall be provided for all small group care facilities.
- D. For large group care facilities, a minimum floor area of 900 square feet plus 110 square feet for every resident in excess of six shall be provided.
- E. Small group care facilities shall not have more than six residents.
- F. The group care facilities shall have 24-hour per day supervision of the residents by people qualified by training and experience in the field for which the group care facility is intended.
- G. One off-street parking space per employee for the maximum number of employees on any one shift shall be provided if the resident group members are not allowed to operate motor vehicles. If the resident group members are allowed to operate motor vehicles, one off-street parking space shall be provided for each resident.
- H. The facility shall not provide medical, counseling or other service to persons who do not reside at the facility.
- I. The lot on which the group care facility is sited shall be separated from lots on which other group care facilities are located by a minimum distance of 800 feet in any direction.
- J. The facility shall comply with the following requirements, by providing said information to the Zoning Officer, on or before February 1, of each year, or an annual basis.
- K. The names, addresses, and telephone numbers of the primary and alternate Supervisors of the group home facility.
- L. The address of the operator of the group home for the acceptance of correspondence and service of documents which address shall be within the Commonwealth of Pennsylvania, or in the event of a sponsor not maintaining an office within the Commonwealth of Pennsylvania, then the sponsor shall designate an agent for acceptance of correspondence and service of document within the Commonwealth of Pennsylvania.
- M. A current copy of any license held by the operator of the group home authorizing the operation of the group home facility.

- N. The applicant shall also submit such additional information as shall be required by the annual application to be filed with the Zoning Officer to accompany the above information.

[Ord. 1994-3]

15. *On-lot Business.*

- A. The following shall be permitted as an on-lot business.
- (1) Auto body shop.
 - (2) Auto repair shop.
 - (3) Contract hauling services.
 - (4) Contractor's yards, (excavating electrical, etc.)
 - (5) Excavating contractor.
 - (6) House painter.
 - (7) Kennels.
 - (8) Landscaping.
 - (9) Machine shop.
 - (10) Paint shop.
 - (11) Reproduction/printing services.
 - (12) Retail use.
 - (13) Sawmill.
 - (14) Small engine repair, lawnmower repair.
 - (15) Tow truck service.
 - (16) Trucking services.
 - (17) Veterinary clinic.
 - (18) Warehousing.
 - (19) Welding shop.
 - (20) Woodworking shop.
 - (21) Any other uses that the Zoning Hearing Board deems consistent with this Chapter.
- B. On-lot business shall be limited to employment on premises of not more than five employees other than immediate family permanently residing on the premises.
- C. Off-street parking is required in addition to parking requirements of the residence, pursuant to §27-406.
- D. On-lot business shall be conducted only between hours of 6 a.m. and 10 p.m.
- E. All repair and paint work shall be performed within an enclosed building.
- F. All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.

- G. In the case of kennels; no barns, animal shelters, stables, feed yards or manure storage areas shall be located closer than 50 feet from all street and property lines.
- H. In the case of a retail use; no articles shall be sold or offered for sale except such as may be produced on the premises, unless incidental to the principal service provided.
- I. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials, or materials which decompose by detonation, shall be allowed in conjunction with any warehouse or warehousing operation.

[Ord. 1994-3]

16. *Public Buildings/Industrial/Commercial Uses.* [Ord. 13-2]

- A. A landscaping plan shall be developed showing all open spaces and yards and buffer areas, including methods to provide screening from any residential use.
- B. These uses must comply with the applicable standards of §27-405. [Ord. 1993-2]

17. *Heliports and Helistops.*

- A. Where permitted as an accessory use on the same lot with, and incidental to, a use permitted in the particular zoning district, the heliport or helistop also shall comply with the area, coverage and yard requirements of the applicable zoning district. However, in no case shall any such landing surface be located closer than 300 feet from any residential district boundary line.
- B. The landing surface shall be paved and level, and shall be at least 60 feet square or in the case of a circle, shall be at least 60 feet in diameter. Except for rooftop pads, a secondary 30-foot perimeter area shall contain a gravel or grass cover. Both the landing surface and secondary perimeter shall be well maintained and shall be kept dirt-free to preclude blowing dust or debris caused by rotor downwash, and shall contain no structure or other obstacles other than those required for safety purposes.
- C. The entire perimeter area shall be enclosed by a securable, well-constructed fence, a minimum of 4 feet high, which will serve to prevent unauthorized entry into the landing area. Trees, shrubbery and other landscaping shall be provided in quantities and dimensions deemed necessary to the Planning Commission and Zoning Hearing Board to minimize offensive motor noise and to afford a softening of the visual impact of the landing area. Rooftop pads shall be excluded from these requirements.
- D. At least two approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than 90 degrees apart. Each approach lane shall be located within 45 degrees left or right of the prevailing winds and shall fan out at an angle of 10 degrees from the width of the landing pad to a width of 1,000 feet and shall have a glide angle slope of eight to one measured from the outer edge of the pad.
- E. Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be available. Such emergency landing areas shall be

located within the normal glide range of the helicopter with one engine off when operating in the approved takeoff or landing lane.

- F. An application for a landing pad on a roof shall be accompanied by certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
- G. All fire and safety equipment provided in conjunction with a heliport or helistop shall be subject to the approval of the fire chief of the fire district within which the heliport or helistop is located.
- H. In reviewing any application for a heliport or helistop, the Zoning Hearing Board shall be guided by the standards and criteria included in Part 5 *et seq.*, hereof, and in addition, may impose restrictions on hours of operation, lighting, noise levels and flight altitude over residential areas, and such other requirements as may be appropriate and reasonable to protect the health, welfare, and safety of Township residents and their property.
- I. No permit shall be issued for the construction of a heliport or helistop until the site plan has been approved by the Planning Commission, as provided for in §27-501.
- J. In addition to the requirements of the Township, any application for a heliport or helistop shall comply with the rules and regulations pertaining thereto of the Bureau of Aviation, Pennsylvania Department of Transportation, and the Federal Aviation Administration. No permit for the use of a heliport or helistop shall be issued by the Township until the applicant has obtained an appropriate license for the operation thereof from the Bureau of Aviation, Pennsylvania Department of Transportation.
- K. It shall be unlawful for any person to land, discharge, load or take off in a helicopter any place within the Township of Lynn other than at a heliport or helistop, which has been authorized in accordance with the foregoing provision of this Section, except:
 - (1) In conjunction with a special event such as an athletic contest, a holiday celebration, parade or similar activity, after 7 days advance notice has been given to the Township Administrator and permission obtained to make such landings and takeoffs.
 - (2) When necessary for law enforcement purposes and for emergencies.
 - (3) In connection with a construction project where a helicopter is to be used to lift equipment in connection with such project or perform aerial inspection.
 - (4) In connection with agricultural spraying operations. [*Ord.*]

1999-2]

18. *Airports.*

- A. Where permitted as an accessory use on the same lot with, and incidental to, a use permitted in the particular zoning district, the airport also shall comply with area, coverage and yard requirements of the applicable zoning district. However, in no case shall any such landing surface be located

- closer than 300 feet from any residential district boundary line.
- B. No permit shall be issued for the construction of an airport until the site plan has been approved by the Planning Commission, as provided for in §27-501.
 - C. In addition to requirements of the Township, any applicant for airport shall comply with the rules and regulations pertaining thereto with the Bureau of Aviation, Pennsylvania Department of Transportation and the Federal Aviation Administration. No permit for the use of an airport shall be issued by the township until the applicant has obtained an appropriate license for the operation hereof from the Bureau of Aviation, Pennsylvania Department of Transportation.
 - D. It shall be unlawful for any person to land, discharge, load or take off in any aircraft at any place within the Township of Lynn other than at an airport which has been authorized in accordance with the foregoing provisions in this Section, except when necessary for law enforcement purposes or for emergencies.

[Ord. 1999-2]

- 19. *Nurseries, Greenhouses and Related Horticultural (BM District Only).* [Ord. 13-2]
 - A. Service roads in the nursery shall not be paved or stoned.
 - B. There shall be no retail sale or wholesale on the site.
 - C. There shall be no structures, other than allowed in §27-303.3. [Ord. 2002-2]
- 20. *Game, Farm, Hunting and Fishing Reserves or Similar Uses Designed for the Protection or Propagation of Wildlife.*
 - A. An environmental report, prepared by a qualified expert in the field must be provided showing no impact to the migration patterns or feeding habits of the local wildlife as a result of the proposed use.
 - B. An environmental report, prepared by a qualified expert in the field shall be provided showing the proposed use will not adversely affect the existing plant growth.
 - C. Fencing along the entire perimeter of the entire tract will not be allowed. No more than 25 percent of the tract can be fenced and gated.
 - D. The operation of any farm, hunting and fishing reserve or similar use shall comply with all State and Federal laws, ordinances, regulation, orders, directives, standards, policies, recommendations, specifications and instructions promulgated by any and all governmental units, including the Township.

[Ord. 2002-2]

- 21. [Reserved].
- 22. *Child Day Care Center.*
 - A. The use shall comply with any applicable State and Federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate or license.

- B. Convenient parking spaces within the requirements of this Chapter shall be provided for persons delivering and waiting for children.
- C. The use shall include adequate measures to ensure the safety of children from traffic or other nearby hazards. This shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
- D. Outside play areas in residential districts shall be limited to use between 8 a.m. and 8 p.m. if located within 200 feet of any abutting dwelling.
- E. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be set back a minimum of 25 feet from the exterior walls of an abutting existing occupied dwelling.
- F. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- G. In residential districts, any permitted day care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
- H. A day care use may occur in a building that also includes permitted or nonconforming dwelling units.
- I. If an on-lot septic system is to be used, the applicant shall provide evidence to the Township that the system will be adequate for the proposed use.
- J. The following requirements must also be met:

Min Lot Area:	3 acres
Min Lot Width:	300 feet
Max Lot Coverage:	30%
Max Bldg. Height:	35 feet
Front Yard:	Local road-75 feet from centerline Collector road-80 feet from centerline Arterial road-100 feet from centerline
Side Yard:	50 feet
Rear Yard:	75 feet
Parking spaces:	1 per employee, plus 1 for every 10 children

[Ord. 2005-1]

23. *Adult Day Care Center.*

- A. The use shall comply with any applicable State and Federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate or license. Once the use has commenced, a copy all licenses and certificates, renewals and/or revocations thereof shall be provided to the Zoning Officer within 14 days of receipt from the issuing authority.
- B. Convenient parking spaces within the requirements of this Chapter

shall be provided for visitors.

- C. The facility shall provide constant supervision of all participating adults during all hours of operation.
- D. Hours of operation shall be limited to use between 8 a.m. and 8 p.m. if located within 200 feet of an abutting dwelling.
- E. The following requirements must also be met:

Min Lot Area:	5 acres
Min Lot Width	500 feet
Max Lot Coverage:	50%
Max Bldg Height:	35 feet
Front Yard:	Local road-75 feet from centerline. Collector road-80 feet from centerline. Arterial road-100 feet from centerline.
Side Yard:	50 feet
Rear Yard:	75 feet
Parking Spaces:	1 per employee, plus 1 per adult participant

[Ord. 2005-1]

24. *Assisted Living Facilities.*

- A. The use shall comply with any applicable State and Federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate or license. Once the use has commenced, a copy of all licenses and certificates, renewals and/or revocations thereof shall be provided to the Zoning Officer within 14 days of receipt from the issuing authority.
- B. Every facility shall have adequate staff able to respond immediately during any 24-hour period to short-term requests for assistance by elderly and/or disabled residents for meals, security, housekeeping, daily personal care, transportation and other support services, when needed.
- C. Every individual dwelling shall contain a kitchen facility and bathroom outfitted with suitable plumbing devices and apparatus designed to allow for safe usage and operation by elderly and/or disabled residents.
- D. Every individual dwelling shall be arranged so that the bedroom and full bath utilized by every elderly and/or disabled person of the dwelling is located on the same floor as the main entrance to the dwelling unit.
- E. Every individual dwelling unit shall be equipped with emergency communication devices in the bedroom and full bath utilized by every elderly and/or disabled person of the dwelling which allows such resident to seek immediate assistance from staff.
- F. Each facility shall have only one type of dwelling unit selected from the following types of dwellings: multi-family dwellings, single-family attached dwellings, or single-family semi-detached dwellings.

- G. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
- H. Emergency service responders, such as ambulances, emergency medical technicians (EMT's) police, fire police and fire trucks, shall not utilize any sirens, bells, horns, whistles, or visual methods of announcing their arrival or departure from the facility, or use such devices within 500 feet of such facility.
- I. Heliports and helistops shall not be permitted within 500 feet of any building which houses residents of the facility.
- J. The density, lot area, width lot coverage, height, yard and parking space requirements applicable to the type of dwelling style selected, i.e. single-family dwellings, townhouses, duplexes, multi-family dwellings, shall conform to the applicable regulations for that type of dwelling.

[Ord. 2005-1]

25. *Nursing Home.*

- A. The use shall comply with any applicable State and Federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate or license. Once the use has commenced, a copy of all licenses and certificates, renewals and/or revocations thereof shall be provided to the Zoning Officer within 14 days of receipt from the issuing authority.
- B. Convenient parking spaces within the requirements of this Chapter shall be provided for visitors.
- C. An entrance separate from that used by visitors and employees shall be required for all professional transportation vehicles, such as ambulances, hearses, and the like, and arranged so that an overhead shelter protects patients from the weather while being moved from any vehicles and the facility.
- D. Deliveries of equipment, supplies and perishable items shall utilize an entrance separate from that used by visitors and employees, and vehicular traffic of patients, visitors and employees.
- E. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
- F. The density shall not exceed more than one resident or bed per 250 square feet of total lot area.
- G. Emergency service responders, such as ambulances, emergency medical technicians (EMT's), police, fire police and fire trucks, shall not utilize any sirens, bells, horns, whistles, or visual methods of announcing their arrival or departure from the facility, or use such devices within 500 feet of such facility.
- H. Heliports and helistops shall not be permitted within 500 feet of any building which houses residents of the facility.
- I. Principal and accessory buildings shall be set back a minimum of 100 feet from a residential lot line, unless a larger set back is required elsewhere by this Chapter.

J. The following requirements must also be met:

Min. Lot Area:	10 acres
Min. Lot Width:	500 feet
Max Lot Coverage:	50%
Max. Bldg. Height	50 feet
Front Yard:	Local road - 50 feet from centerline. Collector road - 80 feet from centerline. Arterial road - 100 feet from centerline.
Side Yard:	50 feet
Rear Yard:	75 feet
Parking Spaces:	1 per employee, plus 1 per resident, plus 1 per 500 sq. ft. of floor area.

K. Within each room utilized on a regular basis by a patient for sleeping, there shall be a minimum of 300 square feet for each bed.

[Ord. 2005-1]

26. *Hospital.*

- A. A hospital shall be served by at least two driveways from a public street or highway. Each driveway shall be paved, smooth, and have the fewest number of turns, curves or bends as is practically feasible for the topography and a continuous minimum paved width of 30 feet.
- B. Every driveway designated for use by emergency services vehicles shall be kept clear of parked or stopped vehicles.
- C. The use shall comply with any applicable State and Federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate or license. Once the use has commenced, a copy of all licenses and certificates, renewals and/or revocations thereof shall be provided to the Zoning Officer within 14 days of receipt from the issuing authority.
- D. Convenient parking spaces within the requirements of this Chapter shall be provided for visitors.
- E. An entrance separate from that used by visitors and employees shall be required for all professional transportation vehicles, such as ambulances, hearses, and the like, and arranged so that an overhead shelter protects patients from the weather while being moved from any vehicles and the facility.
- F. Deliveries of equipment, supplies and perishable items shall utilize an entrance separate from that used by visitors and employees, and vehicular movement associated with the same shall not affect or interfere with

pedestrian or vehicular traffic of patients, visitors, and employees.

- G. The minimum lot area for any hospital shall be 20 acres.
- H. A hospital may provide up to 50,000 square feet of medical office space for medical professionals as an accessory use to the hospital.
- I. A hospital may, in accordance with all other regulations of this Chapter, provide a heliport or helistop for emergency medical transportation.
- J. The following requirements must also be met:

Min. Lot Area:	20 acres
Min. Lot Width:	1,000 feet
Max. Lot Coverage:	70%
Max. Bldg. Height	50 feet
Front Yard:	Local road -100 feet from centerline. Collector road - 125 feet from centerline. Arterial road - 150 feet from Centerline.
Side Yard:	100 feet
Rear Yard:	150 feet
Parking Spaces:	1 per employee, plus 3 per patient, plus 1 per 500 sq. ft. of floor area

Within each room utilized on a regular basis by a patient for sleeping, there shall be a minimum of 300 square feet for each bed.

[Ord. 2005-1]

27. *Detoxification Center.*

- A. The use shall comply with any applicable State and Federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate or license. Once the use has commenced, a copy of all licenses and certificates, renewals and/or revocations thereof shall be provided to the Zoning Officer within 14 days of receipt from the issuing authority.
- B. The owner and operator of the facility shall provide a written description of the type of residents which the use shall serve. Any future modifications of this list shall require approval by the Zoning Hearing Board as a special exception.
- C. Residents of the facility shall be limited to persons who clearly and primarily need treatment for alcohol, drug or other substance abuse, and who are not engaged in any ongoing criminal or violent behavior.
- D. Principal and accessory buildings shall be set back a minimum of 200 feet from every residential lot line, unless a larger set back is required elsewhere by this Chapter.
- E. Every building shall have a maximum height of 2 stories and maintain a residential appearance, including a pitched roof.
- F. The facility shall provide constant supervision of all participating

adults during all hours of operation.

- G. No minors shall be permitted to work on the premises.
- H. This use shall immediately exclude persons, including any resident, who demonstrate behavior that is criminal or violent.
- I. The owner and operator of the facility shall prove to the satisfaction of the Zoning Hearing Board that the use will provide adequate supervision and security measures to protect public safety and neighboring property owners from disturbances of any type by employees and person using the facility.
- J. A detoxification facility shall not occur on the same property as a drug or alcohol rehabilitation center.
- K. All medicines, drugs and controlled substances shall be under the direct and exclusive control of and be administrated solely by, licensed or certified medical professionals.
- L. Every facility shall have adequate staff able to respond immediately during any 24-hour period to all medical and counseling needs arising within the facility.
- M. The owner and operator of the facility shall permit unannounced inspections of the facility during all reasonable hours by the Zoning Officer.
- N. The following requirements must also be met:

Min. Lot Area:	5 acres
Min. Lot Width:	300 feet
Max. Lot Coverage:	50%
Max. Bldg. Height:	35 feet
Front Yard:	Local road - 75 feet from centerline. Collector road - 80 feet from centerline. Arterial road - 100 feet from centerline.
Side Yard:	50 feet
Rear Yard:	100 feet
Parking Spaces:	1 per employee, plus 1 per resident, plus 1 per 500 sq. ft. of floor area

- O. Within each room utilized on a regular basis by a patient for sleeping, there shall be a minimum of 300 square feet for each bed.

[Ord. 2005-1]

28. *Drug or Alcohol Rehabilitation Center.*

- A. The use shall comply with any applicable State and Federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate of license. Once the use has commenced, a copy of all licenses and certificates, renewals and/or revocations thereof shall be provided to the Zoning Officer within 14 days of receipt from the issuing authority.

- B. The owner and operator of the facility shall provide a written description of the type of residents which the use shall serve. Any future modifications of this list shall require approval by the Zoning Hearing Board as a special exception.
- C. The facility shall provide constant supervision of all participating adults during all hours of operation.
- D. No minors shall be permitted to work on the premises.
- E. This use shall not include persons who need oversight because of behavior that is criminal or violent.
- F. The owner and operator of the facility shall prove to the satisfaction of the Zoning Hearing Board that the use will provide adequate supervision and security measures to protect public safety and neighboring property owners from disturbances of any type by employees and persons using the facility.
- G. A detoxification facility shall not occur on the same property as a drug or alcohol rehabilitation center.
- H. Any person residing in the facility for more than 90 consecutive or nonconsecutive days during any 12-month period and who is actively engaged in a full-time job for 20 consecutive or nonconsecutive days during his/her residency in the facility must promptly apply to Lynn Township for a moving permit.
- I. The owner and operator of the facility shall permit unannounced inspection of the facility during all reasonable hours by the Zoning Officer.
- J. The following requirements must also be met:

Min. Lot Area:	5 acres
Min. Lot Width:	300 feet
Max. Lot Coverage:	50%
Max. Bldg. Height:	35 feet
Front Yard:	Local road - 75 feet from centerline. Collector road - 80 feet from centerline. Arterial road - 100 feet from centerline.
Side Yard:	50 feet
Rear Yard:	100 feet
Parking Spaces:	1 per employee, plus 1 per resident, plus 1 per 500 sq. ft. of floor area
- K. Within each room utilized on a regular basis by a patient for sleeping, there shall be a minimum of 300 square feet for each bed.

[Ord. 2005-1]

29. *Life Care Community.*

- A. The life care community, in all of its constituent lots and residential and nonresidential structures shall be owned by a single entity.

- B. The life care community, in all of its constituent lots and residential and nonresidential structures, shall be operated by a single entity which may or may not be the same entity which owns the community.
- C. Residents of the community shall lease dwelling units exclusively from the owner or operator.
- D. Every single-family attached dwelling, single-family semidetached dwelling, structure containing each multi-family dwelling, and nursing home shall be located on a separate lot.
- E. The requirements of this Chapter applicable to each dwelling type and use shall apply.
- F. Common indoor facilities used for adult day care center, entertainment and meal service may be consolidated onto a single lot with the management office for the community, provided a single structure houses those uses/facilities and the following requirements are met:

Min. Lot Area:	10 acres
Min. Lot Width:	400 feet
Max. Lot Coverage:	50%
Max. Bldg. Height:	35 feet
Front Yard:	Local road - 75 feet from centerline. Collector road - 85 feet from centerline. Arterial road - 90 feet from centerline.
Side Yard:	30 feet
Rear Yard:	50 feet
Parking Spaces:	1 per employee, plus 1 per resident, plus 1 per 500 sq. ft. of floor area

[Ord. 2005-1]

(Ord. 1982-1, 6/3/1982, §530; as amended by Ord. 1987-1, 5/7/1987, §5; by Ord. 1989-4, 10/5/1989, §5; by Ord. 1991-1, 3/7/1991, §2; by Ord. 1993-2, 2/4/1993, §§33–37; by Ord. 1994-3, 9/1/1994, §§13 and 14; by Ord. 1997-5, 10/2/1997, §§1–4; by Ord. 1999-2, 2/4/1999, §§4, 8, 9; by Ord. 2002-2, 9/5/2002, Art. I, §10; by Ord. 2005-1, 11/3/2005, §4; by Ord. 2006-5, 11/2/2006, §3; Ord. 13-2, 11/14/13 §§42-44 and by A.O.)

Part 6**Administration and Enforcement****§27-601. Zoning Officer.**

A Zoning Officer shall be appointed by the Board of Supervisors to administer and enforce this Chapter. The Zoning Officer may not hold elective office.

- 1) *Powers and Duties.* If the Zoning Officer shall find that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. Such action may include ordering the discontinuance of unlawful use of land or structures, the removal of unlawful structures or unlawful additions and alterations, the discontinuance of any unlawful work being done, or such other action as is deemed necessary to correct the violation. The Zoning Officer shall, with the approval of the Board of Supervisors or when directed by them, institute appropriate action or proceeding in the name of the Township to prevent, restrain, correct or abate the violation.
 - A. *Enforcement Notice.* The Zoning Officer shall send an enforcement notice to the owner of record, to any person who has filed a written request to receive an enforcement notice or any other person against whom the township intends to take action. [Ord. 13-2]

- 2) *Complaints Regarding Violations.* Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall record the complaint, investigate immediately, and take action thereon as provided by this Chapter. The Zoning Officer shall provide a written response to the complainant stating his factual findings regarding the alleged violation and the follow up actions taken.
- A. *Aggrieved Person.* Any aggrieved owner or tenant of real property may institute any appropriate proceeding to prevent a violation of this Chapter upon proper notice to the Township pursuant to the requirements of §617 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10617. [Ord. 1989-4]
- 3) *Interpretation of Ordinance Provisions.* The Zoning Officer shall administer this Chapter in accordance with its literal terms and as set forth in §27-202. He shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter. Should the Zoning Officer be in doubt as to the meaning or intent of any provision of this Chapter, or as to the location of any district boundary line on the Official Zoning Map, or as to the propriety of issuing a zoning permit in a particular case, he shall appeal the matter to the Zoning Hearing Board, as provided in §27-703 of this Chapter, for interpretation and decision. [Ord. 1994-3]
- 4) *Inspection of Premises.* The Zoning Officer shall have the right and authority, at any reasonable hour, to enter any building, structure, premises, lot or land, whether already erected or in use, or under construction, for the purpose of determining whether or not the provisions of this Chapter are being complied with.

(Ord. 1982-1, 6/3/1982, §610; as amended by Ord. 1989-4, 10/5/1989, §6; by Ord. 1994-3, 9/1/1994, §15; Ord. 1996-2, 3/11/1996, §7; and by Ord. 13-2, 11/14/13 §§45,46)

§27-602. Building Permits.

No building permit or zoning permit shall be issued for the erection, construction, reconstruction, structural alteration, or moving of any building, structure, or part thereof, unless the plans and intended use indicate that such building or structure is designed and intended to conform in all respects to the provisions of this Chapter or unless a special exception and/or variance has been granted, as applicable, by the Zoning Hearing Board. No permit shall be issued for any building or structure proposed to be in violation of this or any ordinance, law, etc., or to be placed on/in a resource protected area. All building permits shall be reviewed by the Building Code Official. [Ord. 13-2]

1. *Application for Building Permit.* All procedures with respect to applications for and issuance of building permits shall be in conformity with the provisions of the Uniform Construction Code. All such applications shall be accompanied by such other information as may be necessary to determine and provide for the enforcement of this Chapter. The Zoning Officer may request such additional information as is reasonably necessary to exercise a proper judgment on the applicability of provisions of this Chapter to the proposal submitted. [A.O.]
2. *Construction and Use to Be as Provided in Application and Plans.* A

building permit issued on the basis of applications and plans submitted to the Zoning Officer shall authorize only the use, arrangement, and construction set forth in the applications and plans. Substantial variations in use, arrangement, and construction from the submitted applications and plans shall be deemed a violation of this Chapter. Where substantial changes are desired once construction has begun and is not yet completed, the building permit application shall be resubmitted for approval as an amended construction document.

3. *Relationship to Zoning Hearing Board Functions.* Before issuing a building permit, the Zoning Officer shall obtain a written order from the Zoning Hearing Board that an application for a variance or special exception has met the standards and criteria for that use, as provided in §27-704 of this Chapter. In all matters where it exercises an appeal function, as provided in this Chapter, the decision and findings of the Zoning Hearing Board shall direct the actions of the Zoning Officer.
4. *Completion of Buildings for Which Permits Have Been Issued.* Nothing in this Chapter shall require any change in the plans, construction, or designated use of a building or structure for which a lawful building permit has been issued prior to the effective date of this Chapter affecting such building or structure or the use thereof, provided that:
 - A. The construction of such building or structure shall have been begun and diligently pursued within 3 months from the date of such permit.
 - B. The ground story framework, including the second tier of beams, shall have been completed within 6 months from the date of such permit.
 - C. The entire building or structure shall be completed according to such filed and approved plans upon which the issuance of such permit was based, within 1 year from the effective date of this Chapter or any such amendment thereto.
5. *Expiration of Building Permit.* In the event that §§27-602.D(1), 27-602.D(2), or 27-602.D(3) are not complied with, such building permit shall be revoked by the Zoning Officer. Written notice thereof shall be given to the persons affected, together with notice that further work shall not proceed unless and until a new building permit has been obtained.
6. *Requirements for Obtaining a Building Permit.*
 - A. *Statement of Intent.* The intent of this Chapter is to:
 - 1) Promote the general health, welfare and safety of the community.
 - 2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - 3) Minimize danger to public health by protecting water supply and natural drainage.
 - 4) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
 - B. *Applicability.* It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless an

approved building permit has been obtained from the Zoning Officer.

- C. *Building Permits Required.* Building permits shall be required before any construction or development is undertaken within any area of the Township of Lynn. A building permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved. Building permits shall also be required for any reconstruction, enlargement, alteration, raising or relocation of any building or structure.
- D. *Issuance of Building Permit.*
- 1) The Zoning Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
 - 2) Prior to the issuance of any building permit the Zoning Officer shall review the application for permit to determine if all of the necessary governmental permits such as those required by State and "Federal laws have been obtained, including those required by the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §693.1 *et seq.*, as amended; the U. S. Clean Streams Act, 35 P.S. §691.1 *et seq.*, as amended. No permit shall be issued until this determination has been made.
 - 3) No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Regional Office, Wilkes Barre. In addition, the Federal Insurance Administrator (FEMA) and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.
 - 4) No building permit shall be issued for the erection, construction, reconstruction, structural alteration, or moving of any building, structural alteration, or moving of any building, structure, or part thereof, on or in resource protected lands, as such term is used in the Lynn Township Subdivision and Land Development Ordinance [Chapter 22].
- E. *Application Procedures and Requirements.*
- 1) Application for a building permit shall be made in writing to the Zoning Officer on forms supplied by the Township. Such application shall contain at least the following:
 - a) Name and address of applicant.
 - b) Name and address of owner of land on which proposed construction is to occur.
 - c) Name and address of contractor.
 - d) Site location.

- e) Listing of other permits required.
 - f) Brief description of proposed work and estimated cost.
 - g) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- 2) If any proposed construction or development is located within, or partially within, any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
- a) All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.
 - b) All utilities and facilities, such as sewer, gas, electrical and water systems are located and construction to minimize or eliminate flood damage.
 - c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- 3) Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in paragraph .F(5)(d) as may be required by the Zoning Officer to make the above determination:
- a) A completed building permit application form.
 - b) A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less showing the following:
 - i. North arrow, scale and date.
 - ii. Topographic contour lines, if available.
 - iii. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - iv. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
 - v. The location of all existing streets, drives and other access ways.
 - vi. The location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 - c) Plans of all proposed buildings, structure and other improvements, drawn at suitable scale showing the following:
 - i. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
 - ii. The elevation of the 100-year flood.
 - iii. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors

associated with a 100-year flood.

iv. Detailed information concerning any proposed flood-proofing measures.

d) The following data and documentation:

- i. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact and uplift forces associated with the 100-year flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
- ii. The appropriate component of the Department of Environmental Protection "Planning Module for Land Development."
- iii. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- iv. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point. [*Ord. 1987-2*]

Said document and statement shall contain appropriate language when necessary to determine compliance with storage requirements (all material that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life should be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible in compliance with paragraph .F(20), "Development which May Endanger Human Life; Hazardous Materials and Substances," including:

1. The amount, location and purposes of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.
2. A description of the following safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the following dangerous materials or substances listed in paragraph .F(20) during a 100-year flood. [*Ord. 2001-3*]

4) Applicants for special permits shall provide five copies of the following items:

- a) A written request including a completed building permit application form.

- b) A small scale map showing the vicinity in which the proposed site is located.
- c) A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - i. North arrow, scale and date.
 - ii. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.
 - iii. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - iv. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction and elevations.
 - v. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and other natural and man-made features affecting or affected by the proposed activity or development.
 - vi. The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including the direction and velocities.
 - vii. The location of all proposed buildings, structures, utilities, and any other improvements.
 - viii. Any other information which the municipality considers necessary for adequate review of the application.
- d) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - i. Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.
 - ii. For any proposed building, the elevation of the lowest floor (including basement) and, as required the elevation of any other floor.
 - iii. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood.
 - iv. Detailed information concerning any proposed flood proofing measures.
 - v. Cross-section drawings for all proposed streets, drives, or other access ways, and parking areas, showing all rights-of-way and pavement width.
 - vi. Profile drawings for all proposed streets, drives and

vehicular access ways including existing and proposed grades.

- vii. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

e) The following data and documentation:

- i. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
- ii. Certification from a registered professional engineer, or architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.
- iii. A statement, certified by a registered professional engineer, architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life.
- iv. A statement certified by a registered professional engineer or architect which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows.
- v. A statement, certified by a registered professional engineer or architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant material or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows.
- vi. The appropriate component of the Department of Environmental Protection "Planning Module for Land Development."
- vii. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
- viii. Any other applicable permits such as, but not limited to a permit for any activity regulated by the Department of Environmental Protection under §302 of Flood Plain Management Act, 32 P.S. §679.101 *et seq.*; and an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

- F. *Review of Application by Others.* A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals including the municipal planning commission, if any, the Lehigh Valley Planning Commission, the Township Engineer, and the Lehigh County Soil Conservation District for further review and comment.
- G. *Changes.* After the issuance of a building permit by the Zoning Officer no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.
- H. *Placards.* In addition to the building permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Zoning Officer.
- I. *Start of Construction.* Work on any proposed project for which a permit is required shall begin within 6 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footing, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.
- 1) *Completion of Construction.* Work on any proposed project for which a permit is required shall be completed within 1 year after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have been completed upon the issuance of a certificate of occupancy or upon successful completion of the final inspection as required under the Uniform Construction Code whichever shall occur first. [A.O.]
- J. *Inspection and Revocation.*
- 1) During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
 - 2) In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, or otherwise, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.
 - 3) In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement of misrepresentation by any applicant, the Zoning Officer

- 4) shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
 - 5) A record of all such inspections and violations of this Chapter shall be maintained.
- K. *Permit Fees.* Applications for a building permit shall be accompanied by a fee, payable to the Township in accordance with a schedule of fees adopted by the Board of Supervisors by resolution.
- L. *Identification of Floodplain Areas.* The identified floodplain area shall be those areas of Lehigh County which are subject to the 100-year flood, as identified in the Flood Insurance Study (FIS) dated November 7, 2001, and the accompanying maps prepared for the County/Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof as issued by the Federal Emergency Management Agency (FEMA), or on the most recent Flood Insurance Rate Map (FIRM) issued by FEMA, if such map has been prepared for the Township of Lynn. [Ord. 2001-3]
- M. *Description of Floodplain Areas/Districts.* The identified floodplain area shall consist of the following two specific areas/districts:
- 1) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which 100-year flood elevations have been provided in the FIS.
 - 2) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no 100-year flood elevations have been provided. For those areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
 - 3) In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or other of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted to sufficient detail to allow a thorough technical review by the municipality.
 - 4) Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation.
 - 5) Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point. [Ord.1987-2]
- N. *Changes in Identification of Area.* The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

- O. *Disputes.* Should a dispute arise concerning any identified floodplain boundary, an initial determination shall be made by the Zoning Officer and any persons aggrieved by such decision may appeal to the Board of Supervisors, The burden of proof shall be on the applicant.
- P. *Technical Provisions.*
- 1) In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.
 - 2) Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Regional Office, Wilkes Barre.
 - 3) Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation. [Ord. 2001-3]
- Q. *Elevation and Flood Proofing Requirements.*
- 1) *Residential Structures.*
 - a) Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be 1½ feet or more above the 100-year flood elevation.
 - 2) *Nonresidential Structures.*
 - a) Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structures shall be 1½ feet or more above the 100-year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
 - b) Any structure, or part thereof, which shall not be completely or adequately elevated shall be designed and constructed to be completely or essentially dry manner in accordance with the W1 or W2 Space Classification Standards contained in the publication entitled "Flood-Proofing Regulations" published by the U. S. Army Corps of Engineers (June 1972 as amended March 1992) or with some other equivalent standard. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. [Ord. 2001-3]
 - 3) A fully enclosed space below the lower floor (including basement) is prohibited. [Ord. 2001-3]
 - 4) A partially enclosed space below the lower floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the

automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces.

- 5) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a) A minimum of two openings having a net total area of not less than 1 square inch for every square foot of enclosed space.
 - b) The bottom of all openings shall be no higher than 1 foot above grade. [Ord. 2001-3]
 - c) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

R. *Design and Construction Standards.* The following minimum standards shall apply for all construction proposed to be undertaken within any identified floodplain area:

- 1) *Fill.* If fill is used, it shall:
 - a) Extend laterally at least 15 feet beyond the building line from all points.
 - b) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - c) Be compacted to provide the necessary permeability and resistance to erosion, scouring and settling.
 - d) Be no steeper than one vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by, the Building Permit Officer.
 - e) Be used to the extent to which it does not adversely affect adjacent properties.
- 2) *Drainage Facilities.* Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- 3) *Water and Sanitary Sewer Facilities and Systems.*
 - a) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - c) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- 4) *Other Utilities.* All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed

to minimize the chance of impairment during a flood.

- 5) *Streets.* The finished elevation of all new streets shall be no more than 1 foot below the regulatory flood elevation.
- 6) *Storage.* All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, and not listed in paragraph .T, shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.
- 7) *Placement of Buildings and Structures.* All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- 8) *Anchoring.*
 - a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - b) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- 9) *Floors, Walls and Ceilings.*
 - a) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - b) Plywood used at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - c) Walls and ceilings at or below the regulatory food elevation shall be designed and constructed of materials that are water- resistant and will withstand inundation.
 - d) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water- resistant material.
- (10) *Paints and Adhesives.*
 - a) Paints or other finishes used at or below the regulatory flood elevation shall be of a “marine” or water resistant quality.
 - b) Adhesives used at or below the regulatory flood elevation shall be of a “marine” or water resistant quality.
 - c) All wooden components (doors, trim cabinets, etc.) shall be finished with a “marine” or water resistant paint or other finishing material.
- (11) *Electrical Components.*
 - a) Electrical distribution panels shall be at least 3 feet above the 100-year flood elevation.

- (b) Separate electrical circuits shall serve lower levels and shall be dropped from above.
 - (12) *Equipment.*
 - (a) Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
 - (13) *Fuel Supply Systems.* All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provision shall be made for the drainage of these systems in the event that flood water infiltration occurs.
 - (14) Within an AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point. [Ord. 1987-2]
- S. *Identified Floodplain Areas.*
- 1) Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
 - 2) Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:
 - a) Placed on a permanent foundation.
 - b) Elevated so that the lowest floor of the manufactured home is 1½ feet or more above the elevation of the 100-year flood.
 - c) Anchored to resist flotation, collapse, or lateral movement. [Ord. 1987-2]
 - 3) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township Administrator for mobile home parks and mobile home subdivisions.
- T. *Development Which May Endanger Human Life; Hazardous Materials and Substances.*
- 1) In accordance with the Pennsylvania Flood Plain Management Act, 35 P.S. §679.101 *et seq.*, and the regulations adopted by the Pennsylvania Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this Section, in addition to all other applicable provisions:
 - (a) Acetone.
 - (b) Ammonia.
 - (c) Benzene.

- (d) Calcium carbide.
- (e) Carbon disulfide.
- (f) Celluloid.
- (g) Chlorine.
- (h) Hydrochloric acid.
- (i) Hydrocyanic acid.
- (j) Magnesium.
- (k) Nitric acid and oxides of nitrogen.
- (l) Petroleum products (gasoline, fuel oil, etc.).
- (m) Phosphorus.
- (n) Potassium.
- (o) Sodium.
- (p) Sulphur and sulphur products.
- (q) Pesticides (including insecticides, fungicides and rodenticides).
- (r) Radioactive substances, insofar as such substances are not otherwise regulated.

- 1) Within any identified floodplain area, any new or substantially improved structure of the kind described in paragraph .F(20)(a), above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- 2) Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in paragraph .F(20)(a) above, shall be:
 - a) Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.
 - b) Designed to prevent pollution from the structure or activity during the course of any 100-year flood.

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

- 3) In addition, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Chapter and to protect the general health, safety and welfare of the public.

U. *Existing Structures in Floodplain Areas.* Structures existing in any identified flood-prone area prior to the enactment of this Chapter, but which are not in compliance with these provisions may continue to remain subject to the following:

- 1) Existing structures located in any identified floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or

- enlargement on flood heights is fully offset by accompanying improvements.
- 2) Notwithstanding any provision of this Chapter to the contrary, any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50 percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.
 - 3) Within any AE Area/District existing structures or uses shall not be expanded, enlarged or reconstructed unless it is demonstrated that the cumulative effect, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point. [Ord. 1987-2]
- V. *Activities Requiring Special Permits.* In accordance with the Pennsylvania Department of Community and Economic Development administrative regulations implementing Act 166 of 1978, the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain area unless a special permit is issued:
- (1) Hospitals (public or private).
 - (2) Nursing homes (public or private).
 - (3) Jails or prisons.
 - (4) New mobile home parks and mobile home subdivisions, and substantial improvements to them or existing mobile home parks.
- W. *Application Review Procedures.*
- 1) Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Lehigh Valley Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission, if there be any, and the Township Engineer for review and comment. [Ord. 2001-3]
 - 2) If an application is reviewed that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.
 - 3) If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
 - 4) If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development by registered or certified mail, within five (5) working days after the date of approval. [A.O.]
 - 5) Before issuing the special permit, the Township shall allow the Pennsylvania Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and the decision made by the township.
 - 6) If the Township does not receive any communication from the

Pennsylvania Department of Community and Economic Development during the 30-day review period, it may issue a special permit to the applicant.

- 7) If the Pennsylvania Department of Community and Economic Affairs Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit. [A.O.]

X. *Special Technical Requirements.*

- 1) In addition to the requirements of paragraphs .F(18) through .F(22) of this Section, the following minimum requirements shall also apply. If there is any conflict between any of the following requirements and those in paragraph .F(18) through .F(22) of this Section or in any other code, ordinance or regulation, the more restrictive provision shall apply.

- 2) No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

- (a) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

- i. The structure will survive inundation by waters of the 100- year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100- year flood elevation.
- ii. The elevation of the lowest floor (including basement) will be at least 1½ feet above the 100-year flood elevation. [*Ord. 2001-3*]
- iii. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.

- (b) Prevent any significant possibility of pollution increased flood levels or flows, or debris endangering life and property.

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

- 3) In approving any application for a special permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Chapter and to protect the general health, safety and welfare of the public.

- Y. *Variances.* If compliance with any of the requirements of this Section would result in an exceptional hardship for a prospective builder, developer, or landowner, the Township may, upon written request, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Township in accordance with the procedures contained in paragraph .F(26)(m) and

the following:

- 1) No variance shall be granted for any construction, development, use or activity within any floodplain area that would cause any increase in the 100- year flood elevation.
- 2) Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit paragraph .F(24) *et seq.*, or to development which may endanger human life, paragraph .F(20).
- 3) If granted, a variance shall involve only the least modification necessary to provide relief.
- 4) In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.
- 5) Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - (a) The granting of the variance may result in increased premium rates for flood insurance.
 - (b) Such variance may increase the risks to life and property.
- 6) In reviewing any request for a variance, the Township shall consider, but not be limited to, the following:
 - (a) That there is good and sufficient cause.
 - (b) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable local or State ordinances and regulations.
- 7) A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- 8) For purposes of this Section, when the “Township” is referred to, it shall mean the Zoning Hearing Board of the Township of Lynn.
- 9) No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the 100-year flood.
- 10) No variance shall be granted for any construction, development, use, or activity within any AE area that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than 1 foot at any point. [*Ord. 1987-2*]

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

Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of structure.

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

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

Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure including the placement of mobile homes.

Development - any man-made changes to improved or unimproved real estate, and including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land. [Ord. 2001-3]

Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Flood - a temporary inundation of normally dry land areas.

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

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

1. *Floodway* - the designated area of a floodplain required to carry and discharge floodgates of a given magnitude. For the purpose of this Chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude. [Ord. 2001-3]

Land development - any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving;
 - a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of

occupants or tenure.

- b) The division or allocation of land or space, whether initially or cumulatively, or between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, lease holds, condominiums, building groups or other features.
2. A subdivision of land. [Ord. 2001-3]
- a) *Manufactured home* - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes part trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. [Ord. 2001-3]
 - b) *Manufactured home park* - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use. [Ord. 2001- 3]

Historic structure - any structure that is:

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

Identified floodplain area - the floodplain area specifically identified in this Chapter as being inundated by the 100-year flood.

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

Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof. The removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer. Drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety. [Ord. 2001- 3]

Mobile home - see "manufactured home." [Ord. 2001-3]

Mobile home park - see "manufactured home park." [Ord. 2001-3]

New construction - structures for which the start of construction commenced on or after March 10, 1982, and includes any subsequent improvements thereto.

Obstruction - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

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

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

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

Regulatory flood elevation - the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

Special permit - a special approval which is required for hospitals, nursing homes, jails, and new mobile home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, mobile homes and other similar items.

Subdivision - the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land

including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 2001-3]

Substantial damage - damage from any costs sustained by a structure or whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent or more of the market value of the structure before the damage occurred.

Substantial improvement - any recreation, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

AA. *Abrogation and Greater Restrictions.* This Chapter supersedes any other conflicting provision which may be in effect in identified floodplain areas. If there is a conflict between any of the provisions of this Chapter, the more restrictive shall apply. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

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

[Ord. 2002-3]

CC. *Issuance of Zoning Permit.*

1. No person shall erect, convert, move or add any sign or change the use of any land or structure, or establish any business until the Zoning Officer issues a zoning permit to the person/applicant for said change or construction

or use. No zoning permit is required for normal maintenance and repairs.

2. A zoning permit for a permitted use shall be issued by the Zoning Officer. A zoning permit for a use requiring a special exception or variance shall be issued by the Zoning Officer only upon the written order and consent of the Zoning Hearing Board after all hearing procedures. An application for a special exception use, variance or for interpretation of any part or provision of this Chapter shall be made to the Zoning Hearing Board on forms which may be obtained from the Township Zoning Office.

[Ord. 2002-2]

DD. *Form of Application.* All applications for a zoning permit shall be made in writing on a form prescribed and furnished by the Zoning Officer and shall be accompanied by three sets of plans showing at least the following information:

1. Actual dimensions and shape of the lot which is the subject of the application.
2. The size and location on the lot of buildings, structures, or signs, existing and/or proposed, and any proposed extensions, exchanges or additions thereto.
3. The number of dwelling units, if any, to be provided.
4. Parking spaces and/or loading facilities proposed or existing.
5. Statement indicating any existing and proposed uses.
6. Height of any proposed structure, building or sign.
7. Conformance to §27-404.4 relating to home occupations.
8. Any and all other information necessary for the Zoning Officer to review the application to determine conformance with and provide for enforcement of this Chapter.

[Ord. 2002-2]

EE. The Township Zoning Officer may, in his discretion, combine the building permit and zoning permit applications and forms into a single application and permit form, provided however that the Zoning Officer shall not have any discretion to lessen any of the requirements of any ordinance with respect to the information required in order to obtain any permit, or to deem that entitlement to either a building permit or a zoning permit shall authorize, or shall have been the equivalent of having issued, the other permit. [Ord. 2002-2]

(Ord. 1982-1, 6/3/1982, §620; as amended by Ord. 2002-2, 9/5/2002, Art. I, §11; by Ord. 2002-3, 9/5/2002, §1; Ord. 13-2, 11/14/13 §47; and by A.O.)

§27-603. Fees.

Fees for building permit applications and for issuance of building permits shall be as provided by Township resolutions.

(Ord. 1982-1, 6/3/1982, §630)

(Ord. 1982-1, 6/3/1982, §640; as amended by Ord. 1993-2, 2/4/1993, §38; and by Ord. 1994-3, 9/1/1994, §16)

§27-605. Nonconforming Lots, Structures and Uses.

Within the districts established by this Chapter, or amendments that may later be adopted, there exist lots, structures, and uses which would be prohibited, regulated or restricted under the terms of this Chapter or future amendment. It is the intent of this Chapter to permit these nonconformities to continue until they are terminated. Any existing use which is permitted by special exception in this Chapter shall be deemed to be a conforming use where it has met the standards and criteria of this Chapter for that special exception use.

1. *Nonconforming Uses.* A nonconforming use shall be changed only to a conforming use. A nonconforming use may be enlarged or extended only as a result of the natural expansion of that use up to 50 percent of its existing floor area if all proposed structures are in conformance with provisions of this Chapter, and no conforming use is displaced. If a structure used by a nonconforming use is accidentally and unintentionally damaged, it may be restored or reconstructed and used as before, provided that the floor area of such structure shall not exceed the floor area which existed prior to such damage, and that it be completed within 1 year of such happening.
2. *Nonconforming Structures.* The interior restoration or alteration and normal repair and maintenance of non-conforming structures is permitted. The exterior restoration or expansion of a non-conforming structure shall be permitted where such work will bring that structure into conformance, or such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, or that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance. Achieving conformance with this Ordinance shall be of highest priority. If a non-conforming structure is damaged, but the foundation remains, it may be reconstructed and used as before, provided that the floor area of such structure shall not exceed the floor area that existed prior to the damage and that it be completed in accordance with the Uniform Construction Code, latest revision. [Ord. 13-2]
3. *Nonconforming Lots.* Any change made in the configuration of a nonconforming lot shall be to bring such lot into conformance. A nonconforming lot may be used for the erection of a dwelling in conformance with the standards of §27-403.2.A.
 - A. *Abandonment.* A non-conforming use shall be deemed to have been abandoned and shall not thereafter be reinstated: [Ord. 13-2]
 - 1) When it is changed to a conforming use.
 - 2) When it has been involuntarily discontinued for a period of 24 consecutive months where such nonconforming use is in a building or structure

designed for such use.

- 3) When it has been voluntarily discontinued for a period of 12 consecutive months where such nonconforming use is in a building or structure not designed for such use, or is on a lot or land whereon there is no consequential building or structure devoted to such use.
- 4) The applicant shall be responsible to provide clear and convincing evidence that the non-conformity has not been abandoned. [Ord. 13-2]

- B. *Registration of Nonconforming Uses, Structures and Lots.* The Zoning Officer may identify and register nonconforming uses, structures and lots in the Township, as an aid to the enforcement of this Chapter. Upon identifying a nonconformity, the Zoning Officer shall send notice to the owner of record that a nonconformity exists on this property and with which provisions of this Chapter it does not conform. Failure by the Zoning Officer to identify and register a nonconforming use or structure is not to be construed as a recognition that a use, structure or lot is in conformance with this Chapter. [Ord. 1989-4]

(Ord. 1982-1, 6/3/1982, §650; Ord. 1989-4, 10/5/1989, §6; as amended by Ord. 13-2, 11/14/13, §§49-51)

§27-606. Violation and Enforcement.

1. Any person, partnership or corporation who or which has violated or permitted the violation of any provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by Lynn Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the 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 magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to Lynn Township. [A.O.]
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(Ord. 1982-1, 6/3/1982, §660; as amended by Ord. 1989-4, 10/5/1989, §6; and by A.O.)

§27-607. Exemptions.

This Section shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses by other parties and otherwise exercise the rights of a party to the proceedings. The provisions of this Section shall not apply to Lynn Township or its instrumentalities. [Ord. 13-2]

(Ord. 1982-1, 6/3/1982, §670; and by Ord. 13-2, 11/14/13, §52)

Part 7**Zoning Hearing Board****§27-701. Organization.**

1. *General Grant of Power.* The Zoning Hearing Board existent at the time of enactment of this Chapter shall continue extant. It shall continue to perform all the duties and have all the powers prescribed by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and as herein provided.
2. *Appointment.* The Board shall consist of three (3) residents of the Township appointed by resolution of the the Board of Supervisors. Each member shall serve terms of three (3) years, so fixed so that the term of office of only one (1) member shall expire each year. Members of the Board shall have no other office in the Township. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

The Board of Supervisors may appoint by resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of any alternate member shall be three (3) years. Alternates shall hold no other office in the Township. The rules governing the duties of alternate members shall be those outlined in the Pennsylvania Municipalities Planning Code. [Ord. 13-2]
3. *Organization.* The Board shall elect its Chairman and Vice-Chairman from its membership, who shall serve annual terms as such and may succeed themselves. The Board may make, alter, and rescind rules and forms for its procedure, consistent with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter.
 - A. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. If, by reason of absence or disqualification of a member a quorum is not reached, the chairperson of the Board shall designate as many alternate embers of the Board to sit on the Board as may be necessary to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or cause for which the alternate was initially appointed until the Board has made a final determination of the matter or case. [Ord. 13-2]
 - B. The Board shall keep full public records of its business. The Board is authorized to employ a Secretary or Clerk, who is not a member of the Board, at a salary to be fixed by the Board of Supervisors.
4. *Removal of Members.* Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors. Such a vote may be taken only after the member has received at least 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests it in writing.
5. *Compensation.* The Board shall receive compensation as fixed by the Board of Supervisors. In no case shall compensation exceed the rate of compensation authorized to be paid to the members of the governing body. This method of compensation shall also apply to alternate members of the Zoning Hearing Board. [Ord. 1993-2]

6. *Meetings.* Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. Meetings shall be at sufficiently frequent intervals, at the discretion of the Board, for the efficient conduct of its business. All meetings shall be open to the public.

(Ord. 1982-1, 6/3/1982, §710; as amended by Ord. 1993-2, 2/4/1993, §§39 and 40; Ord. 1994-3, 9/1/1994, §17; and by Ord. 13-2, 11/14/13, §§53-54)

§27-702. Procedure.

1. *Rules of Procedure.* The Board shall adopt such rules of procedure, consistent with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.
2. *Hearings.* The Board shall conduct a public hearing for all decisions it must make. [Ord. 13-2]
3. *Time Limitations.* A hearing shall be held on all requests or consents to an extension of time.
 - A. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by appropriate Township officer, agency, or body if such proceeding is designated to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.
4. *Notice of Hearings.* The Board shall publish notice, in a newspaper of general circulation in the township for 2 successive weeks. The publications, the first of which shall not be more than 30 days or less than 7 days from the date of the hearing, shall state the time and place of the hearing and the particular nature of the matter to be considered. Also, the owners of property within 300 feet of the property for which the action is requested shall be notified (by U.S. mail) of the hearing not less than 15 days of said hearing. The names and addresses of these property owners shall be supplied to the Board by the applicant. In addition, written notice of such hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. [Ord. 13-2]
5. *Parties to the Hearings.* The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
 - A. *Zoning Hearing Board Recommends Deletion.* In any matter which relates to a property which lies within 500 feet of the boundary of another municipality, the Secretary or Clerk shall transmit to the municipal clerk of such other municipality a copy of the official notice to the public hearing on such matter, not

later than 1 day after publication thereof. Such other municipality shall have the right to appear and to be heard at such public hearing.

6. *Minutes and Records.* The Secretary or Clerk shall keep minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary or Clerk shall keep records of the Board's examinations and official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A transcript of all proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
 - A. A record of all variances and special exception uses granted pursuant to action of the Board under this Chapter shall be maintained. This record shall be available for public inspection.
7. *Witnesses and Evidence.* The Chairman, or acting Chairman, may administer oaths and compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties to the hearing. Such parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. *Communications with the Parties.* The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless all parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
9. *Decisions.* The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before it. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, or of this Section, or any other Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. [Ord. 13-2]
 - A. Except for challenges under Section 916.1 of the Municipalities Planning Code (validity of ordinances, substantive questions), 53 P.S. Section 10916.1, where the Board fails to render the decision within the required time period, or fails to commence, conduct or complete the required hearing as required, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or upon the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to timely act, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner

as provided by this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. [Ord. 13-2]

- B. A copy of the final decision, or a copy of the findings (when no decision is called for), shall be delivered to the applicant personally or mailed to him not later than the date following its date. The Board shall provide (by mail or otherwise) a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined to all other persons who have filed their names and addresses with the Board not later than the last day of the hearing. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision, the Township shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (4) of the Part. If the Board shall fail to provide such notice the applicant may do so. [Ord. 13-2]

(Ord. 1982-1, 6/3/1982, §720; as amended by Ord. 1993-2, 2/4/1993, §§41-43; by Ord. 1994-3, 9/1/1994, §18; Ord. 1996-2, 3/11/1996, §8; and by Ord. 13-2, 11/14/13, §§55-61)

§27-703. Jurisdiction.

1. Applicants who seek relief to the Zoning Hearing Board shall demonstrate that they are either the legal owner of the property, or have written evidence of an equitable interest in the property. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters: [Ord. 13-2]
 - A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10609.1, 10916.1(a)(2). [Ord. 1994-3]
 - B. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - C. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any flood hazard ordinance or such provisions within a land use ordinance.
 - D. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10910.2.
 - E. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10910.2.

- F. Appeals from the determination of any agency or officer charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

- G. Appeals from the Zoning Officer's determination under §916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.2.
- H. Appeals from the determination of the Zoning Officer or the municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development applications.

[Ord. 13-2]

- 2. The Board of Supervisors or, except as to paragraphs .C, .D. and .E, the planning agency, if designated, shall have exclusive jurisdiction to hear and render final adjudications in the following matters: [Ord. 13-2]
 - A. All applications for approval of planned residential developments under Article VII pursuant to the provisions of §702 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10702.
 - B. All applications pursuant to §508 for approval of subdivisions or land developments under Article V of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508. Any provision in a subdivision and land development ordinance requiring that final action concerning subdivision and land development applications be taken by a planning agency rather than the Board of Supervisors shall vest exclusive jurisdiction in the planning agency in lieu of the Board of Supervisors for purposes of the provisions of this paragraph. [Ord. 13-2]
 - C. Applications for conditional use under the express provision of this Chapter pursuant to §603(c)(2) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10603(c)(2).
 - D. Applications for curative amendment to a zoning ordinance pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10609.1, 10916.1(a)(2).
 - E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this paragraph shall be deemed to enlarge or diminish existing law with reference to appeals to court.
 - F. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to application for land development under Articles V and VII of the Pennsylvania Municipalities Planning Code,

53 P.S. §§10501, 10507. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or municipal engineer shall be to the Zoning Hearing Board pursuant to subsection .1.I of this Chapter. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the planning agency, all appeals from determinations under this paragraph shall be to the planning agency and all appeals from the decision of the planning agency shall be to court.

- G. Applications for a special encroachment permit pursuant to §405 and applications for a permit pursuant to §406 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10405, 10406.

(Ord. 1982-1, 6/3/1982, §730; as amended by Ord. 1993-2, 2/4/1993, §44; Ord. 1994-3, 9/1/1994, §19; and by Ord. 13-2, 11/14/13, §§62-72)

§27-704. Special Exception Uses.

Where a use requires a special exception review by the Board as noted in Part 3, the applicant shall request a hearing by the Board.

1. The Board shall hear and decide on the request in accordance with the standards and criteria for each special exception use set forth in §§27-502 and 27-503. In determining that a use shall be permitted, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.
2. The Board may require the submission or presentation of such plans and other materials as it deems necessary to make a proper determination. Any subsequent amendment or addition to plans for which a permit is sought shall be subject to review and public hearing by the Board.

(Ord. 1982-1, 6/3/1982, §740)

§27-705. Variances.

The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant, such as appeal from a denial of a building permit by the Zoning Officer.

1. The Board may grant a variance provided the following findings are made relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the appellant.
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the provisions of this Ordinance. A use permitted as the result of the granting of a Variance shall be construed to be a non-conforming use. [Ord. 13-2]

(Ord. 1982-1, 6/3/1982, §750; as amended by Ord. 13-2, 11/14/13, §73)

§27-706. Curative Amendment

1. A landowner who desires to challenge on substantive grounds the validity of this Ordinance which prohibits or restrict the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in the Municipalities Planning Code, as amended, 53 P.S. §10101 et seq.
2. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request unless the landowner grants an extension of time.
3. The curative amendment and challenge shall be referred to the Planning Commission and the Lehigh Valley Planning Commission for review and recommendation to the Board of Supervisors. The Board of Supervisors shall consider the curative amendment and challenge after public notice and a hearing pursuant to §27-2605, and all references therein to the Zoning Hearing Board shall, for the purposes of the curative amendment procedures, be deemed instead to be the Board of Supervisors.
4. If the Township does not accept the landowner's curative amendment under this Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the Ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
5. If the Board of Supervisors determines that a curative amendment and challenge has merit, it may accept the landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects.
6. The Board of Supervisors shall consider the curative amendments, plans and explanatory materials submitted by the landowner and also consider:

- A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
- B. If the proposal is for residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or map.
- C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.

- D. The impact of the proposed use on the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts.
- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to the public health and welfare.

(Ord. 1982-1, 6/3/1982, §760; as amended by Ord. 13-2, 11/14/13, §§74,75)

Part 8**Procedure for Amendment****§27-801. Power to Amend.**

The regulations, restrictions, and boundaries set forth in this Chapter and on the Official Zoning Map may, from time to time, be amended, supplemented, changed, or repealed through amendment by the Board of Supervisors.

1. *Who May Initiate.* Proposals for amendment, supplement, change, or repeal may be initiated by the Board of Supervisors on its own motion, by the Planning Commission, or by petition of one or more residents of the Township. Such petitions shall be signed and submitted in writing to the Township Secretary.
 - A. A landowner who desires to challenge on substantive grounds the validity of this Chapter or any provisions thereof, which prohibit or restrict the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendments be heard and decided, as provided in §609.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609.1. [*Ord. 1989-4*]
 - B. If the Board of Supervisors determine that this Chapter or any portion thereof is substantially invalid, it may take such action as provided in §609.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609.2. [*Ord. 1989-4*]
2. *Planning Commission Review.* Proposals originated by the Board of Supervisors, by petition of Township residents, or by curative amendment, shall be referred to the Planning Commission at least 30 days prior to any public hearing on the proposed amendment. The Planning Commission shall submit to the Board of Supervisors a report of its recommendations, including any additions or modifications to the original proposal, prior to the public hearing.
 - A. All proposals for amendment, supplement, change, or repeal which are subsequently drafted into an ordinance to amend this Chapter or the Official Zoning Map shall be submitted to the Lehigh Valley Planning Commission for recommendations at least 30 days prior to any public hearing on the proposed amendment.
 - B. A certified copy of an amendment to this Chapter shall be forwarded to the Joint Planning Commission of Lehigh and Northampton Counties within 30 days after enactment. [*Ord. 1989-4*]

(*Ord. 1982-1, 6/3/1982, §810; as amended by Ord. 1989-4, 10/5/1989, §7*)

§27-802. Public Hearing and Notice.

Before voting on adoption of an amendment, the Board of Supervisors shall hold a public hearing thereon after public notice thereof. Notice shall also be mailed to any civic association or association of residents in the Township who shall have registered their name and address for this purpose with the Board of Supervisors. If a proposed amendment affects any land or structure within 500 feet of an adjoining municipality, notice of the hearing and a copy of the proposal shall be forwarded to the Secretary of the governing body of the municipality at least 15 days prior to the hearing. [*Ord. 1989-4*]

1. *Public Notice of Amendments.* Before adoption of an amendment, the Board of Supervisors shall publish, advertise and make available copies of the amendment to this Chapter pursuant to the requirements of §610 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10610. [Ord. 1989-4]
2. *Revision after a Public Hearing.* If, after any public hearing upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to requirements of public notice, before proceeding to vote on the amendment.

(Ord. 1982-1, 6/3/1982, §820; as amended by Ord. 1989-4, 10/5/1989, §7)

Part 9
Definitions

§27-901. Definitions.

1. Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meaning indicated.
2. Words used in the present tense include the future; words in the singular include the plural and those in the plural include the singular.
3. The words “person,” “developer,” “sub-divider,” and “owner” include a corporation, unincorporated association, a partnership, or other legal entity, as well as an individual.
4. The word “building” includes structure and shall be construed as if followed by the phrase “or part thereof.”
5. The words “should” and “may” are permissive, the words “shall” and “will” are mandatory and directive.
6. The word “lot” includes the word “plot.”
7. The word “use” and the word “used” refer to any purpose for which a lot or land or part thereof is arranged, intended, or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended, or designed to be used, occupied, maintained, made available, or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.

A. Other terms and words used herein shall be interpreted or defined as follows:

Accessory building - a detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Adult bookstore - an establishment having a substantial or significant portion of its stock in trade, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this Chapter.

Adult day care center - a use where care is given for part of a 24-hour day to adults requiring assistance to meet personal needs and who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require nursing care. Such a use would include any place providing supervised care and assistance primarily to persons who are over age 60, mentally retarded, and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. The use shall involve typical stays of less than 60 hours per week per person. [Ord. 2005-1]

Adult mini-motion picture theater - an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities.

Age Qualified Community Overlay District (AQC-OD) – an age qualified community is a residential development that is age qualified in accordance with applicable federal and state laws and regulations, and in accordance with the provisions of this Ordinance. [Ord. 14-4]

Adult motion picture theater - an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this Chapter for observation by patrons.

Agri-business - a business whose products are sold primarily to farmers. Examples of such products include, but are not limited to, fertilizer, seed, animal and poultry feed, farm machinery, and farm equipment. [Ord. 1984-3]

Agricultural industry - the processing, treating, packing, and storing of agricultural products, more than half of which have been grown or raised on the premises.

Agriculture preservation - the raising and keeping of field, truck, and tree crops and all structures and activities customarily associated therewith. The term "agriculture" does not include animal husbandry.

Airport - a place where aircraft can land and take off usually equipped with hangers, facilities for refueling and repair, and various accommodations for passengers. [Ord. 1999-2]

Animal husbandry - the feeding, breeding, boarding, raising, care and training of livestock or farm animals, whether or not such animals themselves might be offered for sale; the sale of the products obtained directly from such animals; and/or the sale of the offspring of such animals; and all structures and supporting activities customarily associated with animal husbandry, including the raising of livestock feed and the pasturing of livestock. For the purposes of this Section, livestock and farm animals shall include, but are not limited to, cattle, horses, sheep, goats, hogs, fowl, poultry, honey bees and similar farm animals, but shall not include household pets, dogs or reptiles. [Ord. 2006-5]

Assisted living facilities - a use which, through lease or ownership, (a) makes available to residents supportive services to assist the residents in carrying out activities of daily living, such as bathing, dressing, eating, getting in and out of bed or chairs, walking, going outdoors, using the toilet, laundry, home management, preparing meals, shopping for personal items, obtaining and taking medication, managing money, using the telephone, or performing light or heavy housework, and which may make available to residents home health care services, such as nursing and therapy; and (b) provides separate dwelling units for residents, each of which shall contain a full kitchen and bathroom, and which includes common rooms and other facilities appropriate for the provision of supportive services to the residents of the facility. An assisted living facility may also organize and provide recreational activities and community meal service to residents. [Ord. 2005-1]

Automobile service station - an establishment engaged in the retail sale of gasoline and similar products to motorists and/or in the repair of motorized vehicles.

Bank - an establishment for the custody, loan, exchange or issue of money, for the extension of credit and for the facilitating of the transmission of funds. This may include automatic teller machines and drive-in window service. [Ord. 13-2]

Board of Supervisors - the Lynn Township Board of Supervisors.

Boulder - a prominent, free standing block of stone, greater than 256mm or 10 inches in diameter, according to the U.S. Geological Survey, National Park Service, Department of the Interior. [Ord. 2002-3]

Boulder field - an area, not individually mapped, consisting mostly of boulders that have little or no vegetation and having a contiguous area greater than 500 square feet. Illustrative photographs of boulder fields are attached to this Chapter. Such illustrations shall not be deemed conclusive of the characteristics of any boulder field, but merely examples of certain accumulations of boulders which would qualify as a "boulder field" within the meaning of this Chapter. [Ord. 2002-3]

Building - a structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind.

Building, area of - the horizontal area measured around the outside of the foundation walls plus the floors of roofed porches and roofed terraces, and including the area of accessory buildings, if any. In the case of split-level dwellings, the "first floor area" shall be deemed to include floor areas on two non-overlapping levels, separated by a half story, or less, of height.

Café - a building where pre-prepared food, non-alcoholic drinks are prepared, served and consumed within the building. This use shall not include musical entertainment. [Ord. 13-2]

Cemetery - a lot, parcel, tract, building or structure used for burial of deceased humans or animals. [Ord. 13-2]

Child day care center - a use involving the supervised care of children under age 16 outside of the child's own home primarily for periods of less than 18 hours during the average day. This use may include educational programs that are supplementary to State-required education, including a "nursery school." A "child day care center" shall not include: (a) care of children by their own relatives; (b) care of children within a place of worship during regularly scheduled worship services; and (c) care of one to three children within any dwelling unit in addition to children who are relatives of the care giver. [Ord. 2005-1]

Church - a building or group of buildings, including customary accessory buildings thereto, designed, intended or used for public worship. The term "CHURCH" shall include chapels, cathedrals, temples, mosques, Sunday schools, synagogues and similar designations. [Ord. 13-2]

Cluster development - residential subdivision consisting of single-family detached dwellings, streets, utilities, etc., on a usable site area. [Ord. 2002-2]

Commercial campground - premises on which space is rented on a temporary basis for recreational vehicles, motor homes, and tents.

Commercial recreation areas - a recreation area operated on a profit basis which is open to the general population.

Comprehensive Plan - the Lynn Township Comprehensive Plan, as updated.

Detoxification center - any facility in which an alcohol-intoxicated or drug-intoxicated or alcohol dependent or drug-dependent person is assisted through the period of time necessary to eliminate, by metabolic or other means, the intoxicating alcohol or other drugs, alcohol and other drug dependency factors or alcohol in combination with drugs as determined by a licensed physician, while keeping the physiological risk to the patient at a minimum. [Ord. 2005-1]

Drug or alcohol rehabilitation center - any facility which provides counseling or nonmedicinal, therapeutic services on a planned and regularly scheduled basis to one or more persons who have already eliminated all traces of the intoxicating effects of alcohol, drugs, or other substances from his/her/their persons. Such a center shall not otherwise qualify as a hospital under this Chapter, but may provide outpatient care and/or overnight residential bed space for recovering drug or alcohol-dependent persons on a nonpermanent basis. [Ord. 2005-1]

Dwelling unit - any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

1. *Dwelling, multi-family* - a building arranged, intended or designed to be occupied by three or more families, each with a separate, independent housekeeping unit. The individual dwelling units share a common access and common yard area.
2. *Dwelling unit; single-family attached* - a dwelling unit on a permanent foundation designed and occupied as a residence for one family with direct outside access, which is part of a group of three or more dwellings with one or two vertical walls in common with adjacent dwelling units. These dwelling units are commonly referred to as "townhouses" or "row homes."
3. *Dwelling unit; single-family detached* - a dwelling unit on a permanent foundation or a mobile home on a mobile home stand constructed in conformance with the standards of §27-403.8.B, designed and occupied as a residence for one family, which does not have a vertical wall in common with another building.
4. *Dwelling unit; single-family semidetached* - a dwelling unit on a permanent foundation designed and occupied as a residence for one family, which has one vertical wall in common with the adjacent dwelling unit. These dwellings are commonly referred to as "twins" or "duplexes."

Family - one or more individuals living independently as a single housekeeping unit and using cooking facilities and certain rooms in common. A "family" shall not be deemed to include the occupants of a college dormitory or residential club.

Fence - a barrier intended to prevent intrusion or escape or to mark a boundary. A fence can both involve man-made structures as well as organized plantings.

Fire station - a facility which houses apparatus, motorized vehicles, and equipment used to fight fires and environmental hazards and furnish emergency medical transportation services, and related training and meeting facilities, and, subordinate to the foregoing uses, may engage in the preparation and delivery of food and banquet services as incidental fund-raising activities. [Ord. 2003-3]

Flood, 100-year - the flood having a 1 percent chance of being equaled or exceeded in any given year.

Floodplain - the area of normally dry land along a natural watercourse which is periodically inundated by water therefrom.

Food Processing Establishment - an establishment in which food is processed or otherwise prepared for eventual human consumption but is not consumed on the premises. [Ord. 13-2]

Garage, private - an accessory garage maintained primarily for the convenience of the occupant or occupants of the main building and in which no business or other use is carried on and no service is rendered to the general public.

Group care facility, large - a facility which provides resident services to seven or more individuals who are being cared for by a residential supervisory staff. These individuals are handicapped, aged or disabled, and are undergoing rehabilitation, and are provided services to meet their needs. Large group care facilities are licensed, supervised or funded by any Federal, State or County agency. [Ord. 1989-4]

Group care facility, small - a facility which provides resident service in one dwelling unit to six or fewer individuals who are being cared for by a family or residential supervisory staff under license, supervision or funding by any Federal, State or County agency. These individuals are handicapped, aged, disabled or in need of adult supervision and are provided service and supervision in accordance with their individual needs. Foster homes shall not be considered as small group care facilities. [Ord. 1989-4]

Height of structures - the vertical distance derived from the average finished grade at the foundation corners of the building or structure, to the highest point of the building or structure excluding a chimney or other similar structure listed in §27-403.3.

Heliport - an area to accommodate all phases of operation of roto-wing aircraft (helicopters) with suitable space to allow development of service facilities. [Ord. 1999-2]

Helistop - an area on a roof or on the ground to accommodate touch down and lift off of roto-wing aircraft (helicopter) for the purpose for picking up and discharging passengers or cargo. Such area shall have sufficient space to accommodate all required safety controls, but in no case shall service facilities be provided. [Ord. 1999-2]

High water table - areas where the upper limit of the part of the soil or underlying rock material that is wholly saturated with water is located less than 4 feet below the earth's surface at all times.

Home occupation - an accessory use of a dwelling unit for capital gain. [Ord. 1991-1]

Hospital - a use having an organized medical staff and providing equipment and services primarily for inpatient care for two or more persons who require definitive diagnosis and/or treatment for illness, injury, disability, or during or after pregnancy, and which also regularly makes available at least clinical laboratory services, diagnostic x-ray, MRI or like services and definitive clinical treatment services. The term shall include such premises providing either diagnosis or treatment, or both, for specific illness or condition. This does not include veterinarian services. [Ord. 2005-1]

Improved street - a street which meets the minimum PennDOT design requirements for a local access road (50/200 average daily traffic) or an existing State or Township road.

Industrial park - a planned, organized industrial district with an overall development plan which is designed to insure compatibility between the industrial operations therein and the existing character of the community and to promote an open and park-like character.

Institutional Use – a non-profit, religious, or public use, such as a religious building, library, public or private school, hospital, or government-owned or operated building, structure, or land use for public purpose. [Ord. 13-2]

Kenel - an establishment equipped with pens, yards, runways or other appurtenances specifically designed or intended for the breeding or boarding of dogs or other nonfarm animals with the intent of producing capital gain or profit. Livestock and farm animals within the category of animal husbandry shall be excluded from this definition. [Ord. 2006-5]

Life care community - a community which includes an array of living arrangements for elderly and/or disabled persons, progressing from independent living in single-family dwelling units to assisted living dwelling units or the like, to a nursing home. Such community may also have an adult day care center and/or common facilities for food, entertainment and meal service. [Ord. 2005-1]

Logging - the cutting down of trees in or for any type of business or commercial purpose.

Lot - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit. [Ord. 1989-4]

1. *Lot area* - the area contained within the property line of a lot (as shown on the plan), excluding space within the ultimate street right-of-way and within all permanent drainage easements, but including the areas of all other easements.
2. *Lot, corner* - a lot at the junction of and fronting on two or more intersecting streets.
3. *Lot coverage* - the percentage of the lot area covered by structures, including principal buildings, accessory structures and by impervious paving. [Ord. 2002-2]
4. *Lot, interior* - any lot other than a corner lot.
5. *Lot line* - any boundary of a lot. Any lot line not deemed a front or rear yard line shall be considered a side lot line.
6. *Lot line, front* - the street line at the front of the lot. On a corner lot, the front lot line shall be as specified by the owner.
7. *Lot line, rear* - the lot line opposite to the front lot line.
8. *Lot line, side* - any lot line not designated as a front or rear lot line.
9. *Lot, through* - a lot extending from one street to another.
10. *Lot, width of* - the distance between side lot lines measured at the front building setback line.

Main use or building - the principal or most important use or building on a lot.

Manufacturing – establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins or liquors. [Ord. 13-2]

Mausoleum – a building with vaults or chambers serving as a repository for the dead. [Ord. 13-2]

Medical or rehabilitation clinic - a facility comprised of professional offices for the purpose of examination and treatment of persons as outpatients by physicians, dentists, or other licensed medical professional and social workers in which the practitioners work in cooperative association. Such clinics may provide medical services customarily available at hospitals, but does not provide overnight care for patients. A clinic which provides abortion services shall not be allowed within 200 feet of a dwelling unit. [Ord. 2005-1]

Medical or Dental Clinic – office or clinic for medical or dental examinations or treatment of persons, as outpatients, (including laboratory incidental thereto); establishments providing support to medical professionals and their patients, such as medical and dental laboratories, blood banks, oxygen and miscellaneous types of medical supplies and services. [Ord. 13-2]

Medical office - a use involving the treatment and examination of persons by physicians, dentists, or other licensed medical specialists in an office, i.e., nonhospital and nonclinical, setting, and which does not provide overnight care for patients. This use may include the testing of tissue, blood or other human materials for medical or dental purposes. A medical office which provides abortion services shall not be allowed within 200 feet of a dwelling unit. [Ord. 2005-1]

Membership club - a building, structure, lot or land area used as a private club, fraternal, or social organization.

Mineral resources - any of various naturally occurring inorganic substances which are intended to be extracted, mined or quarried. Mineral resources shall include natural gas and petroleum. Stones which rest upon the natural surface of the ground shall not be considered mineral resources.

Mini-mall - a store or group of stores or commercial establishments, six or less in number, which are planned, developed, owned and managed as a unit, with shared off-street parking provided on the property as an integral part of the unit where the total gross floor area of the store or stores does not exceed 15,000 square feet. [Ord. 1989-4]

Mobile home - a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly contained in one unit or in two 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 park - a parcel or contiguous parcels of land under single ownership which has been so designated, planned and improved that it contains two or more mobile homes lots for the placement of mobile homes occupied for dwelling or sleeping purposes and for no transient use. [Ord. 1989-4]

Municipal Authority – a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipal Authorities Act of 1945”. [Ord. 13-2]

Municipality – any city of the second class, or third class, borough, incorporated town, township of the first or second class, county, home rule municipality, or any

similar general purpose unit of government which shall hereafter be created by the General Assembly. [Ord. 13-2]

Nature Center - an organization with a visitor center or interpretive center designed to educate people about nature and the environment. Their properties can be characterized as nature preserves and wildlife sanctuaries. [Ord. 13-2]

No-Impact Home-Based Business – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odor or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

[Ord. 13-2]

Nonconforming lot - a lot lawfully existing at the effective date of this Chapter or any amendment thereto affecting such lot, which does not conform to the regulations of this Chapter for the district in which it is situated.

Nonconforming structure - a structure lawfully existing at the effective date of this Chapter or any amendment thereto affecting such structure, which does not conform to the building regulations of this Chapter for the district in which it is situated irrespective of the use to which such structure is put.

Nonconforming use - any use of a building, structure, lot or land, or part thereof, lawfully existing at the effective date of this Chapter or any amendment thereto affecting such use, which does not conform to the use regulations of this Chapter for the district in which it is situated.

Nursery (Greenhouse) - A lot, parcel, tract, building, structure or part thereof used for the raising and distribution of trees, shrubs, flowers, house plants and other similar plants. [Ord. 13-2]

Nursing home - a use which provides for the long term care and treatment for two or more convalescents and other persons who are not relatives of the operator who are not acutely ill and do not need hospital care, but who require skilled nursing care and related medical services in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. For purposes of this Chapter, a "nursing home" shall include any "personal care home." [Ord. 2005-1]

Office park - a planned office building district with an overall development plan which is designed to insure compatibility between office building operations and the existing character of the community and to promote an open and park-like character. [Ord. 1994-3]

On-lot business - a business conducted on a lot, in an accessory structure or on a portion of the lot, by the resident of the property. Such business shall be incidental or secondary to the use of the property as a residence. [Ord. 1994-3]

Open space - land set aside as part of a cluster development, which is in addition to resource protected land. [Ord. 2002-2]

Outdoor recreation areas - recreational facilities open to the general public in which the primary use is not enclosed within a building. Buildings may be constructed as accessory structures for outdoor recreation area uses. Commercial recreation areas as defined in this Section are not to be considered outdoor recreation areas.

Overflow parking - that parking in a residential area which is the result of unforeseen events resulting in a demand for excess parking area over and above that which is required by ordinance. [Ord. 1999-2]

Overflow parking lot - a lot in a residential subdivision or land development which shall be provided for overflow parking. Overflow parking areas shall be for the convenience of residence or land development only. This parking shall be for excess parking due to parties, funerals, etc. This area can also be used for properly licensed property of the residents of that subdivision or property owners such as recreational vehicles, boat, trailers, etc. No trucks or tractor trailers over 10,000 lbs will be allowed. [Ord. 1999-2]

Parking area - a lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money or other consideration.

Parking space - a stall or berth which is arranged and intended for parking of one motor vehicle in a garage or parking area.

Personal Service Establishment - Places primarily providing services, which do not involve retail sales or professional advisory services. The term "Personal Service Establishment" shall include those oriented to serving personal needs, such as barber and beauty shops, animal or dog grooming businesses, shoe repair shops, household appliance repair shops, dry cleaning and laundry pickups, laundromat and other similar establishments. [Ord. 13-2]

Planning Commission - the Lynn Township Planning Commission.

Printing - Printing, publishing, lithography, bookbinding, and/or kindred arts. [Ord. 13-2]

Professional or business office - a use involving administrative, clerical, financial, governmental or professional operations, or operations of a similar character. This use shall not include retail, industrial or veterinarian activities. In the case of a professional office, the primary practitioner(s) must be licensed or certified by suitable governmental authority or a generally recognizable and reputable professional organization, or hold or possess such education or experiences to qualify as an expert. [Ord. 2005-1]

Public notice - hearings - notice given not more than 30 days and not less than 7 days in advance of any public hearing required by this Chapter. Such notice shall be published once a week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The property shall be posted not less than 7 days prior to the hearing. [Ord. 1989-4]

Public Building or Use - The building or facility operated by a governmental agency or philanthropic organization, where administrative activities are conducted or social or educational services are provided to the general public. Such uses shall include, but are not limited to a municipal building, library, volunteer fire company, emergency services building, community center, museum or similar use/facility, excluding a school or recreational facility. [Ord. 13-2]

Public Utility Facilities - Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all building and structures related to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and or public transit, to the public. [Ord. 13-2]

Recreational vehicle - a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

Recreational vehicle park - a lot of land upon which two or more recreational vehicles or tent sites are located, established, or maintained for occupancy by recreational vehicles, or tents of the general public as temporary living quarters for recreation or vacation purposes.

Repair service - establishment involved primarily with fixing or repairing goods, rather than with the retail sales of goods. Repair services shall not be construed to include those relating to motorized vehicles unless explicitly so stated.

Resource protected land - the sum of all resource protected land, within the subdivision tract that has been mapped and measured for the purpose of determining the amount of land needed to be protected, because of the unique and natural features of the land. The resource protected area can be included in the lot area. The area is reported to the nearest 0.01 acre. The resource protected land shall include but not be limited to the following; right-of-way for existing or proposed overhead utilities and existing private streets, wetlands, lakes, ponds, quarries, streams, springs, floodway, 100-year floodplain and flood soils. Also included, but not limited to, are rock outcropping, boulder fields, steep slopes of 15 percent or more, wooded areas and areas cleared by logging or for logging purposes. [Ord. 2002-2]

Restaurant, carry out - an establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state on edible or disposable containers where no or limited seating is provided within the premises.

Restaurant, fast food - an establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state on edible or disposable containers either within the restaurant building or for consumption off the premises.

Restaurant, standard - an establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state and whose principal method of operation includes one of the following characteristics. Customers, normally provided with a menu, are served their foods and beverages by a restaurant employee at the same table or counter at which the items are consumed; or, a cafeteria-type operation where foods or beverages are generally consumed within the restaurant building.

Retail store - an establishment involved in the sale of products in small quantities to the ultimate consumer. Adult bookstores shall not be deemed retail stores.

Rock outcrop - areas where bedrock is exposed to view and not obscured by soil or loose boulders. [Ord. 2002-2]

Sanitary landfill - a lot, parcel or tract of land where solid waste is disposed through the depositing of solid waste on land, compacting the solid waste, covering solid waste with soil and then compacting the soil and which has a permit to operate as a sanitary landfill from the Commonwealth of Pennsylvania. [Ord. 1997- 5]

Sanitary sewage disposal, on-lot - any structure designed to treat sanitary sewage within the boundaries of an individual lot.

Sanitary sewage disposal, public - a sanitary sewer collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or public utility company.

School, private - any educational institution other than a public school.

School, public - an educational institution operated by an instrumentality of the State.

Shopping center - a group of stores or commercial establishments, seven or more in number, which are planned, developed, owned and managed as a unit, with shared off-street parking provided on the property as an integral part of the unit. It shall also mean a single store, or a group of stores less than seven in number, where the total gross floor area of the store or stores exceeds 15,000 square feet. [Ord. 1989-4]

Sign - Any device designed to inform or attract attention of persons not on the premises on which the sign is located. For purposes of this Ordinance, sign does not include mail boxes, names of occupants, or other identifications not having commercial connotations; flags and insignias of governments; legal notices, signs giving direction or information required by governmental bodies, or signs directing or guiding traffic and parking without the use of advertising matter. [Ord. 13-2]

Sign, Advertising - A sign which directs attention to products, accommodations, services, or activities offered at locations other than the property upon which the sign is erected or displayed. For the purpose of this Ordinance, a commercial billboard is an advertising sign. [Ord. 13-2]

Sign, Business - A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. [Ord. 13-2]

Signs, Number And Surface Area - For the purpose of determining number of signs, a sign shall be considered as a single display surface or device containing elements

organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, each element shall be considered as a single sign. The surface area of a sign shall be computed to include the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Structural members not bearing advertising matter shall not be included in computation of surface area. [Ord. 13-2]

Slope - the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage equivalent to the vertical difference in feet per 100 feet of horizontal distance.

Solid waste - any waste including, but not limited to, municipal, commercial, residential or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials, The term solid waste does not include coal ash, drill cuttings or other by-products of mineral extraction. [Ord. 1997-5]

Special exception uses - a use that would not be appropriate generally or without restriction throughout a zoning district, but upon the deposition of evidence that certain relevant criteria and conditions are met would be appropriate.

Specified anatomical areas - less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola and also human male genitals in a discernibly rigid state, even if completely and opaquely covered.

Steep slope - slope in excess of 15 percent (equivalent to 15 feet of vertical difference per 100 feet of horizontal difference).

Street - a strip of land, including the entire right-of-way (i.e. not limited to the cart-way) intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

Structure - any man-made object having an ascertainable stationary location on or in land or water, attached or affixed or located on the ground or in water or attached to something located on or in the ground or water. [Ord. 13-2]

Swimming pool, noncommercial - any constructed body of water or structure to contain water, pursuant to the provisions of §27-403.9, and any accessory equipment pertaining thereto, used or intended to be used for swimming or bathing by any family or persons residing on the premises and their guests. Such noncommercial swimming pool shall be located on a lot only as an accessory use to the dwelling or dwellings, hotel, motel, or membership club thereon.

Tavern - A place where alcoholic beverages are served as a primary or substantial portion of the total trade.

The sale of food may also occur. [Ord. 13-2]

Township - Lynn Township, Lehigh County, Commonwealth of Pennsylvania.

Variance - a relief from the exact enforcement from the terms of this Chapter granted by the Zoning Hearing Board pursuant to the provisions of §27-705 of this Chapter on grounds of unique circumstances and hardship.

Warehouse - A structure or area where materials or products are stored. Materials products stored outdoors shall be screened from view. [Ord. 13-2]

Water extraction - a principal land use involving the removal of water by any means whatsoever from a lot, parcel or tract of land for commercial use, resale or other disposition at a location other than the lot, parcel or tract of land upon which the water was collected. Water extraction as defined herein shall not include the usual withdrawal for agricultural or animal husbandry purposes such as irrigation, crop spraying, animal feed lots, etc. [Ord. 1997-5]

Water supply and distribution system, centralized - a system for supplying and distributing water from a common source to two or more dwellings and/or other buildings, generally serving a single land development, subdivision, or neighborhood, and operated by a governmental agency, governmental authority, public utility company or a developer.

Water supply and distribution system, on-lot - a system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water supply and distribution system, public - a system for supplying and distributing water from a common source to dwellings and other buildings, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or a public utility company.

Wholesale Trade - A structure or area where merchandise is displayed for wholesale trade. Merchandise stored outdoors shall be screened from view. [Ord. 13-2]

Wildlife Sanctuary - A place of refuge and protection for wildlife. [Ord. 13-2]

Woodland Preserve - A place where trees, shrubs, and herbaceous plants are cultivated for scientific and educational purposes. [Ord. 13-2]

Yard, front - an open unoccupied space on the same lot with a building situated between the nearest roofed portion of the building and the front lot line of the lot and extending from side lot line to side lot line.

Yard, rear - a space on the same lot with a building situated between the nearest roofed portion of the building and the rear lot line of the lot, and extending from side lot line to side lot line.

Yard, side - an open unoccupied space on the same lot with a building situated between the nearest roofed portion of the building or of any accessory building and the side lot line of the lot, and extending through from the front yard or from the front lot line where no front yard exists, to the rear yard, or to the rear lot line where no rear yard exists.

Zoning Hearing Board - the Lynn Township Zoning Hearing Board.

Zoning Officer - the duly constituted municipal official designated to administer and enforce this Chapter.

(Ord. 1982-1, 6/3/1982, §900; as amended by Ord. 1984-3, 7/5/1984, §7; by Ord. 1989-4, 10/5/1989, §8; by Ord. 1991-1, 3/7/1991, §4; by Ord. 1993-2, 2/4/1993, §45; by Ord. 1994-

3, 9/1/1994, §§21 and 22; by Ord. 1997-5, 10/2/1997, §7; by Ord. 1999-2, 2/4/1999, §§6, 7; by Ord. 2002-2, 9/5/2002, Art. I, §12; by Ord. 2002-3, 9/5/2002, §6; by Ord. 2003-3, 12/17/2003, §4; by Ord. 2005-1, 11/3/2005, §3; by Ord. 2005-2, 12/1/2005, §1; by Ord. 2006-1, 3/2/2006, §1; Ord. 2006-5, 11/2/2006, §§1, 2; Ord. 13-2, 11/14/13, §76; and by Ord. 14-4, 7/10/14, §3)

Zoning Map Amendments

Ord./Res.	Date	Description																
2006-7	11/2/2006	Adopting the Official Zoning Map of Lynn Township, thereby superseding and nullifying any map previously adopted by the Board of Supervisors, pursuant to ordinance or resolution, as the Zoning Map of Lynn Township and changing the following districts:																
		<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Former Name</th> <th style="text-align: left;">New Name</th> </tr> </thead> <tbody> <tr> <td>Conservation - C</td> <td>Blue Mountain Preservation - BM</td> </tr> <tr> <td>Agriculture - A</td> <td>Agriculture Preservation - AP</td> </tr> <tr> <td>Rural Residential - RR</td> <td>Rural - R</td> </tr> <tr> <td>Rural Center - RC</td> <td>Village Center - VC</td> </tr> <tr> <td>Village - V</td> <td>Rural Village - RV</td> </tr> <tr> <td>Industrial-Commercial - IC</td> <td>General Commercial/General Industrial - GC/GI</td> </tr> <tr> <td>Low Density Rural Residential - LDRR</td> <td>Rural Residential - RR</td> </tr> </tbody> </table>	Former Name	New Name	Conservation - C	Blue Mountain Preservation - BM	Agriculture - A	Agriculture Preservation - AP	Rural Residential - RR	Rural - R	Rural Center - RC	Village Center - VC	Village - V	Rural Village - RV	Industrial-Commercial - IC	General Commercial/General Industrial - GC/GI	Low Density Rural Residential - LDRR	Rural Residential - RR
Former Name	New Name																	
Conservation - C	Blue Mountain Preservation - BM																	
Agriculture - A	Agriculture Preservation - AP																	
Rural Residential - RR	Rural - R																	
Rural Center - RC	Village Center - VC																	
Village - V	Rural Village - RV																	
Industrial-Commercial - IC	General Commercial/General Industrial - GC/GI																	
Low Density Rural Residential - LDRR	Rural Residential - RR																	

PHOTOGRAPH NO. 1 -
Boulder Field (definitive example)



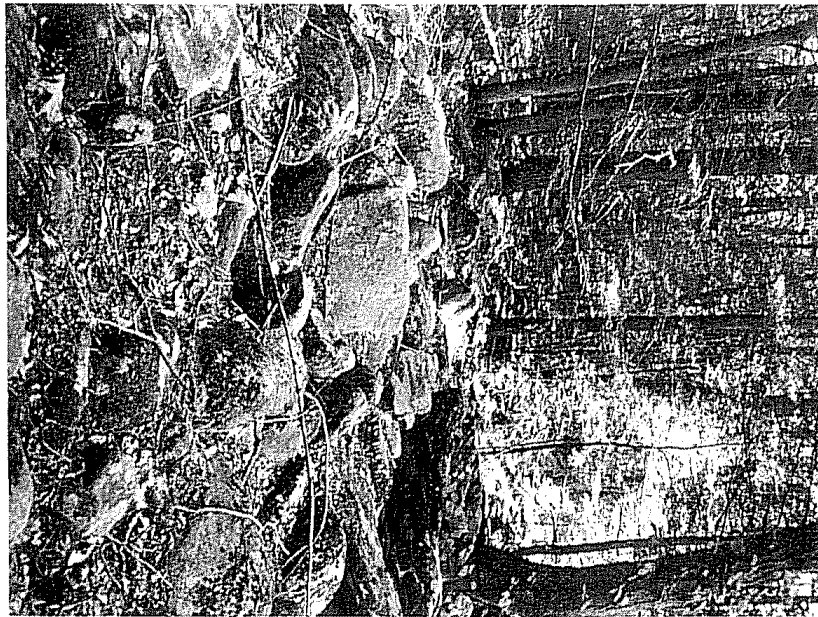
PHOTOGRAPH NO. 2 -
Boulder Field (definitive example)



PHOTOGRAPH NO. 3
Boulder Field
(acceptable example
provided 500 sf.
minimum area
requirement is met)



PHOTOGRAPH NO. 4 -
Boulder Field
(acceptable example
provided 500 sf.
minimum
area requi
rement is
met)



PHOTOGRAPH NO. 5
Not a Boulder Field
even if 500 s.f.
minimum area
requirement
is met.



PHOTOGRAPH NO. 6 -
Boulder Field
(acceptable
example provided
500 s.f.
minimum rea
requirement
is met)



Appendix

The following ordinances and resolutions are no longer of general interest, primarily because their provisions were carried out directly after their enactment. Since they are mainly of historical or administrative interest, it has not been considered necessary to include their entire text. Instead, they are arranged in groups, according to subject matter, and within each group listed by title in chronological order. The content of the ordinances and resolutions is indexed, in all necessary detail, in the general index at the end of this volume. The annual budget and tax ordinances have been listed only in the "Key to the Disposition of Ordinances." Any person who desires to read the full text of any of the ordinances or resolutions may do so by consulting the original Ordinance Books on file in the Township offices.

The enactments included in this Appendix are grouped under the following headings:

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

Appendix A

Adjustments to Township Boundaries

[Reserved]

Appendix B

Debt and Bond Issues

Ord./Res	Date	Subject
Ord. 1974-1	-/-----	Increasing indebtedness of Township in order to purchase grader.
Ord. 1978-4	-/-----	Debt ordinance for sewer system.

**Appendix C Franchises
and Services**

[Reserved]

Appendix D

Governmental and Intergovernmental Affairs

Ord./Res	Date	Subject
Ord. --/1952	--/1952	Authorizing to establish a system of payroll deduction to be matched by payments by the Township of Lynn to be made into the Contribution Fund of the Social Security Act through the Office of the State Agency, and to make charges of this item to the Fund, or funds, from which wage or salary payments are issued to employees of the Township of Lynn.
Ord. 1976-4	7/1/1976	Signifying the intention and desire of the Municipal Authorities of this Township to organize an Authority under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented; organizing an authority and setting forth and authorizing execution of articles of incorporation; appointing and fixing the terms of the first members to represent this Township on the Board of such authority; authorizing all other necessary action; and repealing all inconsistent ordinances or parts thereof.
Ord. 1985-2	12/5/1985	Providing for the payment of compensation for Supervisors at public meetings.
Ord. 1995-1	12/28/1995	Providing for the compensation of supervisors.
Ord. 1996-6	10/3/1996	Providing for the cross-reference of provisions of the Second Class Township Code as reenacted and amended July 10, 1947 (P.L. 1481, No. 567), as amended, to the provisions of the Second Class Township Code (Act 60 of 1995).
Ord. 2006-9	12/27/2006	Adopting the Lehigh Valley Insurance Cooperative Agreement

Appendix E Plan

Approval

[Reserved]

Appendix F Public

Property

Ord./Res	Date	Subject
Ord. 2000-1	-/-/----	Acquiring land for and improvements to Ontelaunee Park.

Appendix G

Sewers

Ord./Res	Date	Subject
Ord. 1978-5	--/1978	Granting to Lynn Township sewer authority certain rights and privileges in, along, over and under streets, roads, lanes, courts, public squares, alleys, highways and other properties of this Township for use in connection with the sewer system to be constructed and acquired by said authority: and providing for regulating the manner in which such rights and privileges shall be exercised.
Ord. 1992-2	--/----	Taking over sewer authority.

Appendix H

Streets and Sidewalks

Street	Activity	Description	Ord./Res.	Date
Brobst Hill Road (T-757)	vacating	Between Kings Highway (L.R. 285) and Hofadeckel Road (T-762B)	Ord. 1983-1	5/5/1983
Kershner Road (T-776)	laying out and opening	Between Reeser Road (T-721) on the North and Legislative Route 226 (Route 309)	Ord. 1975-5	12/29/1975
Kershner Road (T-776)	vacating	From intersection with Reeser Road (T-721) across lands of Willard A. Snyder and Lucille C. Snyder	Ord. 1975-6	12/29/1975
Ohl Road (T-860)	vacating	Beginning at a railroad spike located in the center of Legislative Route #39056 (Mountain Road) leading from Legislative Route #39064 (Northwest Road) to Pa. #309 bounded on the North by the lands now or late of Claude Hoffner and on the South by the lands now or late of Theresa Ohl to an iron pin located in the center of Township Road #860 (Ohl Road)	Ord. 1981-3	10/1/1981
Ontelaunee Creek	vacating	Foot bridge from Highway No. 143 to 39112	Ord. 11/7/1959	11/7/1959
Schneider Schule Road (T-778)	vacating	From S.R. 0309 (Route 309) to S.R. 4030 (Camp Meeting Road)	Ord. 1993-5	-/-/1993
Strawberry Court (T-756)	vacating	Beginning at the southerly right-of-way line of the former Reading Railroad Company along the southerly terminus of Strawberry Court being the southerly right-of-way line of the Reading Railroad Company through lands now or formerly of Keith A. Nagle and Rodney F. Meager and Eric R. Lundberg.	Ord. 1999-4	5/6/1999

Street	Activity	Description	Ord./Res.	Date
Township Road No. 761	vacating	At Henry Gruber's farm to its intersection with Township Road No. 863, and all of Township Road No. 863 having both of its termini on Legislative Route No. 39113	Ord. 1968-12	12/7/1968
Township Road (T-780)	vacating	From SR0309 East to the Schuylkill County Line	Ord. 1994-2	9/1/1994
Ulrich Mill Road (T-768)	laying out and opening	Between Allemanengel Road State Highway Legislative Route 39113 and Sehler Road State Highway Legislative Route 39070	Ord. 1975-5	12/29/1975
Ulrich Mill Road (T-768)	vacating	From Allemaengel Road State Highway Legislative Route 39113 across lands of Truman C. Arndt and Joan E. Arndt	Ord. 1975-6	12/29/1975
unnamed alley	laying out and opening	In the Village of Lynnport	Ord. 7/6/1957A	7/6/1957
unnamed alley	vacating	In the Village of Lynnport	Ord. 7/6/1957B	7/6/1957
unnamed road	laying out and opening	In the Village of Lynnport	Ord. 1982-3	10/7/1982
unnamed road	laying out and opening	Western side of Township Road No. 758 to the north side of State Highway No. 143	Ord. 7/2/1964	7/2/1964
unnamed road	laying out and opening	Beginning at South Side Decauter Street between the premises of Clayton Werley on the West and Fred Oswald on the East	Ord. 11/3/1951	11/3/1951
unnamed road	vacating	Terminus of Township Route 863 to intersects Legislative Route 39113 southeasterly where the road intersects Township Road 760	Ord. 1/6/1964	1/6/1964

Appendix I

Water

[Reserved]

Appendix J Zoning;

Prior Ordinances

Ord./Res.	Date	Subject
Ord. 1971-7	-/-/----	Amending Zoning Ordinance by redefining single family dwelling and setting minimum living area
Ord. 1972-9	-/-/----	Amending Zoning Ordinance by allowing for planned residential developments.
Ord. 1973-5	-/-/----	Amending Zoning Ordinance by providing further regulations of mobile home parks.
Ord. 1976-1	-/-/----	Amending Zoning Ordinance by providing for Environmental Protection District.
Ord. 1978-1	-/-/----	Amending Zoning Ordinance - steep slope lots.
Ord. 1986-5	-/-/----	Rezoning lands from Agriculture - A District to Rural Center - RC District.
Ord. 1986-6	9/4/1986	Rezoning lands from Agriculture - A District to Rural Center - RC District.
Ord. 1992-4	5/7/1992	Rezoning lands from "A" District to "IC" and "RC" Districts. Ord.
1996-1	2/1/1996	Rezoning lands from Agriculture - A District to Industrial Commercial - IC District.
Ord. 2003-3, §2	12/17/2003	Adopting the Official Zoning Map of Lynn Township, thereby superseding and nullifying any map previously adopted by the Board of Supervisors, pursuant to ordinance or resolution, as the Zoning Map of Lynn Township.
Ord. 2004-3	12/2/2004	Adjusting the boundary location between the Rural Center (RC) and Agriculture (A) zoning districts in the vicinity of the school creek and between the Industrial Commercial (IC) and Agriculture (a) zoning districts West of Route 309 in the vicinity of Blöse's Market.

Table to Disposition of All Ordinances

Ordinance	Date	Disposition	Subject
11/3/1951	11/3/1951	Appendix H	Streets and Sidewalks
--/1952	--/1952	Appendix D	Governmental and Intergovernmental Affairs
7/6/1957A	7/6/1957	Appendix H	Streets and Sidewalks
7/6/1957B	7/6/1957	Appendix H	Streets and Sidewalks
3/7/1959	3/7/1959	Repealed by 2008-4	Taxation; Special
11/7/1959	11/7/1959	Appendix H	Streets and Sidewalks
12/5/1959	12/5/1959	Rescinded	
1/6/1964	1/6/1964	Appendix H	Streets and Sidewalks
4/6/1964	4/6/1964	Superseded by A.O.	Administration and Government
7/2/1964	7/2/1964	Appendix H	Streets and Sidewalks
1964-3	7/10/1964	§§13-101–13-112	Licenses, Permits and General Business Regulations
1964-4	11/24/1964	Superseded by A.O.	Taxation; Special
1967-1	3/4/1967	§§10-301–10-306	Health and Safety
3/3/1968	3/3/1968	Superseded by 1975-3	Sewers and Sewage Disposal
10/5/1968	10/5/1968	Superseded by 1986-1	Solid Waste
1968-12	12/7/1968	Appendix H	Streets and Sidewalks
--/1969	--/1969	Superseded by 1986-1	Solid Waste
--/1970	--/1970	Superseded by 1980-2	Subdivision and Land Development
1971-7	--/----	Superseded by 1982-1 Appendix J	Zoning Zoning; Prior Ordinances
5-72	5/6/1972	Superseded by 1997-4	Licenses, Permits and General Business Regulations
5-72-A	5/6/1972	Superseded by 1982-1	Mobile Homes and Mobile Home Parks
1972-9	--/----	Superseded by 1982-1 Appendix J	Zoning Zoning; Prior Ordinances
1972-11	--/1972	Superseded by 2002-1	Streets and Sidewalks
1973-5	--/----	Superseded by 1982-1 Appendix J	Zoning Zoning; Prior Ordinances
1973-7	--/----	§10-301	Health and Safety
1973-7-A	7/5/1973	Superseded by 2001-2	Housing
1974-1	--/----	Appendix B	Debt and Bond Issues
1974-2	6/6/1974	§§21-201–21-206	Streets and Sidewalks
12/30/1974	12/30/1974	Repealed by 2008-4	

Ordinance	Date	Disposition	Subject
1975-1	-/-/1975	Superseded by 1982-1 Appendix J	Zoning Zoning; Prior Ordinances
1975-2	-/-/----	Superseded by 1980-2	Subdivision and Land Development
1975-3	-/-/1975	§§18-101–18-112	Sewers and Sewage Disposal 1975-4
	-/-/----	Superseded by 2004-2	Buildings
12/29/1975	Appendix H	Streets and Sidewalks	
12/29/1975	Appendix H	Streets and Sidewalks	
1976-1	-/-/----	Superseded by 1982-1 Appendix J	Zoning Zoning; Prior Ordinances
1976-2	-/-/----	Superseded by 1980-2	Subdivision and Land Development
1976-3	6/3/1976	Superseded by A.O.	Sewers and Sewage Disposal
1976-4	7/1/1976	Appendix D	Governmental and Intergovernmental Affairs
1977-1	4/7/1977	Superseded by 2004-2	Buildings
1978-1	-/-/----	Superseded by 1982-1 Appendix J	Zoning Zoning; Prior Ordinances
1978-2	-/-/----	Superseded by 1980-2	Subdivision and Land Development
1978-3	-/-/----	Superseded by 1980-2	Subdivision and Land Development
1978-4	-/-/----	Appendix B	Debt and Bond Issues
-/-/1978	Appendix G	Sewers	
-/-/1978	§§18-201–18-206	Sewers and Sewage Disposal	1978-7 -/-/1978 §§18-221–18-233
Sewers and Sewage Disposal 1978-8	11/2/1978		§§24-401–24-402 Taxation;
Special			
1979-1	5/3/1979	§§18-211–18-218	Sewers and Sewage Disposal 1979-2
	-/-/----	Superseded by 1980-2	Subdivision and Land Development
1979-3	8/2/1979	Superseded by A.O.	Administration and Government
1979-4	9/6/1979	§18-223	Sewers and Sewage Disposal
1979-5	9/6/1979	§18-213	Sewers and Sewage Disposal
1980-1	3/6/1980	§§18-203, 18-204	Sewers and Sewage Disposal
1980-2	9/4/1980	§§22-101–22-808, Appendix 22-A–Appendix 22-F	Subdivision and Land Development
1981-1	4/2/1981	§§6-101–6-107	Conduct
1981-2	5/7/1981	§§22-302, 22-303, 22-403, 22-404, 22-407, 22-409, 22-410, 22-501–22-504, 22-605, 22-702, Appendix 22-C	Subdivision and Land Development
1981-3	10/1/1981	Appendix H	Streets and Sidewalks

1982-1

-/-/----

§§27-101-27-901

Zoning

Ordinance	Date	Disposition	Subject
1982-2	9/2/1982	§§27-304, 27-604	Zoning
1982-3	10/7/1982	Appendix H	Streets and Sidewalks
1983-1	5/5/1983	Appendix H	Streets and Sidewalks
1983-2	10/6/1983	§§8-101–8-132	Floodplains
2/2/1984	§18-223	Sewers and Sewage Disposal	
	7/5/1984	§22-702	Subdivision and Land Development
1984-3	7/5/1984	§§27-304, 27-308, 27403, 27-901	Zoning
1984-4	7/11/1984	§§1-211–1-215	Administration and Government
1985-1	2/7/1985	Superseded by 2002-1	Streets and Sidewalks
1985-2	12/5/1985	Appendix D	Governmental and Intergovernmental Affairs
1986-1 Art. IV	1/6/1986	§§20-101–20-108 Superseded by A.O.	Solid Waste
1986-2	4/3/1986	§§10-201–10-206	Health and Safety
1986-3	8/7/1986	Superseded by 2008-03	Emergency Management Services
1986-4	9/4/1986	§18-223	Sewers and Sewage Disposal
1986-5	-/-/---	Superseded by 2006-7 Appendix J	Zoning Zoning; Prior Ordinances
1986-6	9/4/1986	Superseded by 2006-7 Appendix J	Zoning Zoning; Prior Ordinances
1987-1	5/7/1987	§§27-303, 27-304, 27-402, 27-404, 27-503	Zoning
1987-2	9/3/1987	§§8-106, 8-115, 8-116, 8-120, 8-121, 8-122, 8-124, 8-126, 8-129, 8-130	Floodplains
1988-1	5/5/1988	§§10-101–10-108	Health and Safety
1989-1	4/6/1989	§27-306	Zoning
1989-2	4/6/1989	§§22-410, 22-702	Subdivision and Land Development
1989-3	5/4/1989	§§24-201–24-218	Taxation; Special
1989-4	10/5/1989	§§27-202, 27-306, 27-308, 27-403, 27-503, 27-601, 27-605, 27-606, 27-801, 27-802, 27-901	Zoning
1989-5	10/5/1989	§§22-406, 22-410, 22-601, 22-602, 22-603, 22-605, 22-702	Subdivision and Land Development
1990-1	12/6/1990	§§18-121–18-130	Sewers and Sewage Disposal
1990-2	12/6/1990	§§18-131–18-141	Sewers and Sewage Disposal

1991-1

3/7/1991

§§27-304, 27-404, 27-503,
27-901

Zoning

Ordinance	Date	Disposition	Subject
1991-2	3/7/1991	§§24-501–24-504	Taxation; Special
1992-1	3/5/1992	§§26-101–26-105	Water
-/-/----	Appendix G	Sewers	
5/7/1992	Superseded by 1997-4		Licenses, Permits and General Business Regulations
1992-4	5/7/1992	Superseded by 2006-7 Appendix J	Zoning Zoning; Prior Ordinances
1993-1	2/4/1993	§§22-103, 22-209, 22-303, 22-404, Appendix 22-A– Appendix 22-E	Subdivision and Land Development
1993-2	2/4/1993	§§27-303–27-308, 27-318, 27-402–27-404, 27-501–27-504, 27-604, 27-701–27703, 27-901	Zoning
1993-3	-/-/----	§§21-301–21-310	Streets and Sidewalks
1993-4	4/1/1993	Superseded by 2007-1	Stormwater Management
1993-5	-/-/1993	Appendix H	Streets and Sidewalks
1993-6	9/2/1993	§§7-101–7-104	Emergency Management Services
1994-1	-/-/1994	§§24-301–24-312	Taxation; Special
1994-2	9/1/1994	Appendix H	Streets and Sidewalks
1994-3	9/1/1994	§§27-103, 27-305–27-308, 27-402, 27-405, 27-503, 27-601, 27-604, 27-701–27-703, 27-706, 27-901	Zoning
1994-4	9/1/1994	§§22-201, 22-207, 22-209, 22-302, 22-303, 22-404, 22-406, 22-410, 22-502, 22-602, 22-603, 22-702, Appendix 22-A, Appendix 22-C	Subdivision and Land Development
1995-1	12/28/1995	Appendix D	Governmental and Intergovernmental Affairs
1996-1	2/1/1996	Superseded by 2006-7 Appendix J	Zoning Zoning; Prior Ordinances
1996-2	3/11/1996	§§27-308, 27-601, 27-702	Zoning
1996-3	3/11/1996	§§22-204, 22-206	Subdivision and Land Development
1996-4	10/3/1996	§27-404	Zoning
1996-5	10/3/1996	§§21-401–21-408	Streets and Sidewalks
1996-6	12/5/1985	Appendix D	Governmental and Intergovernmental Affairs
1997-1	4/3/1997	Superseded by 2004-2	Code Enforcement

1997-2

4/3/1997

§8-105

Floodplains

Ordinance	Date	Disposition	Subject
1997-3	4/3/1997	§18-223	Sewers and Sewage Disposal
1997-4	8/7/1997	§§13-201–13-222	Licenses, Permits and General Business Regulations
1997-5	10/2/1997	§§27-304, 27-404, 27-503, 27-901	Zoning
1997-6	10/2/1997	§8-110	Floodplains
1997-7	11/6/1997	§§22-202, 22-204–22-208, 22-303, 22-402, 22-404, 22-410, 22-601, 22-702, Appendix 22-C	Subdivision and Land Development
1998-1	8/6/1998	Superseded by A.O.	Motor Vehicles and Traffic
1999-1	2/4/1999	§§22-203, 22-204, 22-207, 22-303, 22-410	Subdivision and Land Development
1999-2	2/4/1999	§§27-304, 27-403, 27-406, 27-503, 27-901	Zoning
1999-3	2/4/1999	Superseded by 2004-2	Code Enforcement
1999-4	5/6/1999	Appendix H	Streets and Sidewalks
1999-5	10/7/1999	Superseded by 2004-2	Code Enforcement
1999-6	10/7/1999	§§27-304, 27-306, 27-403	Zoning
1999-7	10/7/1999	§22-404	Subdivision and Land Development
1999-8	11/4/1999	Superseded by 2001-2	Housing
2000-1	–/–/---	Appendix F	Public Property
2000-2	11/2/2000	§§27-303, 27-304, 27-501	Zoning
2001-1	5/3/2001	Superseded by A.O.	Motor Vehicles and Traffic
2001-2	5/3/2001	§§11-101–11-106	Housing
2001-3	12/3/2001	§§8-105, 8-106, 8-115, 8-119, 8-120, 8-125–8-128, 8-130, 8-131	Floodplains
12/20/2001	Superseded by A.O. Motor Vehicles and Traffic		
12/27/2001	Superseded by 2002-4		Administration and Government
2002-1	9/5/2002	§§21-101–21-106	Streets and Sidewalks
2002-2	9/5/2002	§§22-201–22-203, 22-206, 22-301–22-303, 22-403, 22-410, 22-702, 22-801–22-808, Appendix 22F	Subdivision and Land Development
		§§27-303, 27-305–27-309, 27-408, 27-409, 27-503, 27-602, 27-901	Zoning
2002-3	9/5/2002	§§27-303, 27-403, 27-409, 27-602, 27-901	Zoning

2002-4

12/27/2002

§§1-301-1-302

Administration and Government

Ordinance	Date	Disposition	Subject
2003-1	7/3/2003	§27-304	Zoning
2003-2	11/6/2003	§22-702	Subdivision and Land Development
2003-3 §2	12/17/2003	§§27-309, 27-402, 27-901 Appendix J	Zoning Zoning; Prior Ordinances
2004-1	5/5/2004	Superseded by A.O.	Motor Vehicles and Traffic
2004-2	6/3/2004	§§5-101–5-109	Code Enforcement
2004-3	12/2/2004	Superseded by 2006-7 Appendix J	Zoning Zoning; Prior Ordinances
2005-1	11/3/2005	§§27-306, 27-308, 27-503, 27-901	Zoning
2005-2	12/1/2005	§§27-309, 27-901	Zoning
2006-1	3/2/2006	§§27-309, 27-901	Zoning
2006-2	4/6/2006	Superseded by A.O.	Motor Vehicles and Traffic
2006-3	5/4/2006	Superseded by A.O.	Motor Vehicles and Traffic
2006-4	9/7/2006	Superseded by A.O.	Motor Vehicles and Traffic
2006-5	11/2/2006	§§27-503, 27-901	Zoning
2006-6	11/2/2006	§§1-221–1-231	Administration and Government
2006-7	11/2/2006	§§22-301–22-303, 22-403, 22-410, 22-801–22-804, Appendix 22-F	Subdivision and Land Development
		§§27-301, 27-303–27-309, 27-403, 27-405–27-407, Zoning Map Amendments	Zoning
2006-8	12/7/2006	§24-204	Taxation; Special
2006-9	12/27/2006	Appendix D	Governmental and Intergovernmental Affairs
2006-10	12/27/2006	§§27-306, 27-406	Zoning
2007-1	5/10/2007	§§23-101–23-906	Stormwater Management
2007-2	10/11/2007	Superseded by A.O.	Motor Vehicles and Traffic
2007-3	10/11/2007	§§27-306, 27-308, 27-405	Zoning
2007-4	10/11/2007	§22-303	Subdivision and Land Development
2008-1	2/14/2008	Superseded by A.O.	Motor Vehicles and Traffic
2008-2	6/12/2008	§§16-101–16-104	Parks and Recreation
2008-3	6/12/2008	§§7-201–7-207	Emergency Management Services
2008-4	6/12/2008	Repealer	Taxation; Special

Table to Disposition of Significant Resolutions

Resolution	Date	Disposition	Subject
1982-6	12/28/1982	Repealed by Ord. 2008-4	Taxation; Special

