

Franklin Township Subdivision and Land Development Ordinance

ARTICLE V IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

500. Monuments and Markers.

Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines to be monumented by a Professional Land Surveyor. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on the top with a copper or brass plate or steel dowel set in concrete.

A. Monuments.

1. Monuments shall be set as follows:
 - a. At one (1) monument per every two (2) residential lots, to be placed at a common corner:
 - b. At the intersection of all right-of-ways.
 - c. At the intersection of lines forming angles in the boundaries of the development.
 - d. At such intermediate points as may be required by the Township Engineer.
2. Monuments shall be six (6) inches square or four (4) inches in diameter, thirty (30) inches long and constructed of concrete, stone or by setting a four (4) inch cast iron or steel pipe filled with concrete.

B. Markers.

1. Markers shall be set:
 - a. At all lot corners except those monumented.
 - b. At angles in property lines of lots.
 - c. At beginning and ending of curves along street property lines.
2. Markers shall be three quarters (3/4) of an inch square, or three quarters (3/4) of an inch in diameter, twenty four (24) inches long. Markers shall be made of iron pipes or iron steel bars.

C. Removal.

Any monuments or markers that are removed shall be replaced by a Professional Land Surveyor at the expense of the person removing them.

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501. Streets.

All streets shall be graded at full right-of-way width and paved to the grades and dimensions drawn on the plans, profiles, and cross-sections approved by the Township. Before establishing finished subgrade and paving the street surface, the Developer must install all required underground utilities. Specifications for the construction of streets shall be in accordance with the following:

A. Street Construction.

All construction materials and methods for improvements as required under this Section shall be in accordance with the Standards and Specifications as adopted by Franklin Township, PennDOT Specifications Publication 408, as amended, and roadway construction (RC) drawings.

B. Street Lights.

In any proposed subdivision or land development involving ten (10) or more lots or dwelling units with an average lot size or area per dwelling unit of fifteen thousand (15,000) square feet or less, a street light shall be installed at one corner of every intersection. In lieu of street lights, the Township may require the developer to install individual property lights in the ratio of one (1) to each lot. In evaluation of these criteria, the total number of lots projected at build-out must be considered.

The Township may require a design plan be provided by an experienced lighting designer. Complete detail drawings including pole mounting, dimension and type, fixture type, and wattage shall be provided for review and approval of the Township. The Township may also require a photometric print of the proposed lighting.

Unless otherwise agreed upon or approved, the lighting system shall be made part of the development association or property owners responsible for ownership, operation and maintenance. All systems shall be designed and constructed so that the local electric utility authority may enter into agreement for maintenance of the structure(s).

Each light shall be controlled by an electric photocell to operate continuously from dusk to dawn. They shall be shielded or erected in accordance with the Township Zoning ordinance.

C. Street and Other Signage

Where deemed necessary by the Township, street and other signage shall be required for developments. Signs shall be placed at intersections and other locations as required by the Township. The design of such signs shall be subject to Township approval and shall be the requirements of PennDOT.

A tabular and graphic representation of signage shall be on the plans including reference to required specifications. All traffic studies which are required for the justification of signage shall be prepared and submitted with the subdivision or development plan.

Speed limit signs should be placed at intervals determined to be enforceable by the jurisdictional police department.

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D. Street Trees.

The Township shall require that shade trees be planted in the development to conform to the following specifications:

1. Street trees shall be planted by the developer at intervals of between fifty (50) feet and seventy (70) feet along both sides of all streets of the subdivision.
2. The trees shall be located between the right-of-way and building setback line and a minimum of five (5) feet from the right-of-way. No trees shall be planted between the sidewalk and curb.
3. Each tree shall be at least eight (8) feet in height and a diameter of at least one and one-half (1 and 1/2) inches.
4. The type of tree shall be noted on the plans and shall be subject to the review and approval of the Township.
5. Individual lot owners shall be responsible for future maintenance of trees. The developer is responsible until expiration of maintenance bond.
6. Trees shall not be planted until the finished grading has been completed.

502. Curbs and Gutters.

- A. Curbs and gutters shall be installed on both sides of any proposed street to be included in a proposed subdivision. Curbs may also be required on existing streets where curbs are necessary to control the flow of surface water and regulate traffic.
- B. Curbs and gutters shall be provided and constructed in accordance with the Standards and Specifications as adopted by Franklin Township.
- C. Curbs may also be required within multi-family and non-residential developments.
- D. Where a driveway enters a street and as directed by the Township an approved depressed curb section shall be installed. When curbing is to be removed to construct a driveway, the length of the curbing to be removed shall be carried to the nearest expansion joint. If such a joint is more than five (5) feet from the end of the curb removal, the section shall be neatly sawcut.
- E. Curb cut ramps shall be provided at street intersections and at locations as required by the Americans with Disabilities Act of 1990, as most recently amended. Whenever possible, the ramp design shall not direct pedestrians to the center of intersections.
- F. In the event that the requirements for curbing are waived the following may be required:
 1. Drainage swales of dimensions approved by the Township Engineer shall be provided.
 2. Shoulders may be required to separate the cartway and the drainage swale.

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3. Additional right of way may be required to accommodate the shoulder and drainage swale.
4. The Township may require that a maintenance agreement be provided and made part of the approved plan whereby the developer agrees that the individual property owners will be responsible for perpetual maintenance of drainage swales.

503. Sidewalks.

- A. In any proposed subdivision or land development with an average lot size or area per dwelling unit of fifteen thousand (15,000) square feet or less, or where any subdivision is immediately adjacent to or within one thousand (1000) feet of any existing or recorded subdivision having sidewalks, sidewalks shall be installed on each side of the street in accordance with Township requirements.
- B. Sidewalks shall be provided and constructed in accordance with the the Standards and Specifications as adopted by Franklin Township.
- C. Sidewalks shall be placed within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line.
- D. Sidewalks must be at least four (4) feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks must be at least five (5) feet wide and be located within the street right-of-way.
- E. The Township may require the installation of sidewalks, at its sole discretion, where in the opinion of the Township pedestrian safety and/or mobility would be better served by the installation of sidewalks. In certain circumstances it may be desirable that an alternative method of pedestrian circulation be substituted for standard sidewalk construction. These alternative methods can include the installation of walking paths, greenways, bike paths, trails, or similar modes of non-vehicular circulation. In these instances the Developer may submit a site plan depicting the location, layout, dimensions, and any other criteria deemed necessary by the Township to evaluate the request for an alternative method. The Township shall review the submitted material and determine if the proposed alternative is acceptable.
- F. If proposed sidewalk is to replace existing sidewalk, the existing sidewalk shall be removed completely. All debris resulting from this process shall become the property of the contractor and shall be disposed of properly.
- G. The plans shall clearly note that perpetual maintenance and repair/replacement shall be the responsibility of the property owner.

504. Sewage Disposal And Water Supply Systems.

All sanitary sewer and water supply systems located in any designed floodplain district shall be flood proofed up to the regulatory flood elevation.

- A. Sewage Disposal Systems.
Design, review, and approval of sewage disposal systems shall be as outlined in Article IV.

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1. The type of sewage disposal shall be consistent with the Township's Official Plan for Sewage Facilities (ACT 537 Plan).
2. All subdivisions and land developments shall be connected to a public sanitary sewer system if possible. Where a public sanitary sewer system is not accessible but is proposed for extension within five (5) years to the development or as outlined otherwise in the Act 537, Official Sewage Facilities Plan, or to within one thousand (1,000) feet of the development, the developer shall install sewer lines, including lateral connections and watertight caps, to provide adequate service to each lot when connection to the public sanitary sewer system is made. Design and construction standards shall be in accordance with the Rules and Regulations of the Township or applicable Municipal Authority and shall be subject to their review and approval in accordance with the provisions of this Ordinance. Where applicable the sewer lines within the development shall be capped at the street right-of-way line. When capped sewers are provided, approved on-site disposal systems or a Township and State approved wastewater treatment facility must be provided in accordance with the provisions of this Ordinance. If there is insufficient information available to provide a proper capped sewer system, the developer shall, at the Township's discretion, provide for the eventual installation of sanitary sewers by creating an escrow account in a amount sufficient to provide for the eventual construction of said sewer lines. The escrow amount shall be as determined by the Township Engineer.
3. Where private community systems are to be used, they shall serve as an interim method of disposal until such time that a public system is available.
4. Construction materials and methods of private community system shall be in accordance with the Rules and Regulations of the Township or applicable Municipal Authority, and the PA DEP.
5. All on-site sewage disposal systems shall be installed in accordance with the Rules and Regulations of Franklin Township and the PA DEP.
6. In the case of privately owned community systems, prior to approval of a preliminary plan, the developer shall provide an agreement to the Township, which provides for the following:
 - a. Installation of the system in accordance with approved plans.
 - b. Provision of financial surety to cover 110% of installation costs.
 - c. Municipal inspection of construction.
 - d. Completion and submittal of an as-built drawing.
 - e. Assurance that upon availability of a public system that the development will be connected to the public system.

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- f. Provision for guarantee for long term operation and maintenance in accordance with the requirements of the Township per Chapter 71 of the PA DEP's Rules and Regulations.
 7. In the case of community systems that are to be dedicated to the public, construction shall be in accordance with the rules and regulations of the applicable agency or authority.
 8. Upon completion of any sanitary sewer system installation, the plan for the system (as built) shall be filed with the Township.
- B. Water Supply And Distribution Systems.
- Design, review, and approval of water supply and distribution systems shall be in accordance with Article IV.
1. Where a water main supply is within one thousand (1,000) feet of, or where plans approved by the Township provide for the installation of such public water facilities, the developer shall provide the development with a complete water main supply system in accordance with the Township or applicable Municipal Authority requirements. At the Township's discretion, an escrow account may be required as set forth in this Article.
 2. All mains, laterals, and other facilities for connection from lots to public water supply systems shall be installed by the landowner or developer in accordance with the standards and materials recommended by the water utility company. Proof from the water company of the approved location of the proposed water system shall be submitted to the Township prior to plan approval.
 3. If connection to a public water supply system is not possible, a study on the feasibility of constructing a separate water supply system may be required by the Township and a report shall be submitted setting forth the findings.
 4. The installation of a water supply system intended to serve more than a single family dwelling which is to be privately owned shall be by the developer, in accordance with standards of the PA DEP, Franklin Township, or the applicable Municipal Authority. Upon completion of any water supply system the plan for the system as built shall be filed with the Township and Municipal Authority.
 5. In the case of community systems that are to be dedicated to the public, construction shall be in accordance with the rules and regulations of the applicable agency or authority.
 6. Provision for guarantee for long term operation and maintenance in accordance with the requirements of the Township.
 7. In the case of privately owned community systems, prior to approval of a preliminary plan, the developer shall provide an agreement to the Township, which provides for the following:
 - a. Installation of the system in accordance with approved plans.

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- b. Provision of financial surety to cover one hundred ten (110%) percent of installation costs.
 - c. Municipal inspection of construction.
 - d. Completion and submittal of an as-built drawing.
 - e. Assurance that upon availability of a public system that the development will be connected to the public system.
 - f. Concurrence that the system meets applicable PA DEP requirements and any applicable requirements of the Townships well ordinance.
8. Where private community systems are to be used, it shall be agreed that they shall serve as an interim method of disposal until such time that a public system is available.
- C. Association For The Operation And Maintenance Of Private Systems.
1. When private sewage treatment systems and/or water supply systems are installed by the developer, an association or other organization must be established by the developer to operate and maintain the systems.
 2. Any and all legal documents involved in establishing this association or any other organization must be submitted and approved by Franklin Township prior to approval of the Final Plan.
 3. Financial surety shall be provided to the Township in the amount to be determined by the Township Engineer in accordance with Chapter 71 of the PA DEP's Rules and Regulations, to ensure operation and maintenance of privately owned wastewater treatment and water supply facilities. This must be provided prior to final plan approval.

505. Fire Protection.

Fire hydrants or other means of fire protection as approved by the Township shall be provided as an integral part of any public or private community water supply system or as a part of any water system to serve an industrial use. The water system shall be of adequate supply and shall be designed to provide pressure adequate for the use of Fire Hydrants or other approved Fire Protection Systems. Water supply shall be adequate for fire flow demands. The following represents minimum fire flow requirements:

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District Classification	Minimum Fire Flow	Minimum Duration (Hours)	Maximum Hydrant Spacing
Residential Includes: 1 and 2 family dwellings	500 GPM 1893 L/min	1	600' 100 m
Commercial Includes: all commercial uses, hotels, apartments, multiple residence buildings, schools, and colleges	1,000 GPM 3785 L/min	2	300' 100 m
Industrial	1,500 GPM 5678 L/min	4	300' 100 m

The developer shall be required to prepare and submit all necessary engineering studies to ensure that adequate water pressure and volume will be available. A minimum residual pressure of twenty (20) psi shall be maintained at all times.

- A. Fire hydrants shall be installed in accordance with the requirements of the local fire authority. The applicant shall submit proof that the couplings on said hydrants are of a design which is compatible with local fire equipment. Fire hydrants shall conform to the standards of the Township Municipal Authority and the National Fire Protection Association.
- B. Fire hydrants shall be placed at intervals of not more than six hundred (600) feet and in locations acceptable to the Township and local Fire Authority.
- C. Where deemed necessary, the Township may require submittal of design information for fire protection systems for review and approval. Standards for Fire Protection Systems shall be as specified by the Township.
- D. The developer shall obtain written concurrence of the fire protection system from the local fire authority having jurisdiction over the area.

506. Storm Drainage Systems and Stormwater Management.

Design and construction of storm drainage and stormwater management facilities shall be in accordance with the Township's Stormwater Management Ordinance, Franklin Township Specifications, and PennDOT Publication 408 and Roadway Construction Standards and shall be subject to the review and inspection of Franklin Township and the Township Engineer.

507. Erosion And Sedimentation Control.

All development applications that involve grading or excavation shall conform to the requirements of the York County Conservation District or the PA DEP pertaining to erosion and sedimentation control. It shall be the responsibility of the applicant to secure approval of the York County Conservation District or the PA DEP as is appropriate. Approval of plans by the Township shall not be construed as approval under such regulations.

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In addition, where deemed necessary by the Township, the construction of erosion and sediment control facilities and land grading shall conform to the standards of this Ordinance.

508. Flood Plains.

In addition to the requirements of this Ordinance, all Subdivision and Land Development or other plans must comply with the applicable sections of the Franklin Township Zoning Ordinance, Franklin Township Floodplain Management Ordinance, and PA DEP rules and regulations.

- A. The identified Floodplain Conservation Overlay or Floodplain Area shall be any areas of Franklin Township, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated September 25, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.”
 - 1. FEMA Flood Insurance Rate Maps.
 - 2. A hydrologic report prepared by an individual registered in the Commonwealth of Pennsylvania to perform such duties.
 - 3. A hydrologic report prepared by an agency of the U.S. Government.
- B. In case of any dispute concerning the boundaries of a flood plain corridor, the Township shall determine the ultimate location.
- C. Whenever a flood plain corridor is located within or along a proposed land development, the plan shall include the location of the flood plain corridor with a plan note that:
 - 1. The floodway shall be kept free of structures, fill, and other encroachments.
- D. No building is allowed in the flood plain without approval from Franklin Township Board of Supervisors in accordance with the applicable Flood Plain Ordinance or regulation.
- E. No subdivision and/or land developments, or part thereof, shall be approved if the proposed development and/or improvements will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

509. Underground Utility Lines.

Electric, telephone, and all other utility facilities shall be installed underground and shall be flood proofed up to the regulatory flood elevation. The developer shall be required to obtain a letter from the appropriate utility company confirming that the developer has entered into an agreement to provide for an underground electric and telephone system in accordance with the Pennsylvania Public Utility Commission Investigation Docket #99, as amended, or has obtained a waiver from said Pennsylvania Public Utility Commission, and the Board of Supervisors, to allow overhead electric and telephone facilities.

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510. Petroleum Lines.

When any petroleum or petroleum products transmission line traverses a Land Development, the developer shall confer with the applicable transmission or distributing company to determine the minimum distance which shall be required between each dwelling unit and the centerline of such petroleum or petroleum products transmission line.

511. Natural Gas Lines.

The minimum distance from a natural gas line to a dwelling unit shall be as required by the applicable transmission or distributing company, or as shall be required by the applicable regulations issued by the US Department of Transportation under the Natural Gas Pipe Line Safety Act of 1968, as amended, which ever is greater.

512. Water Areas.

In a development abutting a lake, river, or other significant water body, the Board of Supervisors, upon consultation with the Planning Commission, may request the dedication or reservation of any title to the water body the developer may possess beyond the wharf or dock line for public use.

513. Reservations.

On sites for eventual public acquisition, no building development is permitted during the period of reservation. Said period of time shall not extend more than twelve (12) months without the consent of the developer. Such reservations shall be noted on the Final Plan.

514. Completion of Improvements or Guarantee Thereof; Prerequisite to Final Plan Approval

A. Completion of Improvements.

1. No subdivision and/or land development application shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers, and other improvements as required by this Ordinance have been installed in accordance with this Ordinance.
2. In lieu of the completion of any improvements required as a condition for Final Plan approval, including improvements or fees required, the developer shall deposit financial security with the Township in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, stormwater detention and/or retention basins, and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which are or may be required.
3. When requested in writing by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the Final Plan contingent upon the developer obtaining a satisfactory

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financial security. The Final Plan (record plan) shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Supervisors. Such extension shall be placed in writing at the request of the landowner or developer.

B. Completion Guarantee.

1. To satisfy the completion of improvements required as a condition for the final approval of the Subdivision and/or Land Development Plan as set forth in this Ordinance, the landowner or developer shall deposit financial security in an amount sufficient to cover the costs of such improvements, estimated, calculated, and determined as set forth below.
2. Without limitation as to other types of financial security which the Township may approve, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security.
3. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business with the Commonwealth.
4. Such bond or other security shall provide for, and secure to the public, the completion of any improvements, which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
5. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the landowner or developer. The Township may adjust the amount of the financial security annually, by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the landowner or developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the landowner or developer in accordance with this subsection.
6. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by a landowner or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the landowner or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer licensed as such in this Commonwealth and chosen

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mutually by the Township and the landowner or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the landowner or developer.

7. If the party posting the financial security requires more than one (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 ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above procedure.
8. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section or stages of development as it finds essential for the protection of any finally approved section of the development.
9. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors who shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.
10. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board may require the posting of financial security to secure structural integrity improvements of said as well as the functioning of said improvements in accordance with the design and specifications as depicted on the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
11. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

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12. If financial security has been provided in lieu of the completion of improvements required as a condition for the Final Plan approval, the Township shall not condition the issuance of building, grading, or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the Final Plan upon actual completion of the improvements depicted upon the approved Final Plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved Final Plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.
13. Failure of the applicant to comply with the requirements of Section 508(4) of the Pennsylvania Municipalities Planning Code, as amended {53 P.S. 10508(4)}, the contents of which are also hereby incorporated herein by reference, shall subject the subdivision or land development to any and all changes in zoning, subdivision and other governing ordinances enacted by the Township subsequent to the date of the initial preliminary plan submission.

C. Release from Improvement Bond.

1. When the landowner or developer has completed all of the necessary and appropriate improvements, the landowner or developer shall notify the Board of Supervisors, in writing, by certified or register mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Supervisors and shall promptly mail a copy of the same to the landowner or developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors and said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, the report shall contain a statement of reasons for such non-approval or rejection.
2. The Board of Supervisors shall notify the landowner or developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of the Board of Supervisors with relation thereto.
3. If the Board of Supervisors or Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the landowner or developer shall be released from all liability, pursuant to its performance guaranty bond or security agreement.

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4. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the landowner or 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 landowner's or developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.
6. Where herein reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.

515. Inspection of Improvements.

- A. Construction of all improvements shall be subject to inspection for conformity with this Ordinance and the approved plans.
 1. Construction of all improvements covered by this Ordinance are subject to inspection by the Township or its authorized representative.
 2. Where inspection of improvements is required to determine compliance with approved plans, the cost and fees for said inspection shall be paid by the developer in accordance with the fee schedule as adopted by the Township.
 3. No person shall interfere with or obstruct the ingress or egress to or from any such site or premises by an authorized representative or agent of the Franklin Township engaged in the inspection of work for compliance with the approved plans.
- B. The municipality may prescribe that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities for comparable services when fees are not reimbursed or otherwise imposed on applicants.
 1. The Township shall submit to the Applicant itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the Applicant disputes the amount any such expense in connection with the inspection of improvements, the Applicant shall, no later than thirty (30) days after the date of transmittal of a bill for inspection services, notify the Township and the Township's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a request for release of financial security, subdivision or land development application or any approval or permit related to development due to the Applicant's dispute of inspection expenses. Failure of the Applicant to dispute a bill within thirty (30) days shall be a waiver of the Applicant's right to arbitration of that bill under this section.

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2. If, the professional consultant and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant shall have the right, within 45 days of the transmittal of the final bill or supplement to the final bill to the Applicant, to request the appointment of another professional consultant to serve as arbitrator. The Applicant and professional consultant whose fees are being challenged shall by mutual agreement, appoint another professional consultant whose fees are being challenged shall by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.
3. The arbitrator so appointed shall hear such evidence and review such documentation, as the arbitrator in his or her sole opinion deems necessary and render a decision no later than fifty (50 days) of the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the Township has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.
4. In the event that the Township's professional consultant and the Applicant cannot agree upon the arbitrator to be appointed within twenty (20) days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the York County Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Township's professional consultant nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
5. The fee of the arbitrator shall be paid by the Applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than five thousand dollars (\$ 5,000), the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the Applicant or the professional consultant. The Township and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.

516. Remedies to Effect Completion of Improvements.

In the event that any improvements which may be required under this Ordinance, or in accordance with the approved Final Plan, the Board of Supervisors may enforce the bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing, or making repairs or correction to all the improvements covered by such bond or security, the Board of Supervisors may, at its option, install or repair part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover from the land developer 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

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against the landowner or developer, or both, shall be used solely for the installation of improvements covered by such security.

517. Dedication and Acceptance of Improvements.

- A. Upon completion of the construction of improvements in accordance with the approved subdivision and/or land development plan, the following conditions shall apply to any offer of dedication of the same and the acceptance thereof:
- B. The Board of Supervisors shall have no obligation to take over and make public any street, or other improvement in or abutting a subdivision and/or land development. If the Board of Supervisors elect to accept an offer of dedication, such acceptance shall not occur unless and until:
 - 1. The required improvements, monuments, and markers as shown on the approved Subdivision and/or Land Development Plan shall have been certified by the Township Engineer as having been constructed and installed in accordance with the provisions of this Ordinance, and other ordinances, codes, regulations, plans and maps of the Township; and accurately delineated in an As-Built Plan.
 - 2. A maintenance guarantee is provided in accordance with Section 518.
 - 3. A deed or deeds of dedication for all improvements, prepared and executed by the landowner or developer in accordance with a form acceptable to the solicitor be presented to the Board of Supervisors, together with a certificate from the contractor or contractors evidencing the payment of all labor and material costs, and a policy of title insurance insuring the fee title to the said improvements as free and clear of all liens and encumbrances and other objections to the title.
 - 4. Any offer of a deed of dedication must be accompanied by a maintenance bond and the As Built Plan(s) and shall be submitted at least ninety (90) days prior to the anticipated date for the acceptance of the deed of dedication.
- C. The Board of Supervisors shall have no responsibility with respect to any improvements, not with standing any public use there of, unless and until such improvements are accepted for dedication by duly enacting or adopting an Ordinance or Resolution therefore.

518. Maintenance Guarantee

- A. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors shall require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.
Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

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- B. Defective improvements include any defect in material or workmanship that was latent in character and not discernible at the time of final inspection or acceptance by the Township and/or any damage to improvements by reason of the settling of ground, base, or foundation thereof. However, any damage to the street surface caused by tire chains, snow removal equipment, or utility cuts by others are not the responsibility of the developer.