

**NEWPORT TOWNSHIP
LUZERNE COUNTY**

**SUBDIVISION AND
LAND DEVELOPMENT
ORDINANCE
of 2026**

Adopted on: 4/21/26

Effective: 4/22/26

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No. 2026-2
ORDINANCE

An Ordinance of Newport Township Board of Commissioners Adopting the Newport Township Subdivision and Land Development Ordinance of 2026

WHEREAS, the Board of Commissioners of the Township of Newport in the County of Luzerne, Pennsylvania, in consultation with the Newport Township Planning Committee, hereby seek to establish a Subdivision and Land Development Ordinance in form and substance as shall be further set forth herein such that regulations thereof shall promote, protect and facilitate the public health, safety, and general welfare of the residents of Newport Township; and

WHEREAS, at a duly advertised public meeting held on APRIL 21, 2026, the Newport Township Planning Committee reviewed the proposed Subdivision and Land Development Ordinance of 2026 and voted to recommend approval; and

WHEREAS, having been duly advertised in accordance with all requirements of Ordinance #2 OF 2026, the Municipalities Planning Code, and applicable law, the Board of Commissioners of Newport Township held a Public Hearing on the aforesaid Subdivision and Land Development Ordinance of 2026 on APRIL 9 2026; and

WHEREAS, the Newport Township Board of Commissioners believes it is in the best interest to approve the Newport Township Subdivision and Land Development Ordinance of 2026.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE NEWPORT TOWNSHIP BOARD OF COMMISSIONERS:


The Newport Township Subdivision and Land Development Ordinance of 2026 shall be adopted.

ADOPTED at a meeting of the Newport Township Board of Commissioners held on April 21, 2026. ROLL CALL VOTE (✓) (tally) YES: 5 NO: 0

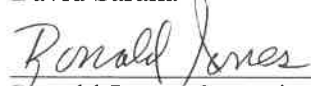
BY THE BOARD OF COMMISSIONERS OF NEWPORT TOWNSHIP:


Paul Czapracki, President


John Zyla, Commissioner


Michael Roke, Commissioner


David Saraka


Ronald Jones, Commissioner


Joseph Hillari, Secretary

ARTICLE 1 – GRANT OF POWER AND LIMITS OF REGULATIONS

1. Section 501, Article V, of Act 247 of the Session of the Commonwealth of Pennsylvania, as amended by Act 93 and subsequent amendments, gives the governing bodies of municipalities authority to regulate subdivision and land development within the territorial boundaries of the municipality
2. The Newport Township Board of Commissioners (Commissioners) shall have the authority to approve or disapprove all preliminary and final subdivision or land development plat applications as required herein.
3. The Newport Township Planning Committee (Planning Committee) is hereby designated as the agency which shall review and make recommendations to the Commissioners on all subdivision and land development plat applications are required herein.
4. Preliminary and final subdivision and land development plat applications within Newport Township shall be forwarded upon receipt, with the appropriate review fee, to the Luzerne County Planning Agency for review and report. The Commissioners shall not approve such applications until the county review report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County Planning Agency. As evidence of their review and report, officials of the County Planning Agency will sign preliminary and final plats, which have been formally approved by Newport Township before such plats are presented for recording.

ARTICLE 2 – OBJECTIVES

In the enactment of this Ordinance, the Commissioners propose to accomplish the following objectives of promoting the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of Newport Township, Luzerne County, Pennsylvania:

1. To set up a standard set of minimum regulations to guide subdividers, architects, and engineers in the design and development of subdivisions.
2. To provide protection for the lot purchasers and the local government in the installation of proper utilities and improvements by the subdivider.
3. To provide adequate light and air by controlling lot size and land development, preventing on one hand excessive concentration of population, and on the other hand, excessive and wasteful scattering of population.
4. To reduce the waste of excessive amounts of roads through poor design, or excessive costs of roads or grading of lots by not fitting the roads to the contour of land.
5. To secure safety from fire and other dangers.
6. To make adequate provision for transportation, water flowage, water supply, drainage,

sanitation, educational opportunities, recreation, protection of the tax base, securing economy in government expenditures, and the protection of both urban and nonurban developments.

7. To reduce erosion and sedimentation resulting from earth moving activities related to subdivision and land development and/or from lack of protective cover which already exists on land to be subdivided and/or developed.

ARTICLE 3 – SHORT TITLE

The official name of this Ordinance shall be the "Newport Township Subdivision and Land Development Ordinance of 2026, Luzerne County, Pennsylvania."

ARTICLE 4 – PROCEDURE

SECTION 401 PRELIMINARY CONSIDERATIONS

1. Regulatory.

- A. Grading. No person, firm or corporation proposing to make or have subdivision or land development, within the area of jurisdiction of this Ordinance, shall proceed with any grading before obtaining from the Commissioners the approval of the Preliminary Plat of the proposed subdivision or land development, and no lots shall be delivered or agreements for sale or lease made for lots in any subdivision or any land development, before obtaining from the Commissioners the approval of the Final Plat of the proposed subdivision or land development and duly recorded in the Office of the Luzerne County Recorder of Deeds.
- B. Access – Drainage – Geology. No land shall be subdivided for residential use or used for land development (a) unless adequate access to the land over adequate streets or thoroughfares exists or will be provided by the developer; and, (b) in case such land is considered by the Commissioners to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, subsidence, topography or any other feature harmful to the health and safety of possible residents and the community as a whole.

2. Advisory.

In order to make the most of the opportunities related to the subdivision and to conserve time, effort, and expense, the developer should consult with the Planning Committee, the Township engineer, and other relevant public officials prior to the preparation of the Preliminary Plan of the subdivision. This informal review should prevent unnecessary and costly revisions. Requirements for land use and rezoning, thoroughfares, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage, and relationships to other developments, existing and proposed, in the vicinity, should be determined in advance of the preparation of the subdivision plat of land

development. The developer should contact Newport Township and the U.S. Department of Housing and Urban Development if the developer contemplates obtaining Federal Housing Insurance to determine whether any of their requirements, particularly road construction, are of a higher standard than required in this Ordinance. A thorough estimate of the situation will result in sound decisions with respect to the form, character, and extent of the proposed subdivision and land development.

SECTION 402 APPLICATIONS FOR APPROVAL

1. Preliminary Plan.

- A. Submission. A developer desiring approval of a plat of a subdivision or land development of any land lying within the jurisdiction of Newport Township, will submit six (6) sets of all required documentation (additional sets if required by the Township), at least ten (10) business days prior to a regularly scheduled meeting of the Planning Committee, including, but not limited to: profiles, cross-sections, percolation data, and any other necessary material, including a copy of the current deed.
- B. Approval. After an application for approval of a Preliminary Plat of a subdivision or land development has been filed, the Township will send one (1) copy to the Township engineer, and three (3) copies to the Planning Committee. Notification of the application is sent to the Pennsylvania Department of Environmental Protection. The applicant will submit appropriate information to the Luzerne Conservation District and all applicable Federal and State agencies, if required.

The Commissioners, upon the recommendation of the Planning Committee, shall act on the preliminary plan within ninety (90) days, or extensions thereof of the official filing date. The official filing date is the date of the regular meeting of the Planning Committee next following the date the application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

The Preliminary Plat shall be effective for three (3) years, at the end of which Final Approval of the subdivision must have been obtained from the Commissioners. Any Plat not receiving Final Approval within the time period set forth herein shall be null and void, and the developer shall be required to resubmit a new Plat for Preliminary Approval subject to all new zoning and subdivision amendments. No subdivision or land development plan approval shall be granted for any property or properties unless they meet all requirements (use, lot size, setbacks, etc.) of the Newport Township Zoning Ordinance and must not be the subject of a zoning violation as evidenced by a Notice of Violation Letter, or any other enforcement proceeding.

2. The Final Plan.

- A. Submission. The developer, upon completion of all improvements required by this Ordinance or a guarantee that such improvements will be completed as needed as given in Section 701.4., shall file with the Planning Committee the Final Record Plat of the subdivision land development for final approval, at least ten (10) business days prior to a regularly scheduled meeting of the Planning Committee, which plat or land development shall conform in every respect with the requirements specified in Section 7 of this Ordinance. The Final or Record Plat of any portion of a large subdivision or land development, the preliminary plat or land development of which has been approved by the Commissioners, may be submitted for final approval. Three (3) black line or blueprints of the Final or Record Plat shall be submitted accompanied by a deed to all lands to be dedicated to the public.
- B. Checking. The Planning Committee and/or the Township engineer will examine the Final Plat to ascertain: (a) the technical details of the plat itself have been checked and found satisfactory, and (b) all required improvements have been filed for completion of work as specified in Section 701.4 of this Ordinance. If the Final Plat differs substantially from the Preliminary Plat, the Planning Committee may require a new Preliminary Plat to be submitted or require the subdivider to make necessary changes in the Final Plat.
- C. Approval. The Planning Committee, after said copy of the Final Plat has been checked and provided that the Final Plat is found to conform with the Preliminary Plat as approved, will make a recommendation to the Commissioners. The Commissioners, upon the recommendation of the Planning Committee shall act on the final plan within ninety (90) days, or extension thereof of the official filing date.

No subdivision or land development final plan approval shall be granted for any property or properties, unless they meet all requirements (use, lot size, setbacks, etc.) of the Newport Township Zoning Ordinance, and they must not be the subject of a zoning violation as evidenced by a Notice of Violation Letter, or any other enforcement proceeding.

- D. Recording Plat. The subdivider shall record the Final Plat in the Office of the Luzerne County Recorder of Deeds within ninety (90) days after its approval by the Commissioners. The recorded Final Plat shall officially note the approval of the Commissioners. Within two (2) weeks after recording the Final Plat the developer shall furnish the Township with a copy of the Recorder's certificate to assure the Final Plat is properly recorded. No land in a subdivision or land development shall be sold, leased or transferred prior to the approval and recording of the Final Plat. If the developer fails to record the Final Plat within the ninety (90) day period, the action of the Commissioners shall be null and void, unless an extension of time is granted in writing by the Commissioners upon written request by the developer.

ARTICLE 5 – DESIGN STANDARDS

The Preliminary Plan of the subdivision of land development shall substantially conform to the following principles and standards of design.

SECTION 501

The Commissioners shall require the developer to provide for the reservation of schools, recreation areas or other public uses when the proposed subdivision or land development involves twenty-five (25) or more lots or dwelling units or when said public uses have been shown on the Newport Township Comprehensive Plan, or when the Commissioners make a determination that a particular site is necessary.

Required dedication shall be determined by the following method:

1. The dedicated land must be suitable in size, shape, topography and general character for the proposed street.
2. The dedicated land may not exceed 0.04 acres of land for each lot or dwelling unit shown on the Final Plat.

SECTION 502 STREETS

1. The street and alley layout shall conform to any plans adopted by the Commissioners for the development of the neighborhood in which the proposed subdivision is located and shall provide access to all lots and parcels of land within the subdivision. Where streets intersect other streets, offsets shall not be created. The minimum distance between the centerlines of parallel or approximately parallel streets intersecting a cross street from the opposite direction shall be one hundred twenty (120) feet.
2. Proposed streets shall be oriented generally in an east-west direction, except where topography or other considerations suggest otherwise.
3. Where appropriate, proposed streets shall be extended to the boundary line of the tract being subdivided so as to eventually provide for normal circulation of traffic within the vicinity.
4. Whenever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of said street or alley to the prescribed width shall be platted within the proposed subdivision where this would not adversely affect the proposed subdivision.
5. Alleys shall ordinarily not be provided in residential districts but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes and, where platted, shall be at least twenty (20) feet in width.
6. At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet, or by chords of such arcs. For streets other than residential

streets, the Commissioners may require a larger radius.

7. Street curbs or edges of pavement at street intersections where they are required shall be rounded off concentrically with property lines.
8. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
9. Collector or Minor Streets intersecting an Arterial Street shall have a minimum distance of seven hundred fifty (750) feet between center lines. The angle of intersection of two (2) streets shall not be less than sixty (60) degrees.
10. Intersections of more than two (2) streets at one (1) point are prohibited.
11. Whenever the proposed subdivision contains or is adjacent to a railroad, or arterial road, provision shall be made for a Parallel Street, properly buffered by a planting strip from said railroad or arterial road, or a parallel street at a distance acceptable for the appropriate use of the land between the arterial road and such street, or by a series of cul-de-sacs or short loops entered from and planned at right angles to such parallel street with the rear lines of their terminal lots abutting on the arterial road. Lots abutting a railroad or arterial road in the rear shall have a rear yard with a minimum depth of seventy-five (75) feet. (The rear yard is the closest portion of a major structure on the lot of the railroad or arterial road right-of-way).
12. Street and Alley Right-of-Way Widths. Streets other than residential streets shall have such right-of-way widths as the Commissioners shall deem to be necessary in view of the function and prospective traffic load of the particular street or part thereof. The minimum right-of-way width of Residential Streets shall be as follows:
 - A. Arterial Street – Eighty (80) feet, except where increased by the Commissioners.
 - B. Collector Street – Sixty (60) feet.
 - C. Minor Street – Fifty (50) feet.
 - D. Alley – Twenty (20) feet.
13. Horizontal Visibility. Streets shall be so laid out that there will be unobstructed sight distances along the center lines thereof, measured from a point five (5) feet above the proposed grade line, to permit horizontal visibility as follows:
 - A. Arterial Streets – Six hundred (600) feet or more.
 - B. Collector Streets – Three hundred (300) feet or more.
 - C. Minor Streets – One hundred and fifty (150) feet or more.

- D. Between reversed curves on arterial streets, a tangent of not less than two hundred (200) feet shall be provided, and on feeder and residential streets such a tangent shall not be less than one hundred (100) feet.

14. Street Grades.

- A. Center line grades shall not exceed the following:
- (1) Arterial Streets – Five (5) percent.
 - (2) Collector Streets – Seven (7) percent.
 - (3) Minor Streets – Ten (10) percent in exceptional circumstances, sixteen (16) percent may be permitted, at the discretion of the Commissioners, for short distances on straight roads.
- B. Horizontal curvature measured along the center line shall have a minimum radius as follows, unless topographic or other conditions are such that in the circumstances of the particular case; the indicated radius is not feasible and the Commissioner are of the opinion that a lesser radius would adequately protect the public interest.
- (1) Arterial Streets – Eighteen hundred (1800) feet.
 - (2) Collector Street – Three hundred (300) feet.
 - (3) Minor Street – One hundred (100) feet.
- C. Minimum Grade. The minimum grade of any street gutter shall not be less than five tenths (0.5) of one percent for cement concrete pavements or streets with cement concrete gutters, and one percent (1%) for bituminous pavements.

15. Pavement Widths.

- A. Arterial Street – Forty (40) feet.
- B. Collector Street – Thirty-four (34) feet.
- C. Minor Street.
- (1) Minimum lot area below 20,000 square feet: Twenty-Eight (28) feet.
 - (2) Minimum lot area 20,000 square feet or more: Twenty-Two (22) feet.
- D. Alleys – Eighteen (18) feet.

16. Pavement Design.

- A. Pavement for streets which are under the jurisdiction of the Township shall be constructed over a suitable sub-grade in accordance with one of the following designs:
- (1) Option 1
 - Sub-Base (2A Modified): 8 inches
 - Asphalt Binder Course (BCBC): 1.5 inches

- Asphalt Wearing Course (ID-2A): 1 inch
Total Thickness: 10.5 inches

(2) Option 2

- Sub-Base (2A Modified): 7 inches
- Asphalt Binder Course (BCBC): 2 inches
- Asphalt Wearing Course (ID-2A): 1 inch
Total Thickness: 10 inches

(3) Option 3 – Full-Depth Asphalt

- Asphalt Binder Course (BCBC): 5 inches
- Asphalt Wearing Course (ID-2A): 1.5 inches
Total Thickness: 6.5 inches

- B. Materials shall meet the design and gradation requirements of Pennsylvania Department of Transportation Specification Form 408, 1976.
- C. Suitability of sub-grade shall be as determined by the Township engineer.
- D. Where sub-grade characteristics may permit pavement design less than specified above, the developer must submit with his preliminary application sub-grade test results verifying the California Bearing Ratio and drainage characteristics of the sub-grade over which the pavement is to be constructed. Tests must be performed by a recognized independent testing laboratory acceptable to the Township engineer. Sub-grade samples must be taken and tested under the direction of the Township engineer or his authorized representative at one hundred (100) foot intervals minimum along the full length of the proposed streets.
- E. When lot area is 20,000 square feet or greater, a stabilized shoulder area of at least five (5) feet shall be constructed on both sides of new pavement to facilitate parking off the road cartway. A minimum design criterion shall consist of six (6) inches of compacted 2A modified stone. Bituminous curbs will not be acceptable at any time.

17. Cul-de-sac Streets.

- A. Cul-de-sac streets, permanently designed as such, shall not exceed five hundred (500) feet in length and must have six (6) or more residential properties fronting same.
- B. Cul-de-sac streets on which six (6) or more residential properties front, shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet overall, and eighty (80) feet to the outer pavement edge or curb line.

SECTION 503 BLOCKS

1. Residential blocks shall ordinarily not exceed twelve hundred (1,200) feet in length. Commercial blocks shall ordinarily not exceed six hundred (600) feet in length, except for unit shopping centers.

2. Blocks shall be of sufficient width to permit two tiers of lots with appropriate depth except where an interior street parallels an Arterial Street, or except where it backs up to a railroad, creek, or un-subdivided area.
3. Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such cross walks shall have a right-of-way width of not less than ten (10) feet.

SECTION 504 LOTS

1. All lots shall abut on a public street or private street except that one lot is permitted to be developed using an easement, but no further lots are permitted to use this easement on the tract being divided, unless it is improved to Ordinance standards, and such easement is provided for in the appropriate deed and recorded.
 - A. Side lot lines of lots shall be at right angles to street lines when street runs with the cardinal directions (N-S or E-W).
 - B. Pointed or very irregular lots shall be avoided.
2. Double frontage lots shall not be platted. Should the Commissioners allow such platting under Section 801., a planting screen (acceptable to our engineer) twenty (20) feet wide shall be provided along the rear of the lot along a major traffic street, railroad or any other traffic mode deemed necessary by the Commissioners.
3. Lot Width and Area for Residential Lots. Within the area of jurisdiction of this Ordinance, the widths and areas of lots shall be not less than provided in the appropriate Zoning Ordinance for the district in which the subdivision is located.
4. The depth-to-width ratio of the usable area of a lot shall be ordinarily at a maximum of 3.0 to 1.0.
5. Corner residential lots shall be wider than interior lots to permit equal setbacks from both streets to a distance as required by Section 504, except where lots are back-to-back.
6. Wherever possible, unit shopping centers, based upon sound development standards, shall be designed, in contrast to the platting of lots for individual commercial use. Any lot not to be used for residential purposes shall have its proposed use indicated.
7. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots or reserved for public use if acceptable to the Commissioners.
8. Any lot area identified as lying within the One Hundred (100) Year Floodway will not be included as part of the required lot area as designated per its appropriate zoning district. The delineation of the One Hundred (100) Year Floodway will be determined by those maps produced by the National Insurance Program for Newport Township. If, for some

reason, floodway maps are approximated or non-existent, the developer will use the best data available to determine floodway location.

SECTION 505 EASEMENT

Where alleys are not provided, easements for underground or overhead utilities shall be provided. For such easements the maximum width the Commissioners shall require is twelve (12) feet, generally six (6) feet on both sides of a property line. Before determining the location of easements, the plan shall be discussed with the local public utilities to assure the proper location of easements for the installation of such service.

SECTION 6 – REQUIRED IMPROVEMENTS

The Final Plan of the subdivision shall conform to the following standards of improvements.

SECTION 601 MONUMENTS

1. Monuments shall be of concrete or stone with a minimum of size (6) inches by thirty-six (36) inches and shall be marked with ferrous metal.
2. Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument is level with the surface of the surrounding ground.
3. Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision.
4. Any monuments that are removed shall be replaced by a Registered Land Surveyor at the expense of the person moving them.

SECTION 602 STREETS

1. Streets (and alleys where provided) shall be graded, surfaced, and improved to the grades and dimensions shown on plans, profiles and cross-sections submitted by the subdivider according to the specifications as set forth in this Ordinance.
2. Prior to placing the street surface, adequate sub-surface drainage for the streets and all sub-surface utilities as acceptable to the Commissioners shall be provided or installed by the sub- divider.
3. Private streets shall meet the following requirements:
 - A. The street or streets shall meet all design and improvements standards of the Newport Township Subdivision and Land Development Ordinance.
 - B. That the street or streets do not interrupt the public street circulation pattern, existing,

developing, or planned.

C. That an offer to dedicate the street shall be made only for the street as a whole.

SECTION 603 SEWERS

1. The subdivider shall provide the subdivision or land development with a complete sanitary sewer system to be connected to the public sanitary system, in accordance with the rules and regulations of the applicable sanitary authority and the Pennsylvania Department of Environmental Protection. If the applicable sanitary authority or Pennsylvania Department of Environmental Protection do not permit the connection of the lots to the public sanitary system, then the developer shall have prepared by an engineer registered to practice in Pennsylvania, a sewage feasibility study which shall indicate whether a public sewage system is feasible or not. The engineer doing this study shall determine that a public sewer system should be installed prior to erection of homes or at some future time, or that a public sewage system is not feasible. The feasibility study shall take into account, but not be limited to the following:
 - A. Size of subdivision as submitted.
 - B. Ultimate total anticipated future size of subdivision.
 - C. Density of homes reasonably expected to be built in the subdivision within 5 (five) year periods.
 - D. Character and type of the subdivision, e.g. vacation or seasonal dwellings or year around permanent homes.
 - E. Cost of the recommended sewer system; and
 - F. Topography and subsurface conditions of the land.

After due consideration of said feasibility study, the Commissioners may require the installation of a complete sewer system, should it deem it to be necessary, or may require capped sewers. However, the Commissioners shall give due consideration to the use of individual conventional septic tanks or aerobic systems, and disposal fields, and/or neighborhood disposal systems, subject to the minimum requirements of Act 537, "The Pennsylvania Sewage Facilities Act" and the standards and regulations adopted pursuant to such Act, and the Master Plan for Water Supply and Wastewater Development of Luzerne County.

2. The developer shall install any facility referred to herein, or, whenever a separate sewage disposal unit or water supply on individual lots is to be provided, the developer shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these paragraphs shall be installed by the owner of the lot in accordance with this Ordinance, when a principal building is constructed. No occupancy

permit shall be issued for any lot of land within a development until and unless the lot is in substantial conformity with the provisions of this Ordinance.

SECTION 604 WATER

1. All new subdivisions and land developments shall utilize an approved public distribution system for the water supply where geographical location and accessibility to a common water source make this type of public system possible.
2. The plans for the installation of the mains of public water supply system shall be prepared by the developer with the cooperation of the applicable water utility company and approved by the Township engineer. Upon completion of the water supply installation, one (1) copy of the plan for such system as built shall be filed with Newport Township and the Luzerne County Planning Agency.
3. If a municipal or public water system is not reasonably accessible to the subdivision, and where the Commissioners has received a recommendation from the Township engineer that the subdivision be served by a central water system, other than individual conventional on-lot wells, the developer shall have prepared by an engineer registered to practice in Pennsylvania, a feasibility study for a public water system that shall be installed prior to the erection of homes, or at some future time, or that a public water system is not feasible. The feasibility study shall take into account, but need not be limited to the following:
 - A. Size of subdivision as submitted.
 - B. Ultimate total anticipated future size of subdivision.
 - C. Density of homes reasonably expected to be built in the subdivision within five (5) year periods.
 - D. Character and type of the subdivision, e.g. vacation or seasonal dwelling; or year around permanent dwellings.
 - E. Cost of the recommended water system; and
 - F. Topography and subsurface conditions of the land.

After due consideration of said feasibility study, the Commissioners may require a public water system to be installed by the developer or may permit on-lot wells, after reviewing the Master Plan for Water Supply and Wastewater Development of Luzerne County, and consulting with the Pennsylvania Department of Environmental Protection.

SECTION 605 STORM DRAINAGE SYSTEMS

1. Storm drainage systems shall be provided in order to:

- A. Permit unimpeded flow of natural watercourses except as modified by stormwater detention facilities required by Section 605.2. or open channels pursuant to Section 605.3.F.;
 - B. Ensure adequate drainage of all low points along the line of streets;
 - C. Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained;
 - D. Provide positive drainage away from on-site sewage disposal system;
 - E. Take surface water from the bottom of vertical grades and lead water from springs. Use of cross gutters at street intersections elsewhere is prohibited.
 - F. Prevent overloading of drainage systems and watercourses downstream as a result of increased runoff caused by the proposed development.
2. General Requirements.
- A. A site drainage plan for the proposed subdivision tract shall be prepared by an engineer employed by the developer which plan shall illustrate the following information: mapping of the watershed area or areas in which the proposed subdivision is located.
 - B. Calculations of runoff for all points of runoff concentration.
 - C. Complete drainage systems for the subdivision. All existing drainage features which are to be incorporated in the design shall be so identified. If the subdivision is to be developed in stages, a general drainage plan for the entire subdivision shall be presented with the first stage, and appropriate development stages for the drainage system indicated.
3. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
- A. No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.
 - B. Storm drainage systems shall be designed to convey through land development the peak runoff that will occur when all tributary areas upstream are developed to the extent reasonable projected during the next twenty-five (25) years. The calculation of this runoff rate shall take into account the land use and development regulations including runoff controls in effect in the tributary areas.

- C. Where a subdivision is traversed by a watercourse other than permanent streams, there shall be provided a drainage easement conforming substantially with the line of such watercourse. The width of the easement shall be adequate to provide for unimpeded flow of storm runoff based on calculations made in conformance with Section 605.5. and to provide a freeboard allowance of one half (0.5) foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic cutting of vegetation in all portions of the easement shall be required.
 - D. Drainage facilities that are located on State Highway right-of-way shall be approved by the Pennsylvania Department of Transportation and a letter indicating such approval shall be directed to the Planning Committee.
 - E. All streets shall be designed so as to provide for the discharge of surface water away from their right-of-way.
 - F. When it can be shown to the satisfaction of the Township engineer that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning Equation as explained in Appendix A.
 - G. Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in water course channels and at all points of discharge.
4. Stormwater Detention.
- A. Stormwater detention facilities shall be used whenever increased runoff from the land development would overload drainage systems or cause significant increases in flood levels in any watercourses downstream. This will be determined by comparing the increase in existing runoff rates and capacity of downstream drainage systems and watercourses.
 - B. Whenever detention facilities are required under Section 605.4.A. facilities will be designed to provide that the peak runoff rate at all points of discharge from the site, when developed, will not exceed the peak runoff rate at each of those points prior to development.
 - C. Where detention facilities are included as part of the storm drainage system, the following provisions will apply: Detention ponds shall be designed so that they return to ninety percent (90%) dry conditions within approximately twelve (12) hours after the termination of the storm, unless the Township engineer finds that down-stream conditions may warrant other design criteria for stormwater release.

- D. The developer shall demonstrate that such ponds are designed, protected and/or located to ensure that public safety is maximized and health problems are prevented.
 - E. The developer shall verify that the operation of the detention facilities will not aggravate potential downstream peaking conditions.
 - F. Emergency overflow facilities shall be provided for detention facilities to handle runoff in excess of design flow.
 - G. If the lands of the proposed land development will remain of common ownership, the developer shall provide written assurances to the Township that the detention ponds will be properly maintained.
 - H. If the lands of the proposed land development will be conveyed to one or more separate owners, the developer shall provide written assurances to the Township that the detention ponds will be properly maintained.
5. Calculations of Runoff and Design Storm Frequency.
- A. Storm drainage systems required by this Ordinance shall be designed to provide protection from a ten (10) to one hundred (100) year storm as determined by the Township engineer. A ten (10) year design storm would be appropriate where a storm in excess of the design storm would have minor impact such as inconvenience to traffic on local streets. A one hundred (100) year design storm would cause damage to existing or future structures or their contents.
 - B. Stormwater runoff from watersheds of two hundred (200) or less acres may be calculated by the rational method as described in Appendix A(2).
 - C. Stormwater runoff from watersheds of more than two hundred (200) acres shall be calculated using the soil cover complex method developed by the Soil Conservation Service or other appropriate method acceptable to the Township.
 - D. The Manning Equation explained in Appendix A shall be used in calculating capacities of watercourses and storm sewers, except culverts which shall be designed using methods acceptable to the Township engineer.
 - E. Complete detailed drainage calculations certified by the design engineer shall be submitted to the Township engineer.
6. Improvement Specifications.
- A. Inlets shall be designed and/or located to prevent hazardous conditions for vehicles, bicycles or pedestrians.
 - B. The Township engineer shall add additional specifications which may be necessary

for:

- (1) Spacing and type of inlets and manholes.
- (2) Minimum pipe sizes.
- (3) Materials and construction method
- (4) The Township engineer may want to specify different requirements or alternate methods of calculating runoff.

SECTION 606 SIDEWALKS AND CURBS

1. Sidewalks shall be required on both sides of every street when building lots are 15,000 square feet or less. They should be constructed of Portland Cement Concrete four (4) inches thick, reinforced with minimum 6x6 -10/10 welded wire mesh over four (4) inches of compacted gravel or crushed stone, and four (4) feet wide on a Minor or Collector street, or five (5) feet wide on an Arterial Street, and located within the street right-of-way. Where the sidewalk is part of the driveway, it should be a minimum of six (6) inches thick of concrete with 6 x 6 -10/10 welded wire mesh reinforcement. Sidewalks shall be placed 36" from the curb, and sloped 1/4 inch per foot towards the street. Concrete curbs shall be required on both sides of street where the building lots are less than 20,000 square feet. Curbs will be constructed in accordance with Pennsylvania Department of Transportation Road Construction Standards. (RD-64 or current STD).
2. Curbs shall be depressed at driveway locations and shall be so designated on the plan. Driveway depressions shall be constructed in accordance with Pennsylvania Department of Transportation RD Standards.
3. When concrete curbs and sidewalks are required by this Ordinance, curb cuts must be designed so as to accommodate the current specifications as set forth in Title III of the Americans With Disabilities Act of 1990 (ADA).

SECTION 607 STREET SIGNS AND STREET NAMES

1. Street signs and street names shall be approved by the Newport Township Planning Committee in conjunction with the Newport Township engineer and shall be installed by the developer at the intersection of all streets and highways, and at such other locations as may be determined by the Newport Township engineer.
2. Street signs and street names shall be coordinated with the appropriate agencies, i.e., Luzerne County 911, post office, fire department and Civil Defense for their use in the delivery of emergency services. (See Appendix B of the Luzerne County Subdivision and Land Development Ordinance.)

SECTION 608 HOUSE NUMBERS

All house numbers shall be listed in accordance with the established system of Luzerne County. Numbers shall be referred to Luzerne County 911. (See Appendix B of the Luzerne County Subdivision and Land Development Ordinance.)

SECTION 609 STREET LIGHTS

In any proposed subdivision or land development involving twenty (20) or more lots or dwelling units, a streetlight meeting the specifications of the local electric utility shall be installed at one corner of every intersection.

SECTION 610 FIRE HYDRANTS

Fire hydrants shall be installed wherever the Township engineer determines there is an adequate water supply system and shall be spaced to provide a hydrant within five hundred (500) feet of any property lines.

SECTION 611 STREET TREES

Street trees shall be provided by the developer in any subdivision or land development involving ten (10) or more lots or dwelling units having an average lot size or area per dwelling unit of 15,000 or less square feet. Street trees shall be of a deciduous hardwood type with spacing as approved by the Commissioners and be planted between the sidewalks and the building line at such a distance not to affect the sidewalk, but at least three (3) feet from the sidewalk, and shall have a minimum caliper of two (2) inches.

SECTION 612 FILING PLANS AND PROFILES

Upon the completion of the improvements in a subdivision, if changes have been made from those submitted with the final plan, plans and profiles for the same as constructed shall be filed with the Commissioners.

SECTION 613 INSPECTIONS

Prior to starting any improvements, the Township engineer or his authorized representative is to be notified at least 48 hours in advance. The Township engineer or his authorized representative shall inspect the work as it starts, and periodically as it progresses, to ensure compliance with requirements of this Subdivision and Land Development Ordinance and the approved plat. Underground utilities (sanitary and storm sewer, water lines, electric distribution, gas, etc.) and base courses of roads shall not be covered until such inspection is complete and work approved by the Township engineer and his authorized representative.

SECTION 7 – PLAN REQUIREMENTS

SECTION 701 PRELIMINARY PLAT

1. The applicant will submit an application, a zoning data sheet, the required number of plans (preliminary or final), all other pertinent data designated by the Ordinance and all required fees simultaneously to the Planning Committee.

Failure on the part of the applicant to provide any of the above data to the Planning Committee will result in an incomplete application. Processing of the subdivision/land development application will not begin until such times as the Planning Committee deems the application complete.

The Newport Township Board of Commissioners shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for any matter pertaining to the administration of this Ordinance

2. The Preliminary Plat of the subdivision or land development shall be drawn to a scale of fifty (50) feet to one (1) inch or one hundred (100) feet to one (10) inch. The Preliminary Plat shall show:
 - A. Proposed name of the subdivision or land development.
 - (1) Impervious cover will be determined by, not limited to, structures, roadways sidewalks, parking lots, etc.
 - (2) As required by the Newport Township Stormwater Management Ordinance.
 - B. Names and addresses of owner and subdivider, land planning consultant, architect or landscape architect, register surveyor or registered engineer who prepared the plat or land development.
 - C. Street layout, showing the names (which, when not extensions of existing streets, shall not duplicate other names of streets, in the municipality), and widths of right-of-way of streets, and widths of alleys.
 - D. Layout of lots, showing dimensions and numbers.
 - E. Parcels of land proposed to be reserved for schools, parks, playgrounds or other public semipublic or community purposes.
 - F. Legend and notes.
 - G. Building setbacks of front yard lines, side yard lines, and rear yard lines.
 - H. Graphic scale, north point and date.
 - I. Preliminary profiles, typical cross-sections and specifications for proposed street improvements.
 - J. Preliminary profiles and other explanatory data concerning the installation of sanitary and storm sewage systems.
 - K. A location map showing subdivision or land development site, and location; major existing thoroughfares related to the subdivision or land development, including the distance therefrom; title, graphic scale, north point and date.

- L. Contours shall be shown at vertical intervals of two (2) feet except as noted below. For land areas sloping more than fifteen percent (15%), contours shall be shown at vertical intervals of five (5) feet.
- M. Tract boundary line, showing dimensions, bearings and comers.
- N. Existing streets and rights-of-way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
- O. Easements – location, widths and purposes.
- P. Proposed utilities, including sanitary and storm sewers, other storm sewers, other drainage facilities; water lines, gas mains, electric utilities and other facilities. The size or capacity of each should be shown and the location of or distance to each existing utility indicated.
- Q. Existing platting of adjacent land. All existing buildings, sewers, water mains, culverts, petroleum or high-pressure gas lines and fire hydrants, on or adjoining the site.
- R. Areas subject to periodic flooding.
- S. Other features or conditions which would affect the subdivision or land development favorable or adversely including future subsidence or mine fires. Filled land shall include the depth, type of fill, date of fill, and whether and how it was compacted. Filled areas shall have adequate stability before lots are sold, to be certified by the developer's engineer, and checked by the Township engineer. For subdivisions over mining areas, a mining report shall be submitted.
- T. A copy of the protective covenants or private restriction to be incorporated in the deeds.
- U. Site data including the number of residential lots, required lot sizes, actual lot size, the acreage of the subdivision, the acreage in proposed recreation areas, and the number and type of dwelling units proposed, if any.
- V. Two (2) copies of soil survey data of site shall accompany the Preliminary Plat. Two (2) copies of results of percolation tests made in accordance with specifications of the Pennsylvania Department of Environmental Protection. These items shall be provided by the developer.
- W. Estimated amount (sq. ft.) of impervious cover, which shall include, but not limited to, any roof, parking/driveway areas, patios, new streets and sidewalks.

- X. A tract map depicting all prior subdivisions and their dates of inception from the original tract retroactive to January 1, 1980.
- Y. All requirements for the Newport Township Stormwater Management Ordinance shall be completed. All subdivisions not subject to this must adhere to Section 605.

3. Final Plat.

The Final Plat shall meet the following specifications:

- A. The Final Plan may include all or only a part of the area of the Preliminary Plat as proposed in the application.
- B. The original drawing of the plat of the subdivision shall be twenty-four (24) by thirty-six (36) inches or made in multiples of this size and cut along match lines. Note: maximum size of map record plat book is 24" x 39". Plans shall be drawn at a scale of fifty (50) or one hundred (100) feet to the inch.
- C. The following basic information shall be shown:
 - (1) Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
 - (2) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
 - (3) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - (4) The latest source of title to the land as shown by the deed, page number and book of the Luzerne County Recorder of Deeds, accompanied by an affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
 - (5) Right-of-way width.
 - (6) Street names.
 - (7) Complete curve data for all curves included in the plan.
 - (8) Street lines with accurate dimensions in feet and hundredths of feet, with angles to the nearest one (1) minute of street, alley, and lot lines.
 - (9) Lot numbers, dimensions, and area of subdivisions.
 - (10) Easements for utilities and any limitations on such easements.
 - (11) Accurate dimensions of any property to be reserved for public, semi-public, or community use.
 - (12) Location, type, material, and size of all monuments and lot markers.
 - (13) Restrictions of all types which will run with the land and become covenants in the deeds for lots should be in separate instrument, referenced to the drawing.
 - (14) Name of the subdivider or land development.
 - (15) Name and address of the owner and developer.
 - (16) North point, graphic scale, date, and legend.
 - (17) Certification by a registered professional engineer and/or registered land

surveyor to the effect that (1) the plat or land development represents a survey made by him and that all monuments indicated thereon actually exist and their location, size and material are currently shown; and (2) that all engineering and surveying requirements of this Ordinance have been fully complied with.

- (18) Proposed dedication of streets and other public property should be indicated.
- (19) A place on the plat for approval by the Commissioners, Planning Committee and Luzerne County Planning Agency on the bottom of the sheet.
- (20) Front, side, and rear yard setback lines, the minimum as fixed by the applicable Zoning Ordinance, or any other setbacks lines established by this Ordinance or by the public authority, or those specified in the deed restrictions, whichever is greater.
- (21) Final profiles, cross-sections and specifications for street improvements, and sanitary and storm sewage, and water distribution systems shall be shown on one (1) or more separate sheets. However, the typical cross-section of streets shall be shown on the record plat.

4. Guarantee of Improvements.

- A. In submitting the Final Plan to the Township, the subdivider shall either have satisfactorily completed all improvements required in the Preliminary Plat as evidenced by the Township engineer's inspection, or shall provide for the deposit with the Township of a financial security (performance bond, letter of credit, escrow account, cash, or other financial instrument acceptable to the Commissioners and the Township solicitor) in an amount sufficient to cover the costs of improvements which are required to secure to the public the completion of any improvements which may be required and which shall be an open-ended non-expiring term, at the control of the Commissioners, and for an amount to be determined by the Township engineer in conjunction with the Township solicitor. The amount of such financial security shall be equal to the anticipated costs of completion for the common elements and public improvements within the development (collectively the "improvements") as such costs are determined in the sole discretion of the Township engineer in coordination with the Township solicitor, plus an additional ten percent (10%). In the event that the use for which the property is being developed requires reclamation under the Township's Zoning Ordinance, the costs of reclamation shall be made a part of the performance guarantee and such security in an amount equal to such cost with a maturity date, if any, in excess by one year of the useful life of the project, shall be taken into account when calculating the financial security. The financial security shall be from a reputable agency and the offer to draw upon the credit or make demand upon the bond issuer must not expire for a period less than three (3) years. The Township shall require the developer to enter into a development agreement with the Township before approving any Final Plan which requires the deposit of a financial security. The developer shall complete the improvements guaranteed by the financial security in no more than two (2) years from the date of the acceptance of the financial security by the Township; provided, however, that the Township shall liberally extend the period of time for completion of the guaranteed improvements so long as

(a) the developer provides a new form of financial security good in an amount no less than the cost estimated to be one hundred and ten percent (110%) of the cost of completion of the guaranteed improvements at the time of renewal by the Township engineer and the Township solicitor; (b) the developer prepares a new municipal development agreement with the Township to reflect such amended terms as the Township shall find acceptable, and; (c) the developer's financial security must remain open for three (3) years from the date of any renewal. Until the release from the improvement bond and maintenance bond, as provided respectively in Sections 701.4.B. and 701.5. hereof, the developer shall provide an escrow account in the amount of ten thousand dollars (\$10,000) which escrow shall be used by the Township to pay for the costs of review and approval of all matters concerning the development, including fees paid to the Township engineer and solicitor. In the event that the escrow account should decrease to less than five thousand dollars (\$5,000), the Township may demand that the developer replenish the escrow account back to the original ten thousand dollar (\$10,000) deposit. Any portion of the escrow account that remains unused at the time that the developer is released from any financial security and maintenance bond shall be promptly returned to the developer by check or direct deposit as to such location or account as the developer shall direct.

B. Release from Improvement Bond.

- (1) When the developer has completed all the necessary and appropriate improvements, the developer shall notify the Commissioners, 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 developer shall include with such notice as-built plans referencing the improvements as they have been constructed, which plans should show conformity to the final plan or any authorized amendment thereto. The Commissioners shall within ten (10) days after receipt of such notice and plans, direct and authorized the Township engineer to inspect all of the aforesaid improvements. The Township engineer shall inspect all of the aforesaid improvements and thereafter file a report in writing with the Commissioners and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township engineer of the aforesaid authorization from the Commissioners; 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.
- (2) The Commissioners shall notify the developer, within fifteen (15) days of the engineer's report, in writing, by certified or registered mail of the action of said Commissioners with relation thereto.
- (3) If the Commissioners or the Township engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- (4) If any portion of the said improvements shall not be approved or shall be rejected

by the Commissioners, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein,, shall be followed.

- (5) Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Commissioners or the Township engineer. The Township engineer shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.

C. The developer shall also place in a separate escrow account United States dollars in an amount equal to fifteen percent (15%) of the Township engineer's or Township solicitor's estimate of the cost of all improvements required by this Ordinance, guaranteeing that the developer shall maintain all such improvements in good condition for a period of one (1) year after completion of construction and installation of all such improvements. Maintenance of all required improvements shall include, but not be limited to the following:

- (1) Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvement latent in character, and not discernible at the time of final inspection or acceptance by the Commissioners, and
- (2) Guaranteeing against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.

5. Release From Maintenance Bond.

The developer shall follow the procedural section of Section 701.4.B. when seeking release of the maintenance bond.

6. Remedies to Effect Completion of Improvements.

The Township shall have the power to initiate any necessary legal action against the developer to complete any required improvements as provided in the Subdivision and Land Development Ordinance or approved Final Plat or any written agreements upon which the Township and the developer may have entered. In the event that any improvements which may be required have not been installed within the period established in connection with the Final Plat, the Township may access the developer's financial guarantee to complete the improvements.

SECTION 8 – MODIFICATIONS AND EXCEPTIONS

SECTION 801

In any particular case where the developer or his engineer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions or an unusual financial burden on the developer, which is unique and not common to other developers in the Township, strict compliance with any requirements of this Ordinance would cause exceptional

and undue hardship, the Commissioners, upon recommendation from the Planning Committee, may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment of the public good and without impairing the intent and purpose of this Ordinance or the desirable general development of the neighborhood and the community in accordance with any adopted long- range plan. Any codification thus granted shall be entered in the minutes of the Commissioners meeting setting forth the reasons which, in the opinion of the Commissioners, justified the modification.

SECTION 802 LOT CONSOLIDATION

Lot consolidation and/or reverse subdivision are permitted provided the project complies with the following requirements:

1. Lot consolidation and reverse subdivisions may be submitted to the Township subject to the following procedure:
 - A. The applicant shall certify to the Planning Committee that the subject map is, in fact, on record. Lots must be on a recorded subdivision. A subdivision shall be required if one does not already exist.
 - B. A survey on that map shall be completed by a professional land surveyor or engineer, unless the Planning Committee determines such map is not required.
 - C. The lot consolidation and reverse subdivisions shall be executed by a deed from the lot owner(s) to themselves clearly stating the intent of the deed transfers to combine two (2) or more lots into a single parcel.
 - D. The lot consolidation deed shall be in such form as required by the Commissioners upon the recommendation by the Township solicitor and shall include:
 - (1) Reference to the lot numbers of the subject lots.
 - (2) A Plat Book and page number where the map is recorded.
 - (3) The new revised lot numbers.
 - (4) Language restricting the sale or transfer of the individual lots being combined. That is, the lots when combined shall not be later subdivided without application to the Planning Committee and Commissioners in compliance with the Newport Township Subdivision and Land Development Ordinance.
 - (5) At least one of the two (2) lots being combined must be vacant. Conversely, no more than one of the combined lots shall be improved.
 - E. The approved deed shall be recorded in the Luzerne County Recorder of Deeds within 90 days of the approval by the Commissioners. If the approved deed is not recorded within 90 days as required, the applicant shall not be permitted to record the deed without further approval from the Commissioners.
 - F. The new lot revised tax parcel number assigned by the Tax Assessment and/or GIS Mapping Office should be referenced on the deed before recording in the Luzerne

County Recorder of Deeds Office.

- G. In order to enable the applicant to record the deed, the applicant shall obtain a letter from the Township Manager or Borough Secretary indicating that the Planning Committee and Commissioners had approved the lot consolidation and the deed may be recorded without further compliance with the Newport Township Subdivision and Land Development Ordinance.
- H. The Planning Committee may require, for any just cause, the subdivision process under the terms of this Ordinance.

SECTION 9 – DEFINITIONS

For the purpose of this Ordinance, words used in the present tense include the future tense; the term "shall" is always mandatory; other terms or words used shall be interpreted or defined as follows:

ALLEY:

A permanent service way providing a secondary means of access to abutting lands.

APPLICATION FOR DEVELOPMENT:

Every application, whether preliminary or final, is required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plan, or for the approval of a development plan.

BLOCKS:

Property bounded on one side by a street and the other three sides, by a street railroad right-of-way, waterway, un-subdivided area, or other definite barrier.

BUILDING SETBACK LINE:

The minimum distance from any lot line to any building or structure to be erected on the lot.

COMMISSIONERS, OR BOARD OF COMMISSIONERS:

The Newport Township Board of Commissioners.

COMMITTEE, OR PLANNING COMMITTEE:

The Newport Township Planning Committee.

COUNTY:

Luzerne County, Pennsylvania.

CUL-DE-SAC (Court or Dead-End Street):

A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

DEVELOPER:

Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land.

EASEMENT:

A grant by the property owner to the use of strip of land by the public, a corporation, or persons for specified purposes.

ENGINEER:

A professional engineer, licensed as such in the Commonwealth of Pennsylvania.

FLOOD:

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge that One Hundred (100) Year Flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOD FRINGE:

That portion of the One Hundred (100) Year Flood Plain outside the floodway.

FLOODWAY:

The channel of river or other watercourse and the adjacent land areas that must be reserved in order to discharge that One Hundred (100) Year Flood without cumulatively increasing the water surface elevation more than one (1) foot.

LAND DEVELOPMENT:

Any of the following activities:

1. The improvements of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - A. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - B. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. Exemptions.
 - A. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units.

- B. The addition of an accessory building, including farm buildings on a lot or lots subordinated to an existing principal building.

LOT:

A portion of subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.

LOT CONSOLIDATION:

The assemblage or combination of two (2) or more adjoining lots, tracts, or parcels of land to form a single larger parcel.

OFFICIAL FILING DATE:

The official filing date is the date of the regular meeting of the Planning Committee next following the date the application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

ONE HUNDRED YEAR FLOOD:

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

ONE HUNDRED YEAR FLOOD PLAIN AREA(S) OR DISTRICT(S):

The area(s) or district(s) that has a one percent (1%) chance of being flooded in any given year.

PLAT OR PLOT:

The map or plan of a subdivision or land development, whether preliminary or final.

REVERSE SUBDIVISION:

See lot consolidation.

STREET:

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct, and any other ways, used or intended to be used by vehicular traffic or pedestrians whether public or private.

Arterial Streets: Streets serving a large volume of comparatively high-speed and long distant traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

Collector Streets: Streets which in addition to giving access to abutting properties, intercept minor streets and provide routes carrying considerable volume of traffic to community facilities and to major traffic streets.

Minor Streets: Streets used primarily to provide access to abutting properties.

SUBDIVISION:

The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building lot development: provided, however, that the subdivision by a lease of land for agricultural purposes of parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. This definition shall include the combination of contiguous, adjacent parcels which results in the negation or removal of a previous existing lot line (commonly referred to as “reverse subdivisions”).

TOWNSHIP:

Newport Township, Luzerne County.

UNIT SHOPPING CENTER:

Shopping centers designed as a unit with off-street parking and controlled circulation.

SECTION 10 – VALIDITY

If any section, clause, provision or portion of the Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION 11 – REVISION AND AMENDMENT

The Board of Commissioners of Newport Township may, from time to time, amend this Ordinance by appropriate action taken after a public hearing on said proposed revisions. Public notice shall be given of the date, time and place of such public hearings, together with a summary setting forth the principal provisions of such amendments, indicating the place or places where copies of the proposed amendments may be examined. In case of an amendment other than that prepared by the Planning Committee, the Commissioners shall submit each such amendment to the Planning Committee for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such amendment. The Commissioners shall also submit the amendment to the Luzerne County Planning Commission at least 30 days prior to the hearing on the proposed amendment for recommendations.

SECTION 12 – REMEDIES

SECTION 1201 — PREVENTIVE REMEDIES

1. In addition to other remedies, the Commissioners may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Commissioners may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed, or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - A. The owner of record at the time of such violation.
 - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee has actual or constructive knowledge of violation.

As an additional condition for issuance of a permit or the granting or an approval to any such owner, current owner, vendee or lessee of the development of any such real property, the Commissioners may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

SECTION 1202 JURISDICTION

District justices shall have initial jurisdiction in proceedings brought under Section 1203.

SECTION 1203 ENFORCEMENT REMEDIES

1. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by Newport Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Newport Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Newport Township may enforce the judgment, pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be constructed or interpreted to grant to any person or entity other than Newport Township the right to commence any action for enforcement pursuant to the section.

SECTION 13 – ENACTMENT

This Ordinance shall be force and effect as of _____ and as amended thereafter.

SECTION 14 – FLOOD CONTROL

SECTION 1401 GENERAL PROVISIONS

The provisions contained in this section shall apply only when a proposed subdivision or land development is to be located within or adjacent to any area which is subject to flooding from a One Hundred (100) Year Flood within the jurisdiction of this Ordinance and shall be supplementary to the provisions contained elsewhere in the Ordinance.

1. The specific purpose of these provisions is:
 - A. To regulate the subdivision and/or land development of One Hundred (100) Year Flood Plain Areas in order to promote the general health, welfare, and safety of the Township;
 - B. To require that each subdivision lot in One Hundred (100) Year Flood Plain Areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction;
 - C. To protect individuals from buying land which is unsuitable for use because of flood hazards by prohibiting the subdivision and/or land development of unprotected flood plain areas in the One Hundred (100) Year Flood Plain.
2. Abrogation and Greater Restrictions.

This Ordinance supersedes any other Ordinances currently in effect. Where there is conflict between this and any other Ordinance the more restrictive shall apply.

3. Newport Township Liability.

The grant of a permit or approval of a subdivision and/or land development plan in the identified One Hundred (100) Year Flood Plain Areas shall not constitute a

representation, guarantee, or warranty of any kind by Newport Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.

SECTION 1402 APPLICATION PROCEDURES AND PLAT REQUIREMENTS

1. Preliminary Plan Requirements.

- A. A map showing the location of the proposed subdivision and/or land development with respect to the municipality's One Hundred (100) Year Flood Plain Areas including information on, but not limited to, the One Hundred (100) Year Flood Elevations, boundaries of One Hundred (100) year Flood Plain Areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.
- B. Where the subdivision and/or land development lies partially or completely in the One Hundred (100) Year Flood Plain Areas, or where the subdivision and/or land development borders on the One Hundred (100) Year Flood Plain Areas, the Preliminary Plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the flood plain areas.

2. Final Plan Requirements.

The following information shall be required as part of the Final Plan:

- A. All information required for the submission of the Preliminary Plan incorporating any changes requested by the Commissioners.
- B. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed in One Hundred (100) Year Flood Plain Areas. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood plain areas.
- C. A Reclamation Plan setting forth the timeframe for reclamation and the means that will be implemented for reclamation if reclamation is required under the Township Zoning Ordinance. This Reclamation Plan shall include a total estimated cost of reclamation and a useful life calculation for the subdivision or land development if applicable.

SECTION 1403 DESIGN AND STANDARDS AND IMPROVEMENTS

1. General.

- A. Where not prohibited by this or any other laws or ordinances, land located in the One

Hundred (100) Year Flood Plain Area may be platted for development with the provisions that the developer constructs all buildings and structures to preclude flood damage in accordance regulating such development.

- B. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any One Hundred (100) Year Floodway Area. Building sites for residences or any other type of dwelling or accommodation may be permitted in the One Hundred (100) Year Flood Way Area if the sites or first floors, including basements, are elevated to a height at least one and one-half (1 1/2) feet above the elevation of the One Hundred (100) Year Flood. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures.
- C. Building sites for structures or buildings other than for residential use shall also not be permitted in any One Hundred (100) Year Floodway Area. Building sites for structures or buildings other than for residential uses may be permitted in the One Hundred (100) Year Flood Way Area subject of the provisions provided for in Section 1403.1.B. However, the Commissioners may allow the subdivision and/or sites for commercial and industrial uses at an elevation less than one and one-half (1 1/2) feet above the protects the area to that height or assures that the buildings or structures will flood proofed at least up to that height.
- D. If the Commissioners determine that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- E. When a developer does not intend to develop the plat himself and the Commissioners determine that additional controls are required to ensure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every recorded plat.

2. Drainage Facilities.

Storm drainage facilities shall be designed to convey the flow of surface water without damage to persons or property. The system shall ensure drainage at all points along streets and provide positive drainage away from buildings and on-site waste disposal sites.

The Commissioners may require a primarily underground system to accommodate frequent floods and a secondary surface to accommodate larger, less frequent floods.

Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other

drainage facility or system.

3. Streets.

The finished elevation of proposed streets shall be no less than the One Hundred (100) Year Flood Elevation. The Commissioners may require, where necessary, profiles and elevation of streets to determine compliance with this requirement. Drainage opening shall be sufficient to discharge flood flows without unduly increasing flood heights.

4. Sewer Facilities.

All sanitary sewer systems located in the One Hundred (100) Year Flood Plain Areas, whether public or private, shall be flood proofed up to a point one and one-half (1 1/2) feet above the One Hundred (100) Year Flood Elevation.

The Commissioners may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The Commissioners may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in the designated areas.

5. Water Facilities.

All water systems located in the One Hundred (100) Year Flood Plain Areas, whether public or private, shall be flood proofed to a point, one and one half (1 1/2) feet above the One Hundred (100) Year Flood Elevation.

6. Other Public Utilities and Facilities.

All other public and/or private utilities and facilities shall be elevated or flood proofed to a point one and one half (1 1/2) feet above the One Hundred (100) Year Flood Elevation.

APPENDIX A

STORM DRAINAGE RUNOFF CALCULATION

1. Rational Formula.

The rational formula used in calculating runoff is $Q=CIA$. In this equation, Q is the peak runoff in cubic feet per second, C is a runoff coefficient which depends on the nature of the land cover, I is the intensity of rainfall in inches per hour for a duration equal to the time of concentration for the drainage area involved and A is the watershed area in acres. The time of concentration is the time required for runoff from the upper reaches of the watershed to reach the point for which runoff rates are being calculated.

2. Values of Coefficient "C".

Runoff coefficients used in the rational formula shall be based on the guidelines in the following table and acceptable to the municipal engineer.

RUNOFF COEFFICIENTS FOR THE RATIONAL METHOD

<u>Type of Drainage Area</u>	<u>Coefficient</u>	<u>Source</u>
<u>Commercial</u>		
Downtown (also shopping centers)	0.70 - 0.95	1
<u>Neighborhood</u>		
Mixed residential & commercial	0.50 - 0.70	
<u>Residential</u>		
Urban Single-Family	0.30 - 0.50	1
Multi-Units	0.40 - 0.80	1
Suburban, Single-Family	0.25 - 0.40	1
Garden Apartments	0.50 - 0.70	1
Playgrounds	0.20 - 0.70	1
Industrial	0.50 - 0.90	1
Railroad Yards	0.20 - 0.35	1
Parks, Cemeteries, Golf Courses	0.15 - 0.30	2
Unimproved, with Vegetation	0.10 - 0.30	1
<u>Lawns, Sandy Soil</u>		
Flat, 2% or less	0.05 - 0.10	1
Average, 2 to 7%	0.10 - 0.15	1
Steep, 7% or more	0.15 - 0.20	1
<u>Lawns, Heavy Soil</u>		

Flat, 2% or less	0.13 - 0.17	1
Average, 2 to 7%	0.18 - 0.22	1
<u>Character of Surface</u>	<u>Coefficient</u>	<u>Source</u>
Pavement	0.75 - 0.95	2
Concrete or Bituminous Concrete	0.65 - 0.80	2
Surface Treated Roadway	0.25 - 0.60	2
Gravel, earth, other	0.75 - 0.95	1
<u>Roofs</u>		
Steep, 7% or more	0.25 - 0.35	1
<u>Woods, Heavy Brush</u>		
Gravel	0.15 - 0.35	2
Sandy Soil	0.15 - 0.30	2
Clay Soil	0.25 - 0.60	2
<u>Bare, Cultivated, or Light Growth</u>		
Gravel	0.20 - 0.40	2
Sandy Soil	0.15 - 0.30	2
Clay Soil	0.35 - 0.75	2

Note: Lower portions of ranges apply to flat slopes and open soils; higher portions apply to steeper slopes and tight or shallow soils.

Sources: (Applied with some modifications by G. Edwin Pidcock Co.)

- 1) Design and Construction of Sanitary and Storm Sewers - prepared by a Joint Committee of American Society of Civil Engineers and the Water Pollution Control Federation.
- 2) Design Manual, Part 2, Chapter 12, Pennsylvania Department of Transportation.

3. Values of Rainfall Intensity "I".

Rainfall intensities to be used in the rational formula are as follows:

FREQUENCY OF STORM (YEARS)

Time of Concentration Minutes	5	10	25	100
5	5.9	6.5	7.4	9.0
10	4.8	5.4	6.0	7.4
15	4.0	4.6	5.2	6.4
20	3.6	4.0	4.5	5.7
25	3.1	3.6	4.0	5.0
30	2.8	3.2	3.6	4.5
35	2.5	2.9	3.3	4.1
40	2.3	2.6	3.0	3.8
45	2.1	2.4	2.8	3.5
50	2.0	2.2	2.6	3.3
55	1.8	2.1	2.5	3.1
60	1.7	2.0	2.4	2.9

4. Average Velocities for Overland Flow.

Engineers use several methods to determine the time of concentration for the drainage area in question. Seelye's Nomograph is reproduced here. The average velocities for overland flow presented in Penn DOT's Design manual are also widely used to determine the time of concentration. Any method acceptable to the Township engineer may be used.

5. Manning's Equation.

A. Manning's equation to determine the velocity of flow in open channels and closed drains not under pressure is listed below. The second equation is used to determine the capacity after the velocity has been determined.

$$V = \frac{1.49}{n} \sqrt[3]{\frac{a^2}{p}} \sqrt{s}$$

$$Q = va$$

v = velocity in feet per second.

n = coefficient of roughness.

a = cross-sectional area of flow in square feet.

p = wetted perimeter, the length of the line of contact between the water and the bottom and sides of the channel or pipe around the cross-section in feet.

s = slope of the channel or pipe in cubic feet per foot.

q = capacity of the channel or pipe in cubic feet per second.

B. The coefficient of roughness used shall be as follows unless different coefficients are approved by the Township engineer.

0.015 for concrete pipes and paved channels. 0.021 for corrugated metal pipes.
0.035 for earth ditches.
0.040 for vegetated channels.

6. Maximum Stream Velocities in Open Channels.

<u>Material</u>	<u>Maximum Velocity</u> <u>Feet per Second</u>
Well established grass on good soil:	
Short pliant bladed grass	4-5
Bunch grass-soil exposed	2-4
Stiff stemmed grass	2-3
Earth without vegetation:	
Fine sand or salt	1-2
Ordinary firm loam	2-3
Stiff clay	3-5
Clay and gravel	4-5
Course gravel	4-5
Soft shale	5-6
Other:	
Bituminous or cement stabilized channels	6
Paved channels	10-15