

PART 1

AUTHORITY, TITLE, PURPOSE & JURISDICTION

SECTION 101 AUTHORITY

An Ordinance providing for the control of the subdivision of land and land development and requiring the approval of plans, and re-plans of land within the jurisdiction of the Board of Supervisors of the Township of Clay, Lancaster County, Pennsylvania.

Now, therefore, be it ordained by the Board of Supervisors of the Township of Clay, Lancaster County, Pennsylvania, under the Authority of Article V of the "Pennsylvania Municipalities Planning Code", that the following ordinance known as the "Subdivision and Land Development Ordinance of the Township of Clay" is hereby adopted.

SECTION 102 TITLE

This Ordinance shall be known and may be cited as "Subdivision and Land Development Ordinance of the Township of Clay."

SECTION 103 PURPOSE

The purpose of this Ordinance shall be to provide uniform standards to guide the subdivision and resubdivision of land and land development within the Township of Clay in order to promote the public health, safety, and general welfare of the Township. It shall be administered to insure orderly growth and development, the conservation, protection and proper use of land; the proper distribution of population; and to provide adequate provisions for traffic circulation, recreation, light and air, utilities and services.

It is not intended by this Ordinance or any amendment, no subdivision or land development shall be permitted in this Township, nor shall any lot, sewer, water main, or other improvements in connection therewith be laid out, constructed, opened, used or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance and all amendments then in effect, and all applicable Other Provisions.

SECTION 104 JURISDICTION

After the effective date of this Ordinance or any amendment thereto, no subdivision or land development shall be permitted in this Township, nor shall any lot, sewer or water main, easement for access or easement for other purposes, be conveyed or other improvements in connection therewith be laid out, constructed, opened, used or

dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the strict provisions of this Ordinance and all amendments then in effect, and all applicable Other Provisions.

SECTION 105 CHANGES TO RECORDED PLANS

Any replotting or resubdivision of land, or any change in any easement or right of way, including, but not limited to, any change to a recorded plan, or a plan that has been approved without recording, shall be considered a new subdivision/land development and shall comply specifically with the provisions of this Ordinance and all amendments, and applicable Other Provisions then in effect.

SECTION 106 EFFECT OF ORDINANCE CHANGES ON APPROVED PLANS

When an applicant has had an application for approval of a Preliminary or Final Plan approved, the provisions of Section 508 (4) of the Pennsylvania Municipalities Planning Code shall apply as to subsequent changes in the laws, ordinances or other provisions, unless additional rights have been granted to the applicant by the Board of Supervisors, pursuant to the terms and conditions hereof, in which case those additional rights shall apply.

SECTION 107 SCOPE OF ORDINANCE

The scope of this Ordinance shall include all matters over which, by law, the Township is authorized to exercise control by enactment and enforcement of this Subdivision and Land Development Ordinance, including but not limited to:

- A. All improvements within the tract undergoing subdivision and/or land development;
- B. The improvements of adjacent public facilities including streets and drainage facilities which border upon the tract;
- C. The installation or enhancement of off-site improvements including geometrical and structural improvements to existing township roads, traffic control devices, drainage structures and water and sewage facilities needed to adequately serve the subdivision or land development.

SECTION 108 TREATMENT OF AGRICULTURAL BUILDINGS

Pursuant to the Commonwealth's dedication to agriculture contained in Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania, and in implementation of preference for agriculture set forth in Section 105 of the Pennsylvania Municipalities Planning Code, this Ordinance provides preferential treatment to agricultural buildings as set forth herein.

SECTION 109 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

Permits and approvals issued pursuant to this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, ordinance or Other Provisions. If more stringent requirements concerning regulation of the use or structures are contained in any other code, rule, act, ordinance or Other Provisions, the more stringent requirement shall apply.

SECTION 110 WAIVER OF LIABILITY

The making of any administrative decision by the Township or any of its officials or employees shall not constitute a representation, guarantee or warranty of any kind by the Township of the practicability or safety of any proposed structure or use with respect to damage from erosion, sedimentation, storm water runoff, flood, or any other matter, and shall create no liability upon or give rise to any cause of action against the Township and its officials and employees. The Township Board of Supervisors, by enacting this Ordinance, does not waive or limit any immunity granted to the Township and its officials and employees by the Governmental Immunity Act, 42 Pa. C.S. §8541 et seq., and does not assume any liabilities or obligations.