

## ARTICLE II

### DEFINITIONS

#### SECTION 200 DEFINITIONS

As used in this Ordinance words in the singular include the plural, and those in the plural include the singular. The word "person" includes corporation, unincorporated association and partnership, as well as an individual. The word "building" includes the meaning of "structure" and shall be construed as if followed by the phrase "or part thereof". The following terms as used in this Ordinance shall have the meanings indicated below unless the context clearly indicates otherwise:

ACCELERATED EROSION - The removal of surface materials by the action of natural elements caused by man's manipulation of the landscape.

AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

ALLEY – Also known as a service drive. A strip of land over which there is a public or private right-of-way intended to provide vehicular access to the side, rear or both, of properties with frontage on a street. An alley or service drive is not intended for general traffic circulation.

ANIMAL EQUIVALENT UNIT (AEU) – One thousand (1,000) pounds live weight of livestock or poultry, regardless of the actual number of individual animals comprising the unit, annualized to take into account the amount of time that the animals are on the operation for a given year.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, personal representatives, successors and assigns.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary or final, 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 plat or plan or for the approval of a development plan.

APPOINTING AUTHORITY - The Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania.

AS-BUILT DRAWING – A plan prepared and certified by a registered engineer or surveyor illustrating the physical location, dimensions and topographic features of improvements

in relation to property boundaries, other features and improvements and the specifications of any approved development plan. As-built drawings shall be prepared at a scale of not less than one inch equals fifty feet.

BEST MANAGEMENT PRACTICE (BMP) – A stormwater management or erosion and sedimentation control structure, facility or technique designed to maintain or improve the water quality of surface runoff and promote groundwater recharge.

BLOCK - An area bounded by streets.

BOARD - The Hamiltonban Township Board of Supervisors.

CARTWAY - The portion of a street intended for vehicular use.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

CONCENTRATED ANIMAL OPERATION (CAO) – An agricultural operation with more than two animal equivalent units per acre of land suitable for manure application and owned or managed by a farmer.

CONSISTENCY – An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

CROSSWALK - A right-of-way for pedestrian travel across or within a block.

CUL-DE-SAC - A residential street with access closed at one end and with a vehicular turn-around at the closed end.

DECISION – A final adjudication of any board or other body granted jurisdiction under this Ordinance or the Pennsylvania Municipalities Planning Code, as amended, to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations; all decision shall be appealable to the Court of Common Pleas of the County and Judicial District wherein the Township lies.

DETENTION STRUCTURE - A vegetated pond, swale, or other structure designed to drain completely after storing runoff only for a given storm event and release it at a predetermined rate. Also known as a dry pond.

DETERMINATION – The final action by an officer, body or agency charged with the administration of the present ordinance or applications thereunder, except the Hamiltonban Township Supervisors, Zoning Hearing Board, and Planning Commission; all determinations shall be appealable only to the Board having jurisdiction for such appeals.

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 or a land development.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT – Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DEVELOPMENT PLAN – The provisions for development, including a Planned Residential Development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “Provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DRAINAGE - The flow of water or liquid waste and the methods of directing such flow.

EARTHMOVING - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavation, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock, or earth.

EASEMENT - A right granted for the use of private land for certain public, quasi-public or private purposes; also the land to which such right pertains.

ENERGY DISSIPATOR - A device used to slow the velocity of storm water, particularly at points of concentrated discharge such as pipe outlets.

ENGINEER, TOWNSHIP - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Hamiltonban Township Board of Supervisors or the Hamiltonban Township Planning Commission.

ENGINEER, REGISTERED - A person registered as a Professional Engineer by the State of Pennsylvania.

EXCAVATION - Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

FINISHED FLOOR – Any part of a dwelling except a totally below ground basement. Buildings which have exposed basements shall include the basement as a finished floor.

FLOODPLAIN – The lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood.

FLOODWAY – The channel of the watercourse and portions of the adjoining floodplain which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by the Federal Emergency Management Agency (FEMA). In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the watercourse a distance of fifty (50) feet from the top of the bank of the watercourse.

FREEBOARD - The difference between the design flow elevation in the emergency spillway and the top of the settled embankment.

FRONTAGE – The linear measurement taken along a property’s common boundary with an adjoining street right-of-way.

GENERAL CONSISTENCY, GENERALLY CONSISTENT – That which exhibits consistency.

GOVERNING BODY - The Hamiltonban Township Board of Supervisors.

GRASSED WATERWAY - A natural or man-made drainageway of parabolic, triangular or trapezoidal cross-section shaped to required dimensions and vegetated for safe disposal of runoff (also known as a swale).

LAND DEVELOPMENT – Any of the following activities:

- a. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - i. 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
  - ii. 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.
- b. A subdivision of land.
- c. Concentrated animal operations.
- d. Earthmoving activities in excess of one (1) acre.

- e. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building, shall not constitute a “land development” as defined, unless otherwise specified herein.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance; provided however, that no person shall be entitled to act in the capacity of a landowner absent without the prior written consent of the legal owner so to act.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. For the purposes of this Ordinance, any property recorded and consolidated under one deed as separate tracts of contiguous lands under the same ownership shall be considered one lot.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has/have been so designed and improved that it/they contain(s) two (2) or more mobile home lots for the placement thereon of mobile homes.

MUNICIPALITY - Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the Pennsylvania General Assembly; more specifically, Hamiltonban Township, Adams County, Pennsylvania.

PLANNING AGENCY - A planning commission, planning department, or a planning committee of the governing body or the County, specifically, the Hamiltonban Township Planning Commission, the Adams County Planning Commission, and/or the Adams County Office of Planning and Development.

PLANTING STRIP – The vegetated portion of a street right-of-way between the pavement or sidewalk and the property line.

PLAT - The map or plan of a subdivision or land development, whether preliminary or final; used occasionally herein synonymously with "plan".

PRESERVATION OR PROTECTION – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PUBLIC GROUNDS - includes:

- i. parks, playgrounds, trails, paths, and other recreational areas and other public areas,
- ii. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- iii. publicly owned or operated scenic and historic areas.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance or the Pennsylvania Municipalities Planning Code, as amended.

PUBLIC MEETING - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act",

PUBLIC SEWER - A sanitary sewer system owned and operated by a municipal agency, or a public company controlled by the Pennsylvania Public Utility Commission, or a Home Owners Association registered to do business in the Commonwealth of Pennsylvania.

PUBLIC WATER - A water system owned and operated by a municipal agency, or a public company controlled by the Pennsylvania Public Utility Commission, or a Home Owners Association registered to do business in the Commonwealth of Pennsylvania.

REPORT – Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the board, body, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESERVE STRIP – A parcel of land in separate ownership separating a street or road from adjacent properties or from another street or road.

RETENTION STRUCTURE - A pond, swale, or other structure containing a permanent pool of water designed to store runoff for a given storm event and released it at a predetermined rate.

RIGHT-OF-WAY - Land set aside for public use as a street, crosswalk, the transmission and conveyance of utility service or other common means of communication and travel.

SEDIMENT BASIN - A temporary dam or other barrier constructed across a waterway or at other suitable locations to intercept the runoff and trap and retain the sediment.

SHOULDER - The portion of the street, contiguous to cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement.

SIGHT DISTANCE - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point ten (10) feet from the edge of cartway, three and one-half (3 1/2) feet high, to a point 3 1/2 feet above the road surface.

SOIL STABILIZATION - Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

STORAGE STRUCTURE - A retention or detention structure.

STORM WATER MANAGEMENT - The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site remained undeveloped.

STREET - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. See Section 804.2 for the classification of streets by function.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDER - A person, partnership, corporation or unincorporated association owning land in the municipality or the agent of said person, partnership, corporation, or unincorporated association, for which owner or agent a land subdivision application is filed and processed under the provisions of this Ordinance.

SUBDIVISION - The division or redivision of a lot, tract, or parcel of land by any means into two (2) 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 or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETED - Where, in the judgment of the engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to the provisions of this Ordinance or other applicable laws) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SWALE - A low-lying stretch of land which gathers or carries surface water runoff.

TOPSOIL - Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the "A" Horizon.

UNDEVELOPED LAND - Any lot, tract, or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

WATERCOURSE - A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water, whether natural or man-made.

WATER SURVEY - An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township.

WETLANDS - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.