

**SUSQUEHANNA TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA
ORDINANCE NO. 21-03**

**AN ORDINANCE OF THE TOWNSHIP OF SUSQUEHANNA, DAUPHIN, PENNSYLVANIA,
AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE TOWNSHIP OF SUSQUEHANNA
TO CREATE A NEW CHAPTER 28 ENTITLED OFFICIAL MAP; ESTABLISHING AND ADOPTING
AN OFFICIAL MAP OF THE WHOLE TOWNSHIP SUSQUEHANNA PURSUANT TO THE
MUNICIPALITIES PLANNING CODE OF THE COMMONWEALTH OF PENNSYLVANIA;
SEVERABILITY; REPEALER; EFFECTIVE DATE**

WHEREAS, the Township of Susquehanna is a township of the first class of the Commonwealth of Pennsylvania; and

WHEREAS, Article IV of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L.805, No.247 as reenacted and amended), grants municipalities the power to adopt an Official Map for a portion, or all of the Township, insofar as it is based on an adopted comprehensive plan; and

WHEREAS, the Susquehanna Township Board of Commissioners adopted *Sustainable Susquehanna 2030 Comprehensive Plan* on May 9, 2019 as the official comprehensive plan of the Township; and

WHEREAS, the Official Map may include, but is not limited to, existing and proposed public street widenings, narrowings, existing or proposed public parks and open space reservations, and pedestrian ways and easements; and

WHEREAS, the sites shown on the map have been identified for public needs, and are consistent with the *Sustainable Susquehanna 2030 Comprehensive Plan*; and

WHEREAS, the Board of Commissioners of Susquehanna Township has reviewed the official map and desire to adopt same as the Official Map of the Township.

NOW THEREFORE, BE IT ORDAINED AND ENACTED AS FOLLOWS:

(A) General Provisions.

1. Short Title. This Ordinance shall be known and may be cited as the "Susquehanna Township Official Map Ordinance."
2. Authority. This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, the Pennsylvania Municipalities Planning Code, Act of 1968, July 31, P.L. 805, as amended, 53 P.S. §10101 et seq.
3. Purpose. This Ordinance is enacted for the purpose of serving and promoting the public health, safety, convenience and general welfare; to facilitate adequate provision of public streets and facilities; to improve traffic circulation; to provide for the recreational and open space needs of the community; to provide pedestrian ways and easements; to protect and enhance water resources; to provide for flood

control basins, floodways and floodplains, stormwater management areas and drainage easements; and to facilitate the subdivision of land and the use of land and watercourses.

4. Severability. Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of the chapter than the one so declared.

(B) Establishment of Controls.

1. Provisions of the Official Map Ordinance.

- a. The Official Map, as enacted by this Ordinance, and subsequently amended, may identify, but need not be limited to the location of the following:
 - (1) Existing and proposed public streets, well sites, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closings of same;
 - (2) Existing and proposed public parks, playgrounds and open space reservations;
 - (3) Pedestrian ways and easements;
 - (4) Railroad and transit rights-of-way and easements;
 - (5) Flood control basins, floodways and floodplains, stormwater management areas and drainage easements; and
 - (6) Support facilities, easements and other properties held by public bodies undertaking the elements described in §301 of the Pennsylvania Municipalities Planning Code.
- b. At the time of enactment of this Ordinance, all existing surveys designating the exact location of the lines of existing public street rights-of-way, watercourses and public grounds, including surveys prepared by government agencies or incorporated as part of final, recorded, subdivision and land development plans duly approved by the Board of Commissioners shall, by reference, be deemed an attachment to the Official Map for the purpose of so designating the exact location of said existing lines.
- c. The Township, by amending ordinances, may make additions or modifications to the Official Map, or part thereof. For the purpose of initially preserving land on the Official Map, property records, aerial photography, photogrammetric mapping or other methods sufficient for identification, description and publication of the Official Map shall be sufficient. For the acquisition of lands and easements, boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor. The Township may also vacate by ordinance any existing or proposed public street, watercourse or public ground contained in the Official Map, or part thereof.
- d. Unless otherwise specified, all proposed public street rights- of-way and widening of existing public street rights-of-way shall meet the width

requirements specified in the Subdivision and Land Development Ordinance, this Ordinance, for the street classifications designated.

2. Incorporation of the Official Map. The Official Map, including all notations, references and other data shown thereon, is hereby incorporated by reference into this Ordinance as if it were fully described herein.
3. Certification of the Official Map. The Official Map shall be identified by the signatures of the Board of Commissioners, attested by the Township Secretary, under the following words "This is to certify that this is the Official Map of the Township of Susquehanna referred to in Ordinance No. 21-03 of the Township of Susquehanna, Dauphin County, Pennsylvania," together with the date of enactment of this Ordinance. The Official Map shall be kept on file with the Township Manager. Following adoption of this Ordinance and Official Map, or any amendment thereof, a copy of the same, verified by the Township Secretary, shall be submitted to the Recorder of Deeds of Dauphin County and shall be recorded within sixty (60) days of the effective date of this Ordinance or amendment thereof.
4. Changes in Official Map. If, in accordance with the provisions of this Ordinance, changes are made to the location of lines designated existing or proposed public streets, watercourses or public grounds, such changes shall be entered promptly on said Map. All changes, except those resulting from subdivision and land development plans, as specified in Section (D) below, shall be certified by initialing of the Map by the President of the Board of Commissioner, together with the amending ordinance number and date of enactment. Following adoption of the Ordinance and Official Map, or any amendment thereof, a copy of the same, verified by the Township Secretary, shall be submitted to the Recorder of Deeds of Dauphin County and shall be recorded within sixty (60) days of the effective date of the Ordinance or amendment thereof.
5. Relationship with County Official Map. The adoption of an Official Map by the County shall not affect the Susquehanna Township Official Map except that the County Official Map shall govern as to County streets and public grounds of the County in accordance with the Pennsylvania Municipalities Code.
6. Relationship with Adjacent Municipalities. If the Official Map, or amendment thereto, shows any streets or public lands intended to lead into any adjacent municipalities, a copy of said Official Map or amendment shall be forwarded to such adjacent municipality. The comments of the adjacent municipality shall be made to the Board of Commissioners of Susquehanna Township within forty-five (45) days of such forwarding, and the proposed action by the Board of Commissioners shall not be taken until such comments are received; provided, however, if the adjacent municipality fails to provide comments within forty-five (45) days, the Board of Commissioners may proceed without the comments of the adjacent municipality. Upon adoption of the Official Map, or any amendment thereof, in which any street or public lands are intended to lead into an adjacent municipality, a certified copy of the Map and ordinance adopting it shall be forwarded within 30 days after adoption to the adjacent municipality.

(C) Effect of Controls.

1. Construction Within Mapped Streets, Watercourses or Public Grounds. For the purpose of preserving the integrity of the Official Map of the Township, no permit

shall be issued for any building within the lines of any street, watercourse or public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of building or improvements constructed within the lines of any street, any watercourse or public ground after the same shall have been included in the Official Map, and any such building or improvement shall be removed at the expense of the owner. However, when the property of which the reserved location forms a part cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the Board of Commissioners for the grant of a permit to build. Before granting any permit authorized in this section, the Board of Commissioners may submit the application for a special encroachment permit to the Planning Commission and allow the Planning Commission thirty (30) days for review and comment and shall give public notice and hold a public hearing at which all parties in interest shall have an opportunity to be heard. A refusal by the Board of Commissioners to grant the special encroachment permit applied for may be appealed by the applicant to the Zoning Hearing Board in the same manner and within the same time limitation as is provided in Article IX of the Municipalities Planning Code.

- a. The Board of Commissioners may fix the time for which streets, watercourses and public grounds on the Official Map shall be deemed preserved for future taking or acquisition for public use.
 - b. The reservation for public grounds shall lapse and become void one (1) year after an owner of such property has submitted a written notice to the Board of Commissioners announcing his intention to build, subdivide or otherwise develop the land covered by the reservation or has made formal application for an official permit to build a structure for private use, unless the Board of Commissioners shall have acquired such property before the end of the year.
 - c. The adoption of any street, street lines or other public lands pursuant to this Ordinance, as part of the Official Map, shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land, nor shall it obligate the Township to improve or maintain any such street or land. The adoption of proposed watercourses or public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute a taking or acceptance of any land by the Township.
2. Release of Damage Claims or Compensation. The Board of Commissioners may designate any of its agencies to negotiate with the owner of land under the following circumstances:
- a. Whereon reservations are made;
 - b. Whereon releases of claims for damages or compensation for such reservation are required;
 - c. Whereon agreements indemnifying the Board of Commissioners or the Township from claims by others may be required; and
 - d. Any releases or agreements when properly executed by the Board of Commissioners and the owner and recorded, shall be binding upon any

successor in title.

(D) Adoption and Amendment.

1. Procedure.

- a. Prior to the adoption of the Official Map or part thereof, or any amendments to the Official Map, the Board of Commissioners shall refer the proposed Official Map or part thereof, or amendment thereto, with an accompanying ordinance describing the proposed map, to the Planning Commission for review. The Planning Commission shall report its recommendations on said proposed Official Map and accompanying Ordinance, part thereof or amendment thereto, within forty-five (45) days unless an extension of time shall be agreed to by the Board of Commissioners. If, however, the Planning Commission fails to act within forty-five (45) days, the Board of Commissioners may proceed without its recommendations.
- b. The County and adjacent municipalities may offer comments and recommendations during said forty-five-day period in accordance with §408 of the Pennsylvania Municipalities Planning Code. Local authorities, park boards, environmental boards and similar public bodies may also offer comments and recommendations to the Board of Commissioners or Planning Commission if required by same during said forty-five (45) day review period. Before voting on the enactment of the proposed ordinance and Official map, or part thereof or amendment thereto, the Board of Commissioners shall hold a public hearing pursuant to public notice.

2. Amendment by Subdivision Plan. After adoption of the Official Map, or part thereof, all streets, watercourses and public grounds on final, recorded subdivision and land development plans which have been duly approved by the Board of Commissioners shall be deemed amendments to the Official Map. Notwithstanding any other terms of this Ordinance, no public hearing need be held, or notice given if the amendment of the Official Map is the result of the addition of a plan which has been duly approved by the Board of Commissioners.

(E) Violations, Sanctions and Appeals.

1. Notice of Violation.

- a. Whenever any person, partnership or corporation shall have violated the terms of this Ordinance, the Township Manager shall cause a written notice to be served upon the owner, applicant, developer, property manager or other person responsible for the property or the violation, directing him to comply with all the terms of this Ordinance within thirty (30) days; and, further, the Manager shall give notice to the owner, applicant, developer, property manager or other person responsible for the property or the violation that if the violation is not corrected, the Township may correct the same and charge the landowner or other persons responsible and the cost thereof plus penalties, as specified herein, for failure to comply.
- b. Such notice shall be delivered by the United States Postal Service, first class, postage prepaid, or by certified or registered mail; or by personal service; or, if the property is occupied, by posting notice at a conspicuous place upon

the affected property.

2. Sanctions for Failure to Comply.

- a. The failure of any person, partnership or corporation to comply with this Ordinance within the period stated in the notice by the Manager constitutes a violation with possible sanctions which may be as much as \$500 per day of each violation, plus court costs, including reasonable attorney's fees incurred by the Township as a result of prosecution of such violation.
- b. Each and every day of continued violation shall constitute a separate violation.
- c. In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this Ordinance within the time specified by the Manager, the Township may take any actions necessary to correct the violation. The costs for correction of the violation shall be in addition to any penalties for violation for failure to comply.
- d. In addition to the sanctions, costs and penalties provided for by this section, the Township may institute proceedings in courts of equity to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

3. Appeals. Any appeal from a decision or action of the Board of Commissioners or of any office or agency of the Township in matters pertaining to this Ordinance shall be made in the same manner and within the same time limitation as is provided for zoning appeals in Article X of the Pennsylvania Municipalities Planning Code, as amended.

(F) Definitions.

1. Language Interpretations. For the purpose of this Ordinance, certain terms and words used herein shall be interpreted as follows:
 - a. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes singular; words of masculine gender include feminine gender.
 - b. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like, kind and character.
 - c. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similar entity.
 - d. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
 - e. The words "used" or "occupied" include the words "intended, designed, maintained or arranged to be used or occupied. maintained or arranged to

be used or occupied."

2. Definitions. Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage.

BOARD OF COMMISSIONERS – The Board of Commissioners of the Township of Susquehanna, County of Dauphin, Commonwealth of Pennsylvania.

BUILDING – A structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

COMPREHENSIVE PLAN – The official adopted comprehensive plan of Susquehanna Township.

COUNTY – Dauphin County, Commonwealth of Pennsylvania.

CULTURAL RESOURCES – The physical evidence or place of past human activity: site, object, landscape, structure; or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it.

GOVERNING BODY – The Board of Commissioners of the Township of Susquehanna, County of Dauphin, Commonwealth of Pennsylvania.

MUNICIPAL; MUNICIPALITY – The Township of Susquehanna, Dauphin County, Commonwealth of Pennsylvania.

PRIORITY CORRIDOR – An area designated by the Susquehanna Township Comprehensive Plan where multimodal transportation improvements and services are desired.

PUBLIC GROUNDS – Includes:

- a. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- b. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and,
- c. Publicly owned or operated scenic and historic sites.

PUBLIC NOTICE – Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days nor less than seven (7) days from the date of the hearing.

RIGHT-OF-WAY – A corridor of land set aside for use, in whole or in part, by a street or other public purpose.

STREET – A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrian, whether public or private.

TOWNSHIP – The Township of Susquehanna, Dauphin County, Commonwealth of

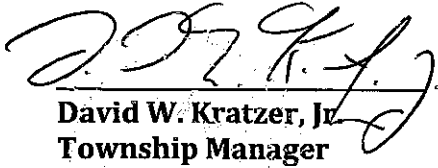
Pennsylvania.

WATERCOURSES – A stream of surface water, including river, stream, creek or run, whether or not intermittent.

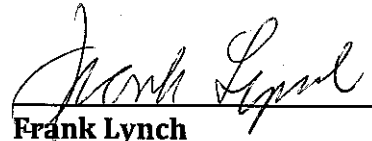
ENACTED AND ORDAINED this 11th day of February 2021.

ATTEST

**SUSQUEHANNA TOWNSHIP BOARD OF
COMMISSIONERS**



David W. Kratzer, Jr.
Township Manager



Frank Lynch
President