

**DALLAS TOWNSHIP
DALLAS TOWNSHIP BOARD OF SUPERVISORS
ORDINANCE NO. OF 2008**

AN ORDINANCE AMENDING THE DALLAS TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF JULY 3, 2007.

SECTION 1.

Article 2, DEFINITIONS, Section 202, titled, Definition of Terms, is hereby amended to include the following terms and definitions:

COMMUNITY ASSOCIATION - A non-profit organization comprised of homeowners or property owners, the function of which is to maintain and administer property owned in common by member of the association or by the association, to protect and enhance the value of the property owned individually by each of the members. Homeowners' Associations and Condominium Associations are types of Community Associations.

SECTION 2.

Article 2, DEFINITIONS, Section 202, titled, Definition of Terms, the following Definition of Terms are hereby is hereby amended as follows

The term "CONDOMINIUM" which reads as follows:

CONDOMINIUM: A building, or group of buildings, in which the units are owned individually, while the structure, common areas and facilities are owned by all owners on a proportional and individual basis.

IS HEREBY AMENDED TO READ:

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those separate portions, in accordance with the Pennsylvania Uniform Condominium Act 1980-82, as amended.

The term "HOMEOWNERS ASSOCIATION" which reads as follows:

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

IS HEREBY AMENDED TO READ:

HOMEOWNERS ASSOCIATION: A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of

residents through the maintenance of community owned property. This term is synonymous with property owners association.

The term “IMPROVEMENTS” which reads as follows:

IMPROVEMENTS: Man-made physical additions, alterations and/or changes which becomes part of, placed upon, or is affixed to real estate.

IS HEREBY AMENDED TO READ:

IMPROVEMENTS: Man-made physical additions, alterations and/or changes including grading, filling or any earth disturbance activity which becomes part of, placed upon, or is affixed to real estate.

ITEM (E) under the definition of LAND DEVELOPMENT, which reads as follows:

- (E) Any nonresidential use of land, with or without structures excluding agricultural use of land.

IS HEREBY AMENDED TO READ:

- (E) Any use of land, with or without structures, which encompasses 43,560 or more square feet of surface area of land, including grading, backfilling of land, earth moving activities, and/or removal of vegetative cover. Agricultural uses of land and/or related agricultural activities shall be specifically excluded.

SECTION 3.

Article 4, PRELIMINARY PLAN, Section 407, Additional Materials Submitted With Preliminary Plan is hereby amended to include the following subsection which shall read as follows:

407.14 A Community Association Document, also known as a Homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivision and land development applications which propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not deeded to the Lehman Township. The elements of the Community Association Document shall include, but shall not necessarily be limited to the following:

- A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.
- Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.

- A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document which also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
- Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.
- Statements requiring each owner within the subdivision or land development to become a member of the Community Association.
- Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
- Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
- A process of collection and enforcement to obtain funds from owners who fail to comply.
- A process for transition of control of the Community Association from the developer to the unit owners.
- Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
- Provisions for the dissolution of the Community Association, in the event the Association should become unviable.

SECTION 4.

Article 7, Assurances for Completion of Improvements, is hereby amended to change all relevant sections and language which reference or otherwise places the jurisdiction of matters related to financial security from the Planning Commission to the Board of Supervisors. Exhibit A, attached hereto and made a part hereof, is hereby adopted as the amended version of Article 7.

SECTION 5.

Article 5, FINAL PLAN, Section 505 Additional Material - Submitted With Final Plan, Subsection 505.11 which currently reads as follows:

505.11 A financial security, in accordance with Section 704 of this Ordinance, subject to the approval by the Planning Commission, for the installation of required improvements, unless all such improvements are installed and completed to design specifications prior to Final Plan approval.

IS HEREBY AMENDED TO READ:

505.11 A financial security, in accordance with Section 704 of this Ordinance, subject to the approval by the Board of Supervisors, for the installation of required improvements, unless all such improvements are installed and completed to design specifications prior to Final Plan approval.

SECTION 6.

Article 4, PRELIMINARY PLAN, Section 407, Additional Materials Submitted With Preliminary Plan, Subsection 407.6 which reads as follows:

407.6 Any offers of dedication of proposed improvements, signed by the owner of the property and properly notarized. Acceptance, laying out and opening of streets shall be in conformance with 53 P.S. § 67304 et seq. of the Second Class Township Code as heretofore.

IS HEREBY AMENDED TO READ:

407.6 Any offers of dedication of proposed improvements, signed by the owner of the property and properly notarized. Acceptance, laying out and opening of streets shall be in conformance with 53 P.S. § 67304 et seq. of the Second Class Township Code as heretofore.

Any street offered for public dedication shall be maintained by the developer until the dedication is accepted by the Board of Supervisors. Said maintenance shall include but may not be limited general repairs to the pavement, removal of debris from roadways and snow plowing and spreading de-icing material upon the roadways and/or other events which may inhibit safe vehicular travel. A notation incorporating the above requirement shall be included upon the Plan.

SECTION 7. **CONFLICTS WITH OTHER ORDINANCES**

All Ordinances, or any parts thereof, which are in conflict with this Ordinance, to the extent of such conflict, are hereby repealed.

SECTION 8. **SEVERABILITY**

The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of Dallas Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 9. EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its enactment as provided for by law.

APPROVED AND ENACTED BY THE DALLAS TOWNSHIP BOARD OF SUPERVISORS
ON THIS 17TH DAY OF JUNE, 2008.

CHAIRMAN

ATTEST:

TOWNSHIP SECRETARY