

**ARTICLE 3 PLAN PROCESSING
PROCEDURES**

§ 180-301. Intent

The procedures established in this Article are intended to define the steps by which an Applicant shall design, make application, record plats, and construct improvements; and by which the Township Planning Commission and Board of Supervisors shall approve or disapprove plans and otherwise administer these regulations.

For all subdivision and land development applications, a preliminary plan and final plan procedure is provided. It is at the discretion of the Applicant to submit either a preliminary plan followed by a final plan or a combined preliminary/final plan. However, submission of the preliminary/final plan excuses the Applicant from submitting a separate preliminary plan and stands as both a preliminary and final plan. All preliminary/final plans must conform to all Preliminary and Final plan processing procedures and content requirements. Plans must be clearly labeled "PRELIMINARY/FINAL PLAN." Provisions are also provided for the submission of sketch plans for informal review by the Township.

§ 180-302. Pre-Application Sketch Plans

- A. Prior to the formal submission of a subdivision or land development plan, the Applicant is urged to submit a sketch plan to the Township Planning Commission for advice on the requirements necessary to achieve conformity to the standards of these regulations as well as to alert the Applicant as early as possible to factors which must be considered in the design of a subdivision or land development, such as pertinent elements of any County or Township land use, thoroughfare or other community plans. Review of a sketch plan is not required and is only an informal, advisory process to guide the Applicant with the eventual preparation of a formal preliminary or final plan, as applicable.
- B. Sketch plans should be accompanied by a letter of transmittal and a project narrative necessary to explain existing or proposed site conditions which are not self-explanatory on the actual sketch.

Application: The Applicant, fourteen (14) days prior to the meeting of the Planning Commission, at which review of the sketch plan is desired, shall file with the Zoning Officer ten (10) copies of a sketch plan of the proposed subdivision or land development and other applicable maps, information and data. The Township staff, Township Engineer, County Planning Commission and other departments or agencies will not provide a formal review of the plan and issue written comments but merely provide a general overview and provide commentary at the Planning Commission meeting at which the plan is being discussed.

§ 180-303. Preliminary Subdivision or Land Development Plan Applications

- A. Application. A plan clearly labeled "PRELIMINARY PLAN" complying with the requirements of Article 4 shall be prepared for each subdivision or land development and submitted to the Township in the form of sixteen (16) paper prints no greater than 24" x 36" sheets. In addition, two (2) copies of all applicable supplementary data, plans and reports; four (4) copies of the completed Sewage Facilities Planning Module; one (1) correct and complete Application for Subdivision and Land Development Review form and Subdivision and Land Development Plan Submission Checklist as contained in Exhibit 1 herein; and the required Township filing fees must be submitted prior to review by the Township. The Applicant shall also file with the Township, one (1) completed application

form and the appropriate filing fees as required by the Dauphin County Planning Commission for review of the subdivision or land development application. All plans and accompanying information must be submitted to the Township during normal business hours no less than twenty-eight (28) days prior to the regularly scheduled Planning Commission meeting at which consideration is requested.

- B. Administratively complete applications. Upon receipt of an application for subdivision or land development review, the Township will determine if the filing contains all required information as prescribed by this Ordinance to constitute a complete and thorough application. Upon receipt of an incomplete application, the Township shall within seven (7) calendar days, notify the Applicant or the Applicant's representative that the application for a subdivision or land development plan is incomplete and will not be further processed. All materials submitted will be made available to be picked-up by the Applicant or their representative and no further review will be provided.
- C. Review. The Township shall, as applicable, submit copies of the application to the Planning Commission, the Township Engineer, the Dauphin County Planning Commission, the Township Authority, the Township Public Works Department, the Township Public Safety Committee, and other public agencies or departments as necessary for review. The Board of Supervisors, upon the recommendation of the Planning Commission, shall act on any such Preliminary Plan not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Planning Commission (which ever first reviews the application) following the day the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been duly filed. In the event that any modification of requirements from this Article is requested by the Applicant or is deemed necessary by the Planning Commission, the alteration and the reason for its necessity shall be entered in the records of the Planning Commission.
- D. The Dauphin County Planning Commission shall review the application and shall return one (1) copy of a written report stating their suggestions for modifications and design changes to the Planning Commission within thirty (30) days of their receipt of same or forfeit their right to review.
- E. Processing of Sewage Facilities Planning Modules. All subdivision and/or land development plans shall comply with Section 5 of the Act of January 24, 1966, P.O. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as amended, and the Rules and Regulations of the Pennsylvania Department of Environmental Protection (DEP) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code. Such act and regulations require the Township to adopt an Official Sewage Facilities Plan which provides for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes. Further, the Township shall revise said plan when it is determined that a proposed method of sewage disposal for a new subdivision or land development conforms to a comprehensive program of pollution control and water quality management.
 - 1. The proposed subdivision and/or land development of a parcel of land and its associated sanitary sewage facilities shall be as described in detail by the Applicant as part of a Sewage Facilities Planning Module for Land Development. Said Planning Module shall be submitted with the preliminary plan or in the case of a combined submission with the preliminary/final plan.

2. The Township shall review the Planning Module for the proposed subdivision and/or land development, and determine if the proposed method of sewage disposal conforms to and is included in the approved "Official Plan" of the Municipality of Lower Paxton Township.
3. The Township shall review the subdivision and/or land development plan described in the attached Planning Module and determine if it conforms to applicable zoning, subdivision, other Municipal Ordinances and plans, and to a comprehensive program of pollution control and water quality management.
4. The Board of Supervisors shall act upon the Planning Module in conjunction with or after action on the preliminary plan or in the case of a combined submission with or after action on the preliminary/final plan. At no time shall the Township act upon a Planning Module prior to acting upon a preliminary plan or a preliminary/final plan. Planning Modules approved by the Board of Supervisors shall be submitted to and approved by DEP as a revision to the "Official Plan" of the Township.
5. Planning Modules for subdivisions and/or land development, approved by the Board of Supervisors and DEP, shall continue as an amendment of the "Official Plan" until such time as:
 - a. A final plan is not submitted to the Township within five (5) years of the date of approval of the preliminary plan unless the plan is in accordance with a previously approved and updated phasing schedule or extended in writing by the Board of Supervisors.
 - b. The preliminary/final or final subdivision and/or land development plan is withdrawn or abandoned, as indicated in writing by the Applicant.
6. Planning Modules for subdivisions and/or land development, approved by the Board of Supervisors and DEP, shall serve to revise the "Official Plan" for only the site specific location referenced within the Planning Module. Sanitary sewer capacity identified within a Planning Module for a site specific location, approved by the Board of Supervisors shall not be transferred to or used at any other location within the Township.
7. The approval of a Planning Module by the Board of Supervisors does not obligate the Township to provide building permits and/or sanitary sewer connection permits. The availability of such permits may be limited by DEP and/or the operators of treatment plants receiving Township sanitary sewage.

Resubmission of Plans. When action on a plan has been tabled or postponed by the Planning Commission or Board of Supervisors due to outstanding comments, deficiencies or other issues with the application; tabled at the request of the Applicant; or conditionally recommended for approval by the Planning Commission subject to addressing review comments; and the Applicant must resubmit a corrected application to the Township, all plans and accompanying information must be resubmitted to the Township during normal business hours no less than twenty-one (21) days prior to the regularly scheduled Planning Commission or Board of Supervisors meeting at which reconsideration is requested. If the revised plan is to be resubmitted to the Planning Commission for review, nine (9) copies of all plans and two (2) copies of all reports and accompanying documents must be submitted otherwise, for submissions to the Board of Supervisors, two (2) copies of all plans, reports and accompanying

documents must be submitted and, in either case, must be accompanied by a formal written response sufficiently addressing in detail all outstanding review comments or questions. Based upon the number and significance of any remaining comments, the Zoning Officer, in consultation with the Township Engineer, will determine whether a plan is complete and ready to be included on the agenda of the Planning Commission or Board of Supervisors for consideration. A withdrawn application must be filed as an entirely new application to be further considered by the Township.

- G. Before acting on any application, the Board of Supervisors may hold a public hearing thereon after proper public notice.
- H. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Article, statute or other ordinance relied upon.
- I. Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner described herein shall be deemed an approval of the application in terms as last presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. (A sample "Agreement to Extend the Time for Rendering and Communicating a Decision on Certain Preliminary and/or Final Subdivision/Land Development Plans" is contained in Exhibit 5 herein).
- J. Approval or Disapproval. The Board of Supervisors shall review the preliminary plan at a regularly scheduled public meeting following the submission of the written review and recommendations of the Township Planning Commission, Township Engineer, and County Planning Commission, or at some other public meeting or meetings of the Board prior to the end of the statutory ninety (90) day review period. Upon completion of its review, the Board of Supervisors shall determine whether the plan shall be approved, approved with conditions acceptable to the Applicant, or disapproved. The decision shall be made in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions, the Applicant shall respond to the Board of Supervisors indicating acceptance or rejection of such conditions. Such response shall be made in writing, signed by the Applicant, and received by the Township within fifteen (15) calendar days of receipt by the Applicant of the Board of Supervisors' decision to approve the plan with conditions. Approval of the plan shall be rescinded automatically upon the Applicant's failure to

accept such conditions in the manner and within the time frame noted above.

- K. Approval of the preliminary plan constitutes approval of the proposed subdivision or land development with respect to the general design, the approximate dimensions and other planned features. Preliminary approval binds the Applicant to the plan as approved. Material changes to the plan shall not be permitted once approved by the Board of Supervisors.
- L. Following the approval of the preliminary plan, including the satisfaction of all conditions of approval, the Applicant shall provide the Township with four (4) complete signed and sealed paper copies of the preliminary plan, one (1) reproducible Mylar copy of the same and two (2) signed and sealed copies of all approved reports for the Township's records.
- M. Plan Status. Approval of the preliminary plan shall assure the Applicant for a period of five (5) years from the date of approval, or such other longer period as may be set forth on a detailed phasing schedule submitted by the Applicant and approved by the Township, that:
 - 1. The general layout and approximate dimension of streets, lots, and other features are approved and shall be the basis for the preparation of the final plan;
 - 2. The general terms and any special conditions under which the approval of the plan was granted will not be changed; and
 - 3. The Applicant may install improvements in accordance with the approved preliminary plan and other requirements contained in this Ordinance. The Township Engineer shall be responsible for inspection and approval of the required improvements as provided for in this Ordinance.
 - 4. Preliminary plan approval does not constitute approval of the final plan and, therefore, does not authorize the recording of the subdivision or land development plan, the sale or transfer of lots, or the construction of buildings or other structures on the property.

The effects of changes to this Ordinance on plan status are more fully described in Article 11 herein.

§ 180-304. Final Subdivision or Land Development Plan Applications

- A. Application. Within five (5) years after the approval of the preliminary plan, a plan clearly labeled "FINAL PLAN" with all necessary supplemental data, plans and reports as contained herein shall be officially submitted to the Township. Failure to submit a final plan within five (5) years of the date of approval of the preliminary plan shall subject the preliminary plan to all intervening governing ordinances unless the plan is in accordance with a previously approved and updated phasing schedule or extended in writing by the Board of Supervisors. A preliminary plan not consistent with the above shall not be used as a basis for any development or construction. Any subsequent development shall be preceded by a new preliminary plan application.
- B. When filing an application for final approval, a final plan complying with the requirements of Article 4 shall be prepared for each subdivision or land development and submitted to the Township in the form of sixteen (16) paper prints no greater than 24" x 36" sheets. In addition, two (2) copies of all applicable supplementary

data, plans and reports; one (1) correct and complete Application for Subdivision and Land Development Review form and Subdivision and Land Development Plan Submission Checklist as contained in Exhibit 1 herein; and the appropriate filing fees must be submitted prior to review by the Township. The Applicant shall also file with the Township, one (1) completed application form and the appropriate filing fees as required by the Dauphin County Planning Commission for review of the subdivision or land development application. All plans must be submitted to the Township during normal business hours no less than twenty-eight (28) days prior to the regularly scheduled Planning Commission meeting at which consideration is requested.

- C. Administratively complete applications. Upon receipt of an application for subdivision or land development review, the Township will determine if the filing contains all required information as prescribed by this Ordinance to constitute a complete and thorough application. Upon receipt of an incomplete application, the Township shall within seven (7) calendar days notify the Applicant or the Applicant's representative that the application for a subdivision or land development plan is incomplete and will not be further processed. All materials submitted will be made available to be picked-up by the Applicant or their representative, and no further review will be provided.
- D. Review. The Township shall, as applicable, submit copies of the application to the Planning Commission, the Township Engineer, the Dauphin County Planning Commission, the Township Authority, the Township Public Works Department, the Township Public Safety Committee, and other public agencies or departments as necessary for review of the application. The Board of Supervisors, upon the recommendation of the Planning Commission, shall act on any such Final Plan not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Planning Commission (which ever first reviews the application) following the day the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been duly filed. In the event that any modification of requirements from this Article is requested by the Applicant or is deemed necessary by the Planning Commission for approval, the alteration and the reason for its necessity shall be entered in the records of the Planning Commission.
- E. The Dauphin County Planning Commission shall review the application and shall return one (1) copy of a written report stating their suggestions for modifications and design changes to the Planning Commission within thirty (30) days of their receipt of the same or forfeit their right to review.
- F. Resubmission of Plans. When action on a plan has been tabled or postponed by the Planning Commission or Board of Supervisors due to outstanding comments, deficiencies or other issues with the application; tabled at the request of the Applicant; or conditionally recommended for approval by the Planning Commission subject to addressing review comments; and the Applicant must resubmit a corrected application to the Township, all plans and accompanying information must be resubmitted to the Township during normal business hours no less than twenty-one (21) days prior to the regularly scheduled Planning Commission or Board of Supervisors meeting at which reconsideration is requested. If the revised plan is to be resubmitted to the Planning Commission for review, nine (9) copies of all plans and two (2) copies of all reports and accompanying documents must be submitted otherwise, for submissions to the Board of Supervisors, two (2) copies of all plans, reports and accompanying documents must be submitted and; in either case, must be accompanied by a

formal written response sufficiently addressing in detail all outstanding review comments or questions. Based upon the number and significance of any remaining comments, the Zoning Officer, in consultation with the Township Engineer, will determine whether a plan is complete and ready to be included on the agenda of the Planning Commission or Board of Supervisors for consideration. A withdrawn application must be filed as an entirely new application to be further considered by the Township.

- G. Before acting on any application, the Board of Supervisors may hold a public hearing thereon after proper public notice.
- H. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Article, statute or other ordinance relied upon.
- I. Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner described herein shall be deemed an approval of the application in terms as last presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. (A sample "Agreement to Extend the Time for Rendering and Communicating a Decision on Certain Preliminary and/or Final Subdivision/Land Development Plans" is contained in Exhibit 5 herein).
- J. Approval or Disapproval. The Board of Supervisors shall review the final plan at a regularly scheduled public meeting following the submission of the written review and recommendations of the Township Planning Commission, Township Engineer, and County Planning Department, or at some other public meeting or meetings of the Board prior to the end of the statutory ninety (90) day review period. Upon completion of its review, the Board of Supervisors shall determine whether the plan shall be approved, approved with conditions acceptable to the Applicant, or disapproved. The decision shall be made in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions, the Applicant shall respond to the Board of Supervisors indicating acceptance or rejection of such conditions. Such response shall be made in writing, signed by the Applicant, and received by the Township within fifteen (15) calendar days of receipt by the Applicant of the Board of Supervisors' decision to approve the plan with conditions. Approval of the plan shall be rescinded automatically upon the Applicant's failure to accept or reject such conditions in the manner and within the time frame noted above. However, no plat shall be finally approved unless the streets on such plat have been improved as may be required by ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, landscaping, water mains, sanitary sewers, storm sewers, stormwater management facilities, and other site improvements as may be required by this Article and any applicable municipal requirements have been properly installed in accordance with such requirements. In lieu of the completion of any site improvements required as a condition for the final approval of a plan, financial security, as delineated in this Article, must be provided and accepted by the Board of Supervisors.
- K. Following the approval of the final plan, including the satisfaction of all conditions of approval, the Applicant shall provide the Township with eight (8) complete signed and sealed paper copies of the final plan, one (1) reproducible Mylar copy of the same, two (2) signed and sealed copies of all approved reports and the required electronic data files in the format required in Article 4, § 180-404.E.16.

L. Recording. The final plan shall be recorded within ninety (90) days of meeting all conditions imposed on the final plan, or if no conditions, then within ninety (90) days of the approval by the Board of Supervisors. The signed and sealed plans shall be filed and recorded in the Office of the County Recorder of Deeds and the signed and sealed Mylar shall be retained for the Township's records. Whenever plan approval by the Board of Supervisors is required, the Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Supervisors and the review of the Dauphin County Planning Commission.

Recording shall entitle the Applicant to sell, transfer or develop the land shown on the plan in accordance with the approved plan, subject to any conditions attached thereto. Where final plans are approved for only a portion, section or phase of the entire subdivision or land development, sale, transfer or development may proceed only on that approved portion, section or phase.

When a final plan has been approved, no subsequent change or amendment in zoning, subdivision or other governing ordinance shall be applied to affect adversely the right of the Applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval.

When the Applicant has failed to substantially complete the required improvements set forth on the approved plan within five (5) years of the aforesaid approval date and when changes in a zoning, subdivision, or other governing ordinance have occurred which affect the design of the approved plat, the subdivision or land development shall be subject to the changes in the zoning, subdivision, or other governing ordinance.

§ 180-305 Improvement & Maintenance Guarantee

- A. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Ordinance and any sidewalks, walkways, pathways, curbs, gutters, street lights, parking lots, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers, landscaping, landscape berm grading and other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees otherwise required by this Ordinance, the Applicant may deposit with the Township financial security in an amount sufficient to cover the costs of such plan improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements, traffic and transportation improvements, or buffer or screen plantings which may be required in accordance with any land use ordinance. The Applicant shall not be required to provide financial security for the cost of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a Highway Occupancy Permit for the project.
- B. When requested by the Applicant, in order to facilitate financing, the Board of Supervisors, shall furnish the Applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the Applicant obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial security 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 not be unreasonably withheld and shall be placed in writing at the request of the Applicant.

- C. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed the preferred and acceptable method of financial security for the purposes of this Article. Said instruments of financial security shall be prepared in a format containing an "evergreen clause" which causes said security to renew automatically on an annual basis unless otherwise authorized by the Township. (Sample "Security Agreements" and a sample "Irrevocable Letter of Credit" are contained in Exhibits 6 and 7 herein. These documents are recommended formats and may be amended as necessary by the Board of Supervisors).
- D. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth and maintains an office within one hundred (100) miles of the Township's Administration Building upon which the financial security can be readily secured by the Township in the event of a default by the Applicant.
- E. Such 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.
- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the Applicant. In addition, the Applicant shall include an additional ten (10) percent of the total amount of the financial security to cover engineering inspection fees associated with the installation of said improvements; the preparation of As-Built Plans and related work. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost of 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 Applicant to post additional security equal to said one hundred and ten (110) percent. Any additional security shall be posted by the Applicant in accordance with this subsection.
- G. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an Applicant 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 Applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another Professional Engineer licensed as such in this Commonwealth and chosen mutually by the Township and the Applicant. The estimate certified by the third (3rd) engineer shall be

presumed fair and reasonable and shall be the final estimate. In the event that a third (3rd) engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant.

- H. 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 (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred and ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period.
- I. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by sections or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- J. 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 partial release, from time to time, of 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 and shall detail the specific improvements that are being requested for release. The Board of Supervisors 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 fails to act within said forty-five (45) day period, 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 (10) percent of the estimated cost of the aforesaid improvements.
- K. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications 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.
- L. 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 assure 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.
- M. If financial security has been provided in lieu of the completion of improvements required as a condition of the final approval of a plan as set forth in this Section, 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 plan, either upon the lot or lots or beyond the lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

- N. Release of Financial Security: When the Applicant has completed all of the necessary and appropriate improvements, the Applicant shall notify the Board of Supervisors, 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 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, who shall promptly mail a copy of the same to the Applicant 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; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part and if said improvements or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non approval or rejection.
- O. The Board of Supervisors shall notify the Applicant, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of said Board of Supervisors with relation thereto.
- P. 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 Applicant shall be released from all liability, pursuant to this performance guaranty or other security agreement.
- Q. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the Applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- R. Nothing herein, however, shall be construed as a limitation of the Applicant's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.
- S. The Applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Board of Supervisors and as from time to time amended.
- T. In the event the Applicant disputes the amount of any such expense in connection with the inspection of improvements, the Applicant shall, within fifteen (15) days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary in which case the Township shall not delay or disapprove a subdivision or land development due to the Applicant's request over disputed engineer expenses.
- U. If within forty-five (45) days from the date of billing, the Township and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and the Township shall jointly, by mutual agreement, appoint another Professional Engineer licensed as such in the Commonwealth of Pennsylvania to review the said

expenses and make a determination as to the amount thereof which is reasonable and necessary.

V. The Professional Engineer so appointed shall hear such evidence and review such documentation as the Professional Engineer in his or her sole opinion deems necessary and render a decision within thirty (30) days of appointment. The Applicant shall be required to pay the entire amount determined in the decision immediately.

W. In the event that the Township and Applicant cannot agree upon the Professional Engineer to be appointed then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the

Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any Professional Engineer who has been retained by, or performed services for, the Township or the Applicant within the preceding five (5) years.

X. The fee of the appointed Professional Engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand (\$1,000) dollars or more, the Township shall pay the fee of the Professional Engineer, but otherwise the Township and the Applicant shall each pay one-half (1/2) of the fee of the appointed Professional Engineer.

§ 180-306. Reimbursement of Review Costs

A. The Applicant shall reimburse the Township for costs that the Township has incurred by the Township Engineer and/or Professional Consultant(s) that the Township, in its sole discretion, deems necessary in order to adequately and properly review a plan and supporting data, and reporting the findings to the Township. The fees shall be established annually by resolution of the Board of Supervisors. The Township shall advise the Applicant of the reimbursement amount required within thirty (30) days of being billed by the Township Engineer and/or other Professional Consultant(s). The Applicant shall reimburse the Township within thirty (30) days of receipt of the Township's notice of payment due.

1. In the event the Applicant disputes the amount of any such review fee, the Applicant shall, within fifteen (15) days of the receipt of the notice of payment due, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a plan submission due to the Applicant's fee dispute. If no fees are disputed, the Township may condition the approval of plan submissions upon the Township having received full payment as stated in the notice of payment due.

2. If, within forty-five (45) days of the notice of payment due, the Applicant and Township cannot agree on the amount of expenses incurred by the Township, the Applicant and Township shall jointly, by mutual agreement, appoint another Professional Engineer or Professional Consultant of the same profession or discipline as the Township Engineer or Professional Consultant whose fees are being disputed to make a determination as to the amount thereof which is reasonable and necessary.

3. In the event the municipality and the Applicant cannot agree upon the Professional Engineer or Professional Consultant to be appointed then, upon application of either party, the President Judge of the Court of Common Pleas of Dauphin County shall appoint such Professional Engineer or Professional Consultant, who, in that case shall be neither the Township Engineer or Professional Consultant nor any Professional Engineer or consultant who has been retained by, or performed services for, the Township or the Applicant within the preceding five (5) years.
4. The Professional Engineer or Professional Consultant appointed, either by mutual agreement of the Township and Applicant or by the President Judge of the Court of Common Pleas, shall hear such evidence and review such documentation as the Professional Engineer or Professional Consultant in his or her sole opinion deems necessary and render a decision within thirty (30) days of appointment. Such decision shall be final and binding upon both the Township and the Applicant. The Applicant shall be required to pay the entire amount determined in the decision within ten (10) days of such decision.
5. The fee of the appointed Professional Engineer or Professional Consultant for determining the reasonable and necessary expense shall be paid by the Applicant, if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000.00) or more, the Township shall pay the fee of the Professional Engineer or Professional Consultant, but otherwise the Township and the Applicant shall each pay one-half (1/2) of the fee of the appointed Professional Engineer or Professional Consultant.

§ 180-307. Dedication of Improvements

- A. All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been properly offered for dedication and formally accepted by the Board of Supervisors in accordance with current Township procedures. No responsibility of any kind with respect to the improvements shown on the final plan shall be transferred until the improvements have been formally accepted. No improvement shall be accepted for dedication until all improvements are fully constructed, inspected by the Township and until As-Built Plans have been completed by the Applicant and reviewed and found to be acceptable to the Township.
- B. Prior to the dedication of improvements, the Applicant shall maintain said facilities in good condition and for the intended use. All streets serving occupied dwellings shall be paved and maintained in a passable condition and shall be plowed within twenty-four (24) hours following a snowfall.
- C. Prior to the acceptance of improvements, the Applicant shall submit, in a form suitable to the Township, the required number of originals of the following documents for the Township's review:
 1. Legal description
 2. Right-of way or easement plat
 3. Deed of Dedication
 4. Release of Liens
 5. Maintenance Guarantee
 6. Other customary documentation as may be required

§ 180-308. Digital Plan Requirements

Requirements of this section are intended to apply to final recording plan submissions only, A .pdf exhibit shall be provided for use during public meetings with all submissions.

- A. All data submitted shall be in compliance with the Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania, as amended.
- B. All digital files submitted shall be based on accurate geometric calculations,
- C. Digital submissions shall have all layers clearly and separately represented. Included with all digital submissions on a metadata file shall be included outlining the following:
 - 1. A list of layers used with a description of what those layers represent.
 - 2. A list of all point files and break lines with a description of any abbreviations.
- D. All plans must be in Pennsylvania State Plane Coordinate System South Zone, utilizing the North American Vertical Datum of 1988 (NAVD88). Units shall be in US survey feet.
- E. All plans must be submitted in AutoCAD drawing (.dwg), AutoCAD interchange (.dxf), or ArcView Shapefile (.shp), on CD-ROM or other agreeable format acceptable to the Township.
- F. Digital file layering must be established in the files that place the following elements on separate layers:

Township Line	Utilities
Road Centerline	Traffic Signs and Signals
Property Lines	Storm water Management
Road Names	Flood Plains
Parcel Boundaries	

- G. Annotation submitted digitally shall be identical to the annotation submitted on the mylar hardcopy filed with Lower Paxton Township. All other miscellaneous annotation and information, such as north arrow and scale, shall be put on separate layers or as Misc Line/Misc Text.

Private utilities such as gas, water, phone service, electric, etc. will be included and shall be clearly labeled and put on separate layers or as Misc Line/Misc Text.