

Chapter 22

Subdivision and Land Development

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Part 1**Authority, Short Title and Definitions****§22-101. Legal Authority.**

This Chapter is adopted under and by virtue of the provisions of the Borough Code, Act of May 4, 1927, P.L. 519, Article 16, as amended, and pursuant to a public meeting held on the 2nd day of August, 1962.

(Ord. 763, 8/2/1962, Art. I, §101)

§22-102. Short Title.

This Chapter shall be known and may be cited as the “Borough of Carnegie Land Subdivision Ordinance of 1962.”

(Ord. 763, 8/2/1962, Art. I, §102)

§22-103. Use of Singular and Plural; Use of Masculine.

Wherever used in this Chapter, the singular shall include the plural and the plural the singular and the masculine shall include the feminine and the neuter.

(Ord. 763, 8/2/1962, Art. II, §201)

§22-104. Definitions of Words and Terms.

Unless otherwise expressly stated, the following terms shall for the purpose of this Chapter have the meaning indicated:

Alley or service drive—a minor or private street primarily for service access to the back or sides of property.

Building—a construction and/or erection intended for use and occupation as a habitation or for some purpose of a trade; a fabric or edifice made of any kind of material such as a house, factory, store, church, or shed, including a wall and/or solid fence over 4 feet high.

Cartway—the surface of the roadway available for vehicular traffic.

Council—the Council of the Borough of Carnegie.

Crosswalk—a right-of-way, municipally or privately owned, at least 10 feet in width which cuts across a block to furnish access to pedestrians to adjacent streets or properties.

Dead end street—a street with one end open for public vehicular and pedestrian access and the other end terminating in a vehicular turn-around.

Easement—a right-of-way for a limited purpose, a space within which no structure may be built.

Engineer—the Borough Engineer or other person designated by the Council to perform the duties of Engineer as herein specified.

Lot—a parcel of land intended for transfer of ownership, improvement, or building development.

Person—any individual, corporation, partnership, unincorporated association, or other entity.

Road—the whole or any part of any public street, or avenue, public road, bridge, or culvert and shall include the cartway, gutter, curb, sidewalk and the whole legal width of the right-of-way.

Plat, final for record—final plan of a subdivision prepared and certified by a registered engineer or registered surveyor, which is presented to the Council for approval and which if approved will be submitted by the subdivider to the Recorder of Deeds of Allegheny County for recording in accordance with law.

Plat, preliminary—a preliminary plan indicating the proposed layout of a subdivision prepared by the subdivider for submission to the Council for consideration.

Right-of-way—land dedicated or opened for use as a road, crosswalk, or for public utilities, storm or sanitary sewage or drainage facilities.

Set-back or building line—a line fixed in relation to the right-of-way line of the road, street, lane or way establishing the minimum distance between the proposed right-of-way line.

Subdivider—a person who is the owner or authorized agent of the owner of land to be subdivided.

Subdivision—the division of a single lot, tract, or parcel of land, or a part thereof into two or more lots, tracts, or parcels of land, including changes in street lines or lot lines for the purpose, whether immediate or future, of transfer of ownership or building development; provided however, that divisions of land for agricultural purposes in parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

(Ord. 763, 8/2/1962, Art. II, §202)

Part 2**Operation in General****§22-201. Application for Approval of Subdivision.**

Should the owner or agent thereof propose to subdivide land within the Borough of Carnegie he shall apply in writing to the Council for approval of such subdivision; the application of the subdivider shall conform to the requirements of this Chapter.

(Ord. 763, 8/2/1962, Art. III, §301)

§22-202. Subdivisions to Conform to Requirements.

No subdivision of any lot, tract or parcel of land shall be effected, no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use, travel, or for the common use of occupants of buildings, or land abutting thereon, except in strict accordance with the provisions of this Chapter.

(Ord. 763, 8/2/1962, Art. III, §302)

Part 3

Procedure

§22-301. Procedure to Be Followed.

In order to discharge the duties imposed upon it by law, the Council adopted the following procedure which shall be observed by all those who, being the owners or agents thereof of lands located within the Borough of Carnegie, propose to subdivide such lands:

A. The subdivider, before presenting his plat map to the County Recorder of Deeds for filing, shall make written application to the Council for approval of any proposed subdivision. A preliminary plat and any other required material shall accompany the written application.

B. Ten copies of the preliminary plat and ten copies of required material shall be submitted to the Borough accompanied by written application for consideration of the subdivision and shall be filed with the Borough Manager not less than 15 days prior to the meeting or meetings at which consideration is requested and a filing in an amount as established, from time to time, by resolution of Borough Council, for each lot in said subdivision. [*Ord. 2384*]

C. The preliminary plat and other material, if any, shall conform to the development standards which are set forth in Part 5 of this Chapter.

D. The preliminary plat and all information relating thereto shall in all respects be in compliance with this Chapter except where variations therefrom may be specifically authorized in writing by the Council. The preliminary plat shall show or be accompanied by the following:

(1) The proposed layout of the entire property, drawn to scale. Scale of the preliminary plat shall not be more than 100 feet to 1 inch.

(2) An arrow indicating the direction of true north.

(3) The location of property lines, buildings, water courses and other existing physical features on or adjacent to the property.

(4) Contours of the entire area to be subdivided. Contours shall be based on U.S. Government Sandy Hook Datum and shall be at 5-foot intervals.

(5) The proposed location and width of streets and the size of lots.

(6) A separate profile of each established and proposed street, road and other way, showing surface elevation on center line and property lines with proposed grades along center line extended the distance of 200 feet beyond the plot.

(7) Location of all street monuments at street intersections, angle points and beginning and ending of all curves.

(8) All curves at intersections shall be in accordance with regulations of the Borough and shall have a radius of not less than 25 feet and larger for sharp corners. At intersections with County and State roads, a minimum radius of 50 feet shall be used.

(9) Roads system shall take into consideration present roads of adjoining tracts already laid out and of adjoining tracts not yet subdivided. No circle, island, cul-de-sac, or circular segment shall be permitted, provided, however, in specific cases where owing to special and topographical conditions, a literal enforcement of the terms of this paragraph will result in an unnecessary hardship, the Council may permit a cul-de-sac which shall not be more than 400 feet long, terminating in a vehicular turn-around with a minimum right-of-way radius of 50 feet and an outer paving radius of 40 feet.

(10) Names of all existing roads shall be continued and there shall be no duplications of names existing elsewhere in the Borough.

(11) Rights-of-way shall have a minimum width of 50 feet and their construction shall otherwise conform to paragraph .H(4) of this Section. The Borough reserves the right in any case to require greater cartway width than the minimum shown herein, if it is deemed necessary for any reason.

(12) Location and size of all existing storm and sanitary sewers; gas and water lines, location and size of all proposed extensions and additional storm and sanitary sewers, gas and water lines.

(13) Location, size, and capacity of all drains, culverts, catch basins and storm inlets.

(14) The location of proposed storm sewers and catch basins.

(15) The method of disposal of the discharge from sanitary and storm sewers proposed to be constructed, and the method of disposal of discharge from sanitary or storm sewers, already existing outside of the boundaries of said plans and which flow over the proposed plan, which disposition must be lawful. In the case of storm sewers it must be clearly shown where and how much discharge is conducted, that is, whether through existing storm sewers, natural water courses, etc., for which rights of way shall be provided.

(16) Any proposed right-of-way of not less than 15 feet wide along natural water courses and where necessary for the Borough to construct and maintain sanitary and storm sewers.

(17) The names of adjoining properties and subdivisions showing the location of streets, etc.

(18) Title under which the proposed subdivision is to be recorded with the name of the subdivider.

E. The property proposed for subdivision shall be viewed in the field by the Borough or their authorized representatives who shall then discuss the preliminary plat with the subdivider or his agent. The Council shall have the right if they deem it desirable to hold a public hearing upon any plan submitted upon such notices they shall deem desirable in each case. After considering how well the preliminary plat meets the requirements of this Chapter, the Council will communicate in writing within 10 days to the subdivider:

(1) Specific changes, if any it will require in the preliminary plat.

(2) The character and extent of the required public improvements for which waivers may have been requested which, in the Council's opinion, may be waived without jeopardy to the public health, safety, morals and general

welfare.

(3) The amount of construction or improvements or the amount of the construction bond or other assurances which it will require, among other conditions in the public interest, as prerequisites to the approval of the plat.

F. Any modifications of the plat required by the Council as prerequisites to approval shall be noted on four copies of the plat. One copy will be returned to the subdivider, two will be retained by the Council, and the fourth will be filed with the Carnegie Borough Planning Commission.

G. After required changes have been made for the preliminary plat, a final plat on linen shall be prepared and submitted together with six blueprint copies thereof. The final plat shall show or be accompanied by all of the matter heretofore required for the preliminary plat together with changes required by the Borough Council.

H. With the final plat submitted for approval shall be submitted a construction plan showing a plan of each street in the following particulars:

(1) Center line profile.

(2) Existing and proposed drainage facilities, sanitary and storm sewers with sizes and type and profiles, location of proposed service connections.

(3) Cross section of proposed street paving, indicating thickness and type of various paving courses with locations or proposed and existing utilities.

(4) The minimum requirements for pavement of streets are as follows: 24 feet in width excluding curbs; 8-inch crushed stone or slag base; 2-inch binder and ¾-inch top; curb as specified. All thickness as specified after compaction by a 10-ton roller. Grading shall include the entire width of the right-of-way.

(5) In the event the developer of a subdivision proposes to provide electric service at the rear of houses or buildings for public street lighting either by poles or underground conduits shall be made. Method and location of such lighting facilities shall be shown on the plan.

(6) Plans shall be drawn to a minimum scale of 50 feet to an inch; profiles of improvements showing grades shall be drawn to a minimum scale of 50 feet horizontal and 10 feet for vertical.

I. Before any variations from the construction plans as submitted are done, a plan showing such changes shall be submitted to the Borough Engineer. Such changes shall be approved in writing by the Borough Engineer prior to the actual construction.

J. After or during construction, a final construction plan shall be submitted to the Borough showing the exact location of all utilities and underground service connections as built.

(*Ord. 763, 8/2/1962, Art. IV, §401; as amended by Ord. 2307, 2/9/2009, §1.F; and by Ord. 2384, 12/10/2012*)

§22-302. Subdivider to Complete Certain Improvements and Facilities or Guarantee Completion Prior to Approval of Plan for Recording.

Before approving any subdivision plan for recording, the subdivider shall complete

the necessary grading, paving and other street improvements including, where specified by the Council, curbs, sidewalks, street lights, fire hydrants, water mains, sanitary sewers and storm sewers in strict accordance with standards and specifications of the Council and in compliance with Part 6, "Required Improvements," and other provisions of this Chapter. In the alternative, the subdivider shall assure the Borough of the completion of the same by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements as estimated by the Borough Engineer or Borough Council that the said improvements will subsequently be installed by the owner.

The above improvements and facilities shall be completed within a specified time as agreed upon by the Council and owner. In the event the owner of the subdivision shall fail to complete the construction and installation of the improvements and facilities as required by this Chapter and the documents submitted hereunder within the said specified time, there shall become due and payable to the Borough as liquidated damages the amount of the said bond with corporate surety as hereinafter provided, and the Borough shall have the right forthwith to recover such sum on said bond if the owner of the subdivision shall have deposited cash or securities in lieu of a bond, the Borough shall have the right to retain the cash so deposited, or shall have the right forthwith to sell such securities and retain the proceeds thereof. The sum recovered by the Borough as aforesaid as liquid damages shall be used by the Borough for the purpose of constructing, installing and completing the said improvements and facilities. In the event that the total cost to the Borough for the construction, installation, and completion of such improvements and facilities, including engineer's and solicitor's fees, shall be less than the amount recovered by the Borough as aforesaid, the Borough shall return such excess to whomsoever shall have paid or deposited the said moneys to or with the Borough upon the completion of such improvements and facilities. If the cost to the Borough of the construction, installation, and completion of such improvements and facilities shall be liquidated damages aforesaid covered by the Borough as liquidated damages aforesaid, the Borough may elect either to construct and install such portion or portions of the improvements and facilities as can be constructed and installed for the sum recovered by the Borough as aforesaid or to revise any plans and specifications for such improvements and facilities in such manner as the Borough shall determine to reduce the cost of such improvements and facilities to the amount recovered by the Borough or to complete such improvements and facilities and charge the additional cost to the subdivider, in which event, said contract shall constitute a petition for and waiver of damages for said improvements and facilities. The Borough shall not be limited as to the time in which said improvements and facilities shall be constructed, installed and completed by it. The Borough shall have the right to have such improvements and facilities constructed and completed in part from time to time as it shall determine. Upon the completion of the construction and installation of said improvements and facilities by the Borough or the completion of any part or parts of such improvements and facilities as elected by the Borough as aforesaid the same shall be accepted by the Borough as public improvements and facilities and be maintained thereafter by the Borough.

(Ord. 763, 8/2/1962, Art. IV, §402)

§22-303. Effect of Approval of Plat.

Approval of the plat shall constitute approval of the subdivision as to the character and intensity of development, the arrangement and dimensions of streets, lots and other plan features; provided, however, that the Council shall not approve any subdivision plan unless all roads shown thereon shall be of sufficient width and proper grade and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of firefighting equipment to buildings, provide a coordinated system of streets conforming to the Borough's official plan of streets; and unless the land whereon the buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from fire or flood or other hazard.

(Ord. 763, 8/2/1962, Art. IV, §403)

§22-304. Plans of Subdivisions Abutting Existing Improved Streets of Sufficient Width.

Plans of subdivision wherein lots abut existing improved streets of sufficient width shall be subject to approval or rejection by the Council, and the decision of the Council shall be final.

(Ord. 763, 8/2/1962, Art. IV, §404)

§22-305. Plans of Subdivisions Abutting Streets of Insufficient Width or Proposed Streets.

Plans of subdivision wherein lots abut existing streets of insufficient width, or streets proposed to be laid out through unimproved land, shall be subject to approval or rejection by the Council. In the event such a plan is disapproved, the reason therefor shall be set forth in writing and given to the applicant. Any party aggrieved by the decision of the Council may appeal to the Court of Quarter Sessions of Allegheny County as provided by law.

(Ord. 763, 8/2/1962, Art. IV, §405)

§22-306. Recording of Approved Plans.

The action of the Borough Council or of the Court on appeal in approving any subdivision plan and an approved duplicate copy of such plan shall within 60 days from the date of approval be recorded by the owner in the Office of the Recorder of Deeds of Allegheny County.

(Ord. 763, 8/2/1962, Art. IV, §406)

§22-307. Approved Plans to be Signed, Attested and Acknowledged.

Original plans of roads and/or subdivisions signed by the owner and approved by the Council shall be signed on behalf of the Borough Engineer and shall be attested by the Borough Secretary. Six copies thereof shall be filed in the office of the Borough Engineer.

Plans shall bear the following acknowledgment and approval:

Commonwealth of Pennsylvania, County of Allegheny ss: On the _____ day of _____ 19 __ , before me, the subscriber, a notary public of the Commonwealth of Pennsylvania, personally appeared _____ to

acknowledge the accompanying plan to be the official plan of roads and/or subdivision situate in the Borough of Carnegie, County of Allegheny, Pennsylvania, and desired that said plans be recorded according to law.

Witness my hand and notarial seal the day and year aforesaid.

Notary Public

Expiration of Commission

Approved by the Borough of Carnegie for recording purposes only this _____ day of _____, 19 ____.

President of Council

ATTEST:

Secretary

Borough Engineer

(Ord. 763, 8/2/1962, Art. IV, §407)

§22-308. Status of Public Improvements.

1. After a subdivision plan has been duly recorded, the streets, parks, and other public improvements shown thereon shall be considered to be a part of the official plan of the Borough.

2. Streets, parks, and other public improvements shown on subdivision plan to be recorded may be offered for dedication to the Borough by formal notification thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the Borough. However, failure to note on the plan that such improvements have not been offered for dedication to the Borough shall be equivalent to an offer for dedication.

3. Every street, park, or other improvement shown on the subdivision plan that is recorded, as provided herein, shall be deemed to be a private street, park, or improvement until such time as the same has been offered for dedication to the Borough and accepted by ordinance or until it has been condemned for use as a public street, park, or other improvement.

(Ord. 763, 8/2/1962, Art. IV, §408)

§22-309. Replatting and Resubdivision.

For any replatting or other resubdivision of the land, the same procedure, rules and regulations shall apply as prescribed herein for an original subdivision.

(Ord. 763, 8/2/1962, Art. IV, §409)

§22-310. Engineering Costs.

All engineering costs billed to the Borough by its Engineer for work associated with, but not limited to, plan reviews relative to new construction, stormwater management and development, and proper slope development shall be reimbursed to the Borough by the property owner/developer. All fees will be billed at the rate which is annually negotiated by and between the Borough and its Engineer.

(*Ord. 763, 8/2/1962; as added by Ord. 2064, 2/12/1996, §1*)

Part 4**Prohibited Acts****§22-401. Prohibited Acts.**

No lot in a subdivision may be sold, no permit to erect, alter, or repair any building upon land in a subdivision may be issued and no building may be erected in a subdivision unless and until the subdivision plan has been approved, and where required, recorded, and until the improvements required by the Council in connection therewith have either been constructed or guaranteed as hereinabove provided. Where, owing to a special condition, a literal enforcement of this provision would result in unnecessary hardship, Council may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

(Ord. 763, 8/2/1962, Art. V, §501)

Part 5**Development Standards****§22-501. Streets.**1. *Street System.*

A. Local residential streets in a new development shall be so laid out as to discourage through traffic; however, provision for the extension and continuation of streets into and from adjoining areas is required.

B. If a portion of the tract is not subdivided, suitable access and street opening for further subdivision shall be provided.

C. Dead-end streets in general shall not exceed 400 feet in length and a turn-around must be provided with a minimum radius of 40 feet to the outside curb and of 50 feet to the legal right-of-way.

2. *Street Alignment.*

A. The minimum radius at the center line for curves on primary thoroughfares shall be 500 feet; for secondary streets, 300 feet; for local residential streets it shall be 150 feet. Proper superelevation shall be provided for curves less than 600 feet in radius of major and secondary thoroughfares.

B. Except for local residential streets, there shall be a tangent of at least 100 feet measured at the center line between reverse curves.

C. Proper sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the center line this shall be 400 feet for major thoroughfares, 200 feet for secondary streets, and 100 feet for residential streets.

D. Proper sight lines shall be maintained at all intersections of streets. Measured along the center line there shall be a clear sight triangle of 75 feet from the point of intersection and this should be indicated on the construction plans. No buildings, present or future, shall be permitted in this area.

3. *Street Grades.*

A. There shall be a general minimum grade at least 1 percent on all streets; maximum grade of 14 percent. Any grade over 14 percent must be approved by the Council.

B. Vertical curves shall be used in changes of grade exceeding 1 percent and shall be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas. Where the grade exceeds 7 percent, such leveling areas shall have a minimum length of 50 feet within which no grade shall exceed a maximum of 4 percent.

4. *Street Widths and Building Line Setbacks.*

A. Minimum street and pavement width and building line setbacks shall be as follows:

(1) *Secondary Street.* Where abutting residential lots are of less than 1 acre each, width of street shall be not less than 50 feet between property lines; width of cartways shall be not less than 24 feet; shoulders shall be not less

than 8 feet adjoining each side of the cartway; building line setbacks shall be not less than 40 feet.

(2) *Primary Street.* Width of street shall be not less than 60 feet between property lines; width of cartways shall be not less than 36 feet; shoulders shall be not less than 8 feet adjoining each side of cartway; building line setback shall be not less than 60 feet.

B. Provisions for additional street width may be required by the Council for:

(1) Public safety and convenience.

(2) Parking in commercial areas of high density residential development.

(3) Widening existing streets where the width does not meet the requirements of the preceding paragraph of this subsection.

5. *Street Intersections.*

A. Multiple intersections involving the junction of more than two streets shall be avoided; where such avoidance is impossible, such intersection shall be designed with extreme care for both vehicular and pedestrian safety.

B. Right-angle intersections shall be used wherever practicable; however, when local residential roads intersect major or secondary thoroughfares, the angle of intersection of the street center line shall not be less than 60 degrees.

C. Street curve intersections shall be rounded by a tangential arc with a minimum radius of 25 feet for local residential streets and 50 feet for intersections including major thoroughfares.

6. *Other Requirements.*

A. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed developer.

B. Reserve strips controlling access or egress are prohibited. When the subdivision joins unsubdivided acreage, new streets shall be provided through to the boundary lines of the development with temporary easements for turn-arounds.

C. Streets that are extensions of or obviously in alignment with existing named streets shall bear the names of the existing streets.

(Ord. 763, 8/2/1962, Art. VI, §601)

§22-502. Blocks and Lots.

1. *Blocks.*

A. In general all blocks in a subdivision shall have a minimum length of at least 500 feet with a maximum length of 1,600 feet.

B. In large blocks with interior parks or playgrounds, in exceptionally long blocks where access to a school or shopping center is necessary, or where cross streets are impracticable or unnecessary, a crosswalk with a minimum right-of-way of 10 feet and a paved walk shall be provided.

2. *Lots.*

A. The minimum lot frontages and areas shall be in conformity with the Borough of Carnegie Zoning Ordinance [Chapter 27].

B. All lots shall abut on a street. In general, side lot lines shall be at right angles or radial to street lines. If after subdividing, there exist remnants of land, they shall be included in the area of proposed or existing lots.

(Ord. 763, 8/2/1962, Art. VI, §602)

§22-503. Utility Easements and Alleys.

1. Easements for drainage and utilities shall be provided as required by the Borough Engineer with the approval of the Council. Easements where provided or required shall have a minimum width of 15 feet.

2. Alleys are prohibited in residential development of detached and semi-detached houses. In commercial or industrial districts without expressly designated loading areas, alleys with a minimum width of 22 feet shall be required. Where such alleys dead-end, they shall be provided with a paved turn-around having a radius of not less than 40 feet or a paved "T" turn-around of sufficient size.

(Ord. 763, 8/2/1962, Art. VI, §603)

Part 6**Required Improvements****§22-601. Completion of Improvements.**

Improvements hereinafter set forth shall be completed or the subdivider shall agree to complete the same as is more particularly set forth in §22-302 of Part 3 of this Chapter.

(*Ord. 763, 8/2/1962, Art. VII, §701*)

§22-602. Street Grading.

All streets shall be graded to:

- A. The grades shown on the street profile and cross-section plan submitted and approved with the final plan.
- B. The full width of the right-of-way.
- C. A slope of one and one-half horizontal to one vertical beyond the right-of-way where a cut or fill is necessary.

(*Ord. 763, 8/2/1962, Art. VII, §702*)

§22-603. Surface Drainage.

All surface drains and drainage facilities, such as gutters, inlets, bridges, and culverts shall be installed and the land graded for adequate drainage as shown on the surface drainage plan submitted and approved with the final plan.

(*Ord. 763, 8/2/1962, Art. VII, §703*)

§22-604. Water Lines and Fire Hydrants.

Where a water service main is presently in existence or where contracts for the installation of a water service main have been let, in any public road to which a proposed subdivision has reasonable access, water service lines and fire hydrants shall be installed. Such water lines shall be of adequate size and quality for water supply and fire hydrant purposes as determined by the Borough Engineer with the approval of the Council. Fire hydrants shall be so located that all suitable area within the subdivision shall be within a radius of 600 feet of one or more fire hydrants. Curb boxes for the connection of house service lines shall be provided for each lot as directed by the Borough Engineer.

(*Ord. 763, 8/2/1962, Art. VII, §704*)

§22-605. Sanitary Sewers.

Sanitary sewer laterals and disposal facilities conforming to the requirements of the Allegheny County Health Department, the Department of Environmental Protection and approved by the Borough Council shall be installed in all subdivisions hereinafter made.

(*Ord. 763, 8/2/1962, Art. VII, §705; as amended by Ord. 973, 4/14/1981; and by Ord.*

2384, 12/10/2012)

§22-606. Monuments.

Permanent reference monuments of precast concrete or durable stone at least 4 inches square at top and 6 inches at bottom and at least 24 inches in depth, with surface edges beveled shall be set at all corners and angle points and boundaries of the original tract to be subdivided and at street intersections, points of curve tangency and such intermediate points as may be required by the Borough Engineer. A bond of \$100 per required monument shall be filed with the Borough prior to approval of the final plat.

(*Ord. 763, 8/2/1962, Art. VII, §706*)

§22-607. Fees.

A fee of 1 percent of the estimated or construction cost payable to the Engineer for review of plans and specifications shall be paid by the owner. This fee is to be paid prior to the approval of the final plan. A fee of 3 percent of the construction cost shall be paid to the Engineer by the owner for inspections of construction operations and the acceptance of such improvements.

(*Ord. 763, 8/2/1962, Art. VII, §707*)

§22-608. Permits.

No construction of any improvements or facilities approved by Council pursuant to this Chapter shall be commenced unless and until a permit authorizing such commencement shall be received from the Borough Secretary. Not less than 3 days prior to the actual commencement of the actual construction of such improvements or facilities, a written notice setting forth the date on which such construction work will begin shall be given to the Borough Secretary.

(*Ord. 763, 8/2/1962, Art. VII, §708*)

§22-609. Requirements for Permits.

The permit authorized under §22-608 hereof shall not be issued by the Borough Secretary until the owner of the subdivision shall have complied with all of the following:

A. All final documents referred to herein shall have been submitted to and approved by Council.

B. The contract referred to herein shall have been executed by both the owner of the subdivision and the Borough.

C. The bond, cash, or securities required shall have been accepted by the Borough.

D. Where applicable, permits from the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, Allegheny County Department of Health, Allegheny County Department of Public Works, United States Army Corps of Engineers, or other bodies having jurisdiction shall have been delivered to the Borough. [*Ord. 2384*]

E. The Borough shall have received at least five prints and a reproducible

tracing of the recorded plan bearing the signature and seal of the Recorder of Deeds.

(*Ord. 763, 8/2/1962, Art. VII, §709; as amended by Ord. 973, 4/14/1981; and by Ord. 2384, 12/10/2012*)

§22-610. Acceptance of Improvements.

Every street, sewer, drainage facility or other improvement shown on a subdivision plan that is recorded as provided herein shall, notwithstanding such recording, be deemed to be a private street, sewer, drainage facility, or other improvement, and the Borough shall have no responsibility with respect thereto until such time as the same shall have been offered for dedication to the Borough and accepted it by ordinance or resolution, or until it shall have been duly condemned by the Borough for public use.

(*Ord. 763, 8/2/1962, Art. VII, §710*)

§22-611. Requirements for Acceptance.

No streets, sewers, drainage facilities, or other improvements required by this Chapter shall be accepted by ordinance or resolution of Council unless prior thereto there shall be submitted to Council:

- A. A deed of dedication therefor in form approved by the Borough Solicitor.
- B. Certificates from the engineer designing and the contractor constructing such improvement acknowledging payment of all engineering, labor material, and equipment costs therefor.
- C. A receipt for all charges and fees required to be paid by the Borough.
- D. A certificate by the Borough Engineer that the improvements offered for acceptance have been constructed in accordance with the documents approved by Council and the provisions of this Chapter.

(*Ord. 763, 8/2/1962, Art. VII, §711*)

§22-612. Certain Acts Unlawful Prior to Preparation and Approval of Plan.

It shall be unlawful for the owner of any land in the Borough of Carnegie to make a subdivision thereof, or to lay out, construct, open or dedicate for public use or travel, or for the common use of the occupants of buildings thereon, any street, sanitary sewers, storm sewers, water main or other facilities in connection therewith unless and until a plan thereof shall have been prepared by a registered professional engineer or registered surveyor and submitted to and approved by the proper Borough officials or body as herein provided.

(*Ord. 763, 8/2/1962, Art. VII, §712*)

§22-613. Sale of Property and Issuance of Building Permit.

From and after the effective date of this Chapter [September 20, 1962] no lot in a subdivision, except lots in plans of lots heretofore recorded in the Recorder's Office of Allegheny County, Pennsylvania, may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision may be issued and no building may be erected in a subdivision, unless and until a plan of such subdivision shall have been approved and properly recorded, and until the improvements required by Council in connection

therewith shall have either been constructed, or guaranteed, as provided in this Chapter.

(Ord. 763, 8/2/1962, Art. VII, §713)

§22-614. Exceptions.

Where owing to special circumstances and conditions, compliance with the provisions of this Chapter would result in unnecessary hardship, Council may make special reasonable exceptions thereto as will not be contrary to the public interest and may permit the sale of a lot, issuance of a building permit, or the erection of a building, subject to such conditions as Council may deem necessary to assure adequate streets and other improvements.

(Ord. 763, 8/2/1962, Art. VII, §714)

Part 7**Penalties and Validity****§22-701. Preventive Remedies.**

1. In addition to other remedies, the Borough 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 Borough 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 this Chapter. 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 had actual or constructive knowledge of the violation.

3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough 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.

(*Ord. 763, 8/2/1962, Art. VIII, §801; as amended by Ord. 973, 4/14/1981; as added by Ord. 2384, 12/10/2012*)

§22-702. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for

the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

4. Magisterial district judges shall have initial jurisdiction in proceedings brought under this Section.

(*Ord. 763*, 8/2/1962, Art. VIII, §801; as amended by *Ord. 973*, 4/14/1981; and by *Ord. 2384*, 12/10/2012)

§22-703. Validity.

Should any Section, subsection or provision of this Chapter be declared by a court of competent jurisdiction to be invalid or unconstitutional such decision shall not affect the validity of this Chapter as a whole or of any part thereof, such ordinance shall be construed as though the invalid or unconstitutional portion thereof had been omitted therefrom, it being the intention of the Council that this Chapter would have been adopted had such invalid or unconstitutional provision been omitted.

(*Ord. 763*, 8/2/1962, Art. IX, §902)