ADAMS TOWNSHIP
BUTLER COUNTY, PENNSYLVANIA

ORDINANCE No. 183

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) TO ESTABLISH A PROCEDURE FOR THE ADOPTION OF ROADS.

BE IT ENACTED by the Township Supervisors of the Township of Adams, in lawful session assembled, and it is hereby **ENACTED** by the authority of the same that:

SECTION I. Article IV of the Adams Township Subdivision and Land Development Ordinance is hereby amended by adding § 164-13 A. through I., and § 167-19.1 A.1. through 5., as follows:

§ 164-13. Road Adoption Procedures.

A. All applicants proposing roads to be adopted by the Township must submit an application, on a form approved by Resolution of the Township from time to time, and the required fees, as set forth in the Fee Resolutions of the Township. Any application submitted after June 15 may require the Applicant to pay winter maintenance fees, as set forth by Resolution of the Board of Supervisors from time to time, for that calendar year.

B. Applications for road adoption may not be submitted unless the plan is 90% built out or with prior approval of the Board of Supervisors.

C. The application shall be on a form approved by the Township Supervisors and any submitted application must contain at least the following items:

1. Legal Road Descriptions;

2. Legal Road Map Exhibits;

3. Road narrative explaining how the road conforms to Township specifications; and

4. Stormwater as-builts with complete as-builts, if required.

D. After a completed application is accepted by the Township, Road Inspections by Township staff/Engineer will be conducted within 30 days of acceptance of the application.

E. The Township Engineer will review the completed application after it is submitted along with the Road Inspection report and will prepare comments identifying any deficiencies with the project, which will be given to the applicant within 30 days of the completion of the inspection.

F. If the applicant fails to complete any items identified as deficient in the Inspection Report or in the Township Engineer letter within 30 days of the date of said letter or report, whichever is later, the application will be revoked and the Applicant must reapply for adoption.

G. Any secondary inspections required will be completed by Township staff/Engineer within 20 days of the date of written request by the applicant, which must include a list showing that all of the items identified as deficient in the Inspection Report or in the Township Engineer letter have been addressed.

H. Maintenance bonds must be submitted for review by the Township Solicitor within 30 days of the letter issued by the Township Engineer. Failure to meet this deadline will result in the application being revoked and the Applicant must reapply for adoption.

I. The responsible party for any roads located in the Township maintained but not adopted by the Township by September 15 of the calendar year will be assessed a winter maintenance fee, as set forth in the Fee Resolution from time to time. Said fees are due and payable by October 15 of the calendar year.

§ 167-19.1 Posting of Amenities Bond and Cash Deposit.

A. As a condition for final approval of a subdivision or a land development plan, the applicant shall submit an amenities bond as defined by this Chapter, in favor of the Township, in an amount equal to 110% of the proposed cost estimate. All private improvements shall be constructed in accordance with the standards set forth in Appendix IV and the municipal construction standards. Until the amenities bond and cash deposit are submitted and the final plat is approved by the Supervisors, there shall be no grading of any type in the subdivision or land development, no construction of private improvements and no structures placed on or within the subdivision or land development. The process for estimating the cost for completion of private improvements shall be as follows:

1. Determination of Cost of Completion. In all subdivisions and land developments where private improvements are required by Adams Township or voluntarily provided by the applicant, an amenities bond and cash deposit shall be required. The estimate of the cost of the completion of the required private improvements shall be prepared by the applicant's Engineer and shall be certified by such Engineer to be a fair and reasonable estimate of such costs.

2. The Municipality, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the municipality are unable to agree upon an estimate, the estimate shall be recalculated and re-certified by another Engineer chosen mutually by the Municipality and the applicant. The estimate certified by the third Engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that the third Engineer is chosen, fees for the services of the said Engineer shall be paid equally by the applicant and Adams Township.

3. Time for Completion of Improvements. If more than one year from the date of posting of the amenities bond and cash deposit is required to complete the necessary improvements, the amount of the amenities bond shall be increased by an additional 10% for a one year period beyond the first anniversary date from posting the amenities bond or to an amount not exceeding 110% of the cost of completing the required private improvements as reestablished on or about the expiration of the preceding one year period by using the above procedure, whichever is the greater amount.

4. Completion by Adams Township. If the private improvements are not completed within two years of the posting of the amenities bond and cash deposit, Adams Township shall use the cash deposit to complete the private improvements. If the cash deposit is not sufficient to complete the private improvements the Municipality of Adams Township shall take the necessary actions to enforce the amenities bond by appropriate legal and equitable remedies provided by the Laws of the Commonwealth of Pennsylvania.

5. Date of Completion. A written and agreed to determination shall be made to establish a reasonable date when the private improvements should be completed after the municipal improvements are completed.

SECTION II. § 167.18 and § 167.19 of the Subdivision and Land Development Ordinance are hereby amended to change all references therein from "Improvement Bond" to "Public Improvement Bond".

SECTION III. Repealer. All provisions of the Adams Township Code and prior Ordinances are repealed to the extent they are in conflict with this Ordinance.

SECTION IV. Enactment. This Ordinance shall become effective five (5) days after enactment.

ATTEST:

Secretary

(SEAL)

ADAMS TOWNSHIP SUPERVISORS:

Chairman

Vice-Chairman

Supervisor

Supervisor

Supervisor