

## ARTICLE 9

### IMPROVEMENTS SPECIFICATIONS

#### 900 GENERAL REQUIREMENTS

- 901 All rights-of-way of existing or new streets within the boundaries of a subdivision or land development should be conveyed to the Township free and clear of all liens and encumbrances, with good and marketable title which is insurable by a reputable title company doing business in Pennsylvania. All Township rights-of-way shall be conveyed in "Fee Simple" and all PennDOT rights-of-way in permanent easements.
- 902 Physical improvements to the proposed subdivision or land development tract shall be provided, constructed and installed as shown on the Final Plan and in accordance with the requirements of this ordinance.
- 903 As a condition for the approval of the Final Plan, the developer shall execute an agreement with the Board of Supervisors as to the installation of all improvements shown on the plan and required by this Ordinance. Before the final plan may be endorsed by the Board of Supervisors, the Subdivision Improvements Agreement shall be executed by the developer and the Board of Supervisors.
- 904 All improvements installed by the developer shall be constructed in accordance with the design specifications as may be referenced in Article 9 of this Ordinance or as may be otherwise approved by the Board of Supervisors, subject to the recommendations of the Township Engineer.
- 905 The supervision of the installation of the improvements as required by this ordinance shall be the responsibility of the Township Engineer, except that the installation of those improvements, which are to be dedicated to governmental entities other than the Township, shall be supervised by engineers representing those entities.

#### 910 SPECIFICATION REFERENCES

The following improvements shall be provided, constructed and installed by the developer as shown on the final plan and in accordance with the "Lower Nazareth Township Standards For Improvements Construction," hereinafter to be known as the "Township Standards," adopted and amended from time to time by Resolution of the Board of Supervisors.

- 911 Streets, curbs and sidewalks shall be constructed in accordance with the Township and, where applicable, PennDOT Standards.
- 912 Sanitary sewers and all related appurtenances shall be constructed in accord with the specifications as may be adopted from time to time by the appropriate Authority, which are made part of the Township Standards by reference.

- 913 Water supply and distribution related improvements including fire hydrants, shall be constructed in accord with the specifications as may be adopted from time to time by the Easton Suburban Water Authority or successors, which are made part of the Township Standards by reference.
- 914 Storm water management plan related improvements shall be constructed in accord with the Township Standards.
- 915 Monuments and markers shall be placed in accord with the Township Standards.
- 916 Street lights, where required, shall be installed in accord with the Township Standards.
- 917 Street and traffic signs shall meet all Township and, where applicable, PennDOT standards. Where required, a detailed traffic control plan shall be submitted indicating the location of all necessary traffic control devices. Suitable studies shall be performed to applicable PennDOT Standards and supporting documentation shall be provided to Township for any proposed traffic control device.
- 918 Tree planting and landscaping shall be accomplished in accord with the Township Standards.

## **920 CONTRACTS**

Before the Board of Supervisors shall endorse its approval on the final plan of any subdivision or land development involving improvements as may be required by this ordinance, the developer shall enter into a written agreement with the Board of Supervisors in the manner and form set by the Township Solicitor, where the developer agrees as follows:

- 921 To construct or cause to be constructed at his or her own expense, all streets, curbs, sidewalks, sanitary sewers, water supply and distribution systems, fire hydrants, storm water management facilities, monuments and markers, street lights, street signs, tree planting and landscaping, recreation facilities, and any other improvements shown on the final plan as otherwise approved, and in accordance with the requirements of this ordinance.
- 922 To maintain at his or her own cost, the said streets, curbs, sidewalks, sanitary sewers, water supply and distribution systems, fire hydrants, storm water management facilities, monuments and markers, street signs, tree planting and landscaping, recreation facilities, and any other improvements shown on the final plan until the same are accepted by Resolution of the Township Board of Supervisors and/or public authorities and for a period of eighteen (18) months thereafter and to repair the same as directed by the Board of Supervisors and/or public authority for reason of lack of structural integrity or failure to properly function.
- 923 To pay the Township's inspection, other engineering and legal fees as related to the creation and enforcement of said agreement.
- 924 To obtain any easements or releases from all damages, which may be necessary for the construction of any improvement which traverses lands of persons other than the developer. Said releases shall insure to the benefit of the Township and/or public authority as well as to the developer.

925 Whenever a traffic signal is required for traffic control to a single nonresidential lot or development, the owner of said lot or development will be required to install, operate and maintain the signal(s) in perpetuity, at no cost to the Township. The perpetual operation and maintenance shall include the signal lights, support structures, controllers, pavement markings, payment of electricity costs and other items essential to the traffic signal. All signalization controls shall meet the requirements of all applicable PennDOT Publications and Township Standards within Appendix "F" of this ordinance.

Owner shall provide the Township with an agreement, which states that the owner, his heirs, or assigns will be responsible for the operation and maintenance of the traffic signal(s). Additionally, the owner shall provide an agreement indicating that the traffic signal and appurtenances will be maintained by a company qualified and bonded in the maintenance of traffic signals. All agreements required for private ownership and maintenance of traffic signals shall be recorded in the office for the Recorder of Deeds in and for Northampton County.

### 930 IMPROVEMENTS GUARANTEE PROCEDURE

931 Before the Board of Supervisors approves any Final Plan and as a prerequisite for approval, the developer shall deliver to the Board of Supervisors, public utility, and/or municipal authority, a performance guarantee in the amount of one hundred ten (110) percent of the cost of all improvements required by this ordinance, plus five (5) percent of the cost of all improvements for Engineering/Layout plus five (5) percent of the cost for Inspection, as determined in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code (53PS10509 and following) as amended, and as is in effect at the time of the filing, in a form and with a surety as determined in accordance with the procedures as set forth in the Pennsylvania Municipalities Planning Code as amended, guaranteeing the construction and installation of all such improvements on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements. The terms of the agreement may be extended as provided for in the Pennsylvania Municipalities Planning Code as amended. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased as provided for in the Pennsylvania Municipalities Planning Code as amended. In the event of default under a performance guarantee, the proceeds of the performance guarantee received by the Townships, public utility, or municipal authority shall be used to construct and install the improvements.

932 Before the Board of Supervisors approves any Final Plan, and as a prerequisite for approval, the developer shall deliver to the Board of Supervisors, public utility, and/or municipal authority a maintenance guarantee in an amount of not less than fifteen (15) percent of the actual cost of the installation of all improvements required by this ordinance, guaranteeing acceptance of all such improvements by the Board of Supervisors, public utility, and/or municipal authority.

**940 APPROVAL OF IMPROVEMENTS AND RELEASE OF PERFORMANCE GUARANTEE BY THE TOWNSHIP BOARD OF SUPERVISORS**

- 941 The procedure for inspecting and approving the improvements and for the release of the performance guarantee by the Board of Supervisors shall be in accord with the Pennsylvania Municipalities Planning Code as amended.
- 942 In the event that any improvements, which may be required have not been installed as provided in this ordinance, or in accord with the approved Final Plan, the Board of Supervisors is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.