

ORDINANCE NO. 727

AN ORDINANCE ESTABLISHING DEFINITIONS OF TERMS TO BE APPLIED IN CONJUNCTION WITH REGULATIONS GOVERNING THE DEVELOPMENT OF PENN TOWNSHIP. UNLESS OTHERWISE SPECIFIED, THE DEFINITIONS CONTAINED IN THIS ORDINANCE, AND SUBSEQUENT ORDINANCES REFERRING HERETO, SHALL APPLY TO: (1) THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, (2) AND ZONING ORDINANCE, AND (3) TO OTHER ORDINANCES WHICH FROM TIME TO TIME SHALL BE ADOPTED MAKING SPECIFIC REFERENCE HERETO.

General Interpretation and Application

Unless specified otherwise in the Ordinance or Ordinances affected by it, the definitions included herein shall apply to all regulations governing the development of Penn Township. Included in this category are: Subdivision and Land Development Ordinance, and Zoning Ordinance, and other ordinances from which time to time shall be adopted and which shall make specific reference to this Ordinance. Where individual definitions or parts of definitions apply to a specific regulation only, they shall be so indicated.

A. General Definitions: In this Ordinance when not inconsistent with the context --

1. Words in the present tense imply also the future tense.
2. The singular includes the plural.
3. The male gender includes the female gender.
4. The word "person" includes a partnership or corporation as well as an individual.
5. The term "shall" or "must" is always mandatory.
6. The word "lot" includes the word "plot" or "parcel".
7. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
8. The word "erected" shall be construed to include the words "constructed, altered or moved".
9. The word "building" shall include any structure or part thereof.

B. Specific Words and Phrases: The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate offices and by the Zoning Hearing Board.

Abandoned Vehicle: Those vehicles without registration and/or inspection which have been parked on private and/or public property. For the purpose of this definition, vehicles missing essential driving parts shall be considered "abandoned".

Abutting: Having property or zoning district lines in common.

Access: A way or means of approach to provide vehicular or pedestrian physical entrance and exit to a property.

Access Drive: Provides vehicular and/or pedestrian access from a street or a private road to a lot. Access drives shall be located and constructed so as to provide safe ingress and egress with respect to the lot. If the access drive provides access to a state highway, issuance of an access permit by the Pennsylvania Department of Transportation shall be required prior to the issuance of any permit under this chapter.

Accessory Agricultural Use: An agricultural use or building that specifically supports the agriculture activity on the same farm or lot.

Accessory Building or Use: A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

Accessory Structure: See *Structure, Accessory*.

Act OR "The Act": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (February 4, 1987), 33 U.S.C. 1251, et. seq.

Act 167: Act of October 4, 1978, P.L.864, (Act 167), as amended, and known as the "Stormwater Management Act".

Act 537: The Act of January 24, 1966, PL 1535, as amended, 35 P.S. §750.1 et. Seq., known as the Pennsylvania Sewage Facilities Act.

Active Solar Energy System: A solar energy system that requires external mechanical power to move the collected heat.

Addition: Any construction, which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

Address of Convenience: An accessory use of a residential dwelling for the sole purpose of receiving phone call, mail and keeping business records in connection with any profession or occupation. Address of Convenience does not involve employees outside of the household residents nor any activity at the premises other than communication by mail or electronic means. Merchandise of any sort cannot be physically located at an Address of Convenience premises. For purposes of this ordinance, Merchandise shall have the normal definition of goods that are bought and sold in businesses.

Administrative Cost: The cost incurred by the Township to perform clerical, managerial and maintenance work. The cost includes postage, hourly wages, returned check charges, and other miscellaneous costs that can occur from handling an account out of the normal billing cycle.

Adult Regulated Facility: An establishment open to the general public of the age of eighteen (18) years or older, where more than twenty (20) percent of the occupied area of the facility is used for one or more of the following purposes:

- A. Adult Book Store: Establishment which offers for sale, for rent, for lease, for view on the premises or for loan, pictures, photographs, drawings, sculptures, motion picture film, or similar visual representation of sexual conduct, or sexual excitement, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts of sexual conduct or sexual excitement; or offers for sale devices, equipment, stimulants or other materials for use in sexual conduct or sexual excitement.
- B. Adult Theater: An establishment in which there is offered for view motion picture film, video tape or similar visual representation of sexual conduct or excitement, commonly referred to as "X-Rated" movies, peep shows, or the equivalent thereof.
- C. Cabaret: An establishment, club restaurant, theater, or hall which features topless dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or specified sexual activities for observation by patrons therein.
- D. Adult Massage Parlor or Adult Massage Studio: A commercial establishment whose business emphasis is the administration of sexually oriented massage to patrons by employees.

Adult Retirement Community: A planned development that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation.

Advertising Sign: See *Sign*.

Aerial Map: A map created from a process involving the taking of photographs from the air with predetermined reference points marked on the ground.

Agent: Any person, other than the property owner, who, acting for the property owner submits to the Township a request for the purpose of obtaining approval thereof.

Agribusiness: Activities including the distribution of farm equipment and supplies and the processing, storage and distribution of farm commodities. Agribusiness operations do not include the raising of live animals or the display and retail sale of agricultural products.

Agriculture: The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to; forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Agricultural Activity: Activities associated with agriculture such as, but not limited to, agricultural cultivation, agricultural operations, and animal heavy use areas. This includes the work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

Agricultural Products: The products of field, pasture, meadow and garden, and fruits, melons, berries, nuts and vegetables, livestock, poultry and poultry products, dairy products and all other things commonly known as agricultural products.

Agricultural Purposes: The use of land for farming, dairying, pasturage, agriculture, horticulture, viticulture or animal or poultry husbandry including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time farm worker. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

Agricultural Security Districts: An area established by a resolution of the Board of Commissioners in accordance with the Agricultural Area Security Law (3 P.S. ' ' 901-915).

Airport: A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alley: A thoroughfare other than a side street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alluvial Soil: Soil formed from the deposit of sediment in flowing water.

Alterations: As applied to a building or structure, any change or rearrangement in the total floor area, in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location or position to another.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Altitude: The angular distance from the horizon to the sun (solar energy definition).

Americans With Disabilities Act (ADA): Americans with Disabilities Act of 1990, Public Law 101-336.

Amortization: A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

Animal: Any domestic animal or fowl, any wild animal or any household pet. Any of a kingdom (Animalia) of living beings typically differing from plants with the capacity for spontaneous movement and motion in response to stimulation.

Animal Equivalent Unit (AEU): Defined under the Pennsylvania Nutrient Management Act as 1,000 pounds of live weight of any animal.

Animal Feeding Operation (AFO): Federal regulations define an AFO as a facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not produced or sustained in the normal growing season over any portion of the lot or facility.

Animal Hospital: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian. Boarding of such animals shall be for medical or surgical treatment only.

Animal Husbandry: The care, raising, and keeping of livestock (animals such as cattle, sheep and swine) and poultry with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products. The keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this ordinance shall not be construed as Animal Husbandry.

Animal Waste Storage Facilities: A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, trench silo, earthen bank, stacking area, and aboveground storage.

Annexation: The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

Antenna: Any arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

Antenna Height: The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

Antenna Support Structures: Any structure, mast, pole, tripod, or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

Apartment: A building occupied by three (3) or more dwelling units (see *Dwelling*).

- A. Apartment, Conversion: A multi-family dwelling constructed by converting an existing single family dwelling into apartments for more than one family without substantially altering the exterior of the building.
- B. Apartment House: A building arranged, intended or designed to be occupied by three or more families living independently of each other.
- C. Apartment, Studio: A small apartment consisting of a main room, kitchenette, and a bathroom. The minimum habitable floor area for such an apartment is 400 square feet.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development or approval to engage in any regulated activity at a project site in the Township. Includes his or her personal representatives, successors and assigns.

Application for Development: Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plot or plan, or for the approval of a development plan.

Appointing Authority: The mayor in cities; the board of commissioners in counties; the council of incorporated towns and boroughs; the board of commissioners in townships of the first class; and the board of supervisors in townships of the second class; or as may be designated in the law providing for the form of government.

Approval Authority: The regional administrator of the EPA.

Approximated Flood Plain: Those portions of land subject to inundation by the 100-year flood where a detailed study has not yet been performed, but where a 100-year flood plain boundary has been approximated. Where the specific 100-year flood elevation cannot be determined for this unique area using other sources of data such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development, and/or activity shall determine this elevation in

accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. In addition, information from other Federal, State and other acceptable sources shall be used to determine a flood way area, if possible.

Aquifer: A geologic formation that contains a usable supply of water.

Architectural Control: Regulations governing the appearance or architectural style of buildings or structures.

Area: The total outside surface of anything, as measured in square feet.

- A. Lot Area: The area contained within the property lines of individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way and including the area of any easement.
- B. Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps (gross living area).

Asphalt: A bituminous substance, found in natural beds or obtained as a residue in petroleum refining, used with an aggregate for paving.

At-Grade Intersections: Road intersections built on the ground. (Comment: At-grade (or grade level) differs from below grade or above grade. All use the existing grade, whether finished or natural, as the reference.)

Authorized Representative Of The User:

- 1. If the user is a corporation:
 - (a) A responsible corporate officer at the level of president, vice-president, secretary or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision – making functions for the corporation;
 - (b) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$50 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the user is a partnership or proprietorship: a general partner or proprietor, respectively.
3. If the user is a Federal, State, or local government facility: a director or highest official appointed or designated (or their designee) to oversee the operation and performance of the activities of the facility.

The individuals may designate another authorized representative if:

1. The authorization is made in writing by the individual described above:
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facilities from which the indirect discharge originates, such as the positions of plant or environmental manager, or a position of equivalent responsibility; and
3. The written authorization is submitted to Township.

Automobile: A motor vehicle designed for the conveyance of persons or property requiring a registration under the laws of the Commonwealth of Pennsylvania for operation upon public highways; including a truck, motor home, motorcycle, or travel trailer.

Automobile Body Shop: A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of motor vehicles, provided that all repair and paint work is performed within an enclosed building and all motor vehicle parts, refuse and similar articles are stored within a building or enclosed area. Mechanical repairs may be included as an accessory use.

Automobile Garage, Major: A building on a lot designed and/or used primarily for mechanical repairs, storage, rental, or servicing of automobiles, trucks, and similar motor vehicles.

Automobile Garage, Minor: An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one automobile is leased to a non-occupant of the premises.

Automobile, Mobile Home and/or Recreational Vehicle Sales Garage: A building on a lot designed and used primarily for the display or sale of new and used cars, mobile homes and recreational vehicles where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

Automobile, Mobile Home and/or Recreational Sales Lot: An open lot, used for the outdoor display or sales of new or used automobiles or mobile homes and where minor and incidental repair work (other than body and fender) may be done.

Automobile Repair Garage: A building on a lot used primarily for mechanical repairs, which may or may not include the sale of gasoline or other motor vehicle fuel and accessories, facilities for washing motor vehicles and motor vehicle rentals, but not including motor vehicle sales nor storage of motor vehicles.

Automobile Service Station: An area of land or building(s) on a lot or part thereof, that is used primarily for the retail sale of gasoline, oil or other fuel; lubricating substances; sales of motor vehicle accessories at retail only; and which may include facilities used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing automobiles and other vehicles; includes mechanical repairs but does not include fender and body work, painting or vehicular sales or rental.

Automobile and/or Trailer Sales Garage: A building on a lot designed and used for the display, sale or rental of new and used cars, trucks, campers, tractors, trailers, and snowmobiles where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

Automobile and/or Trailer Sales Lot: An open lot, used for the outdoor display or sales of new or used automobiles or trailers, and where minor and incidental repair work (other than body and fender) may be done.

Automobile Washing (Car Wash): A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for Automobile Service Stations.

Automobile Wrecking: The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. (See *Recycling Yard*).

Average Lot Price: This amount is determined by taking the arithmetic average of all open market residential lot sales in Penn Township for the previous year. Open market sales shall not include multiple property/single consideration, nominal consideration, family member forced sale or partial interest sales as defined by the York County Assessor's Office. This figure will be calculated on annual basis and established by the Board of Commissioners.

Awning: A structure, other than a canopy, made of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building.

Azimuth: The angular distance between true south and the point on the horizon directly below the sun (solar energy definition). Also referred to as "bearing".

Baffle: A freestanding randomly located structure, fence-like in nature and materials of construction, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one segment of one property from

another for the primary purpose of assuring privacy; a baffle or screen of this nature may be utilized for the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.

Banner: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Barrier Curb: A steep-faced curb intended to prevent encroachments. See *Curb*.

Baseline Monitoring Report: A report required in 40 CFR 403.12 to be submitted by all industrial users and waste generators subject to Categorical Pretreatment Standards.

Basement: Any area of the building having its floor below ground level on sides. Also referred to as a cellar.

Beer Distributorship: A business licensed and regulated by the state, which offers beer/malt beverages for sale for off-premises consumption.

Bed and Breakfast Inn: An owner-occupied single-family residence containing not more than three (3) guest rooms which are used by not more than seven (7) guests rented on a daily basis for periods not exceeding one week.

Berm: A mound of soil, either natural or manmade, used to obstruct views.

Best Management Practices (BMP Sewer Use): The schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsection 403.5 (a) (1) and (b) of Ordinance 683. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Best Management Practice (BMP Stormwater): Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of Penn Township Storm Water Management Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: “structural” or “nonstructural.” In the Stormwater Management Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

Bikeway: A pathway, often paved and separated from streets and sidewalks, designed to be used by cyclists.

Billboard: See *Sign, Off-Premises*.

Billing Cycle: A billing cycle is considered to run in quarterly increments of every three (3) months during the quarter the following is performed: meter readings entered, bills calculated and proofed, bill printed, bills mailed, receive payment, record and credit payment. Delinquents, final and new accounts are not part of this cycle.

Biochemical Oxygen Demand (BOD5): The quantity of oxygen consumed in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at 20° C, expressed in terms of concentration (mg/L) and/or loading (lbs/d).

Bioretention Strips: A water quality practice that utilizes landscaping and soils to treat urban stormwater runoff by collecting it in shallow depressions before filtering it through a fabricated planting soil media.

Biosolids: The solid, semi-solid or liquid residue generated from the collection and treatment of municipal wastewater by a POTW. Sometimes referred to as sewage sludge.

Block: A tract of land bounded on one side by a street and on the other sides (normally three) by streets, railroad rights-of-way, waterways, unsubdivided areas and other definite barriers.

Blow-Off: An outlet in a pipe through which water or sediment can be discharged.

BMP Manual: Pennsylvania Stormwater Best Management Practices Manual, as amended and updated.

Board Of Commissioners (BOARD): The elected and appointed members of the Board of Commissioners of Penn Township, York County, PA as now or hereafter constituted, and its duly authorized agents or representatives.

Borrow Pit: Any place or premises where dirt, soil, sand, and gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

Borough: The Borough of Hanover, York County, PA including the Water Department, with administrative offices at 44 Frederick Street, Hanover, Pennsylvania.

Buffer Area: A strip of land that is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

Buffer Yard: An open area whose dimensions normally exceed the normal building setback or yard requirement used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

Building: Any structure on a lot, having a roof supported by columns or walls and designed and/or intended for the shelter, housing or enclosure of persons, animals or chattels and including covered porches or bay windows and chimneys.

Building Drain: The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, extending five feet (5') beyond the inner face of the building wall.

Building Permit: Formal and legal permission to start a construction project. The issuance of a building permit indicates that plans for a new structure, addition, renovation, foundation, plumbing, air conditioning or heating system, fireplace, prefabricated structure, temporary building or mobile home have been approved by local government officials and that the plans comply with mandated building codes.

Buildout: A theoretical future point when the entire municipality's remaining buildable land is fully developed.

Building, Accessory: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Building, Detached: A building surrounded by open space on the same lot.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building Height: The vertical distance measured from the average finished grade level to the highest point of the roof; but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections.

Building Line: A line parallel to the front, side, or rear lot line set so as to provide the required yard.

Building, Main: A building in which is conducted the principal use of the lot on which it is located.

Building, Nonconforming: A building so located on a lot that it does not have the minimum front, or side, or rear yards, required for the District Zone in which it is located.

Building, Principal: A structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure, and support of

individuals, animals, or property of any kind; main structure on a given lot; a building in which is conducted the principal use of the lot on which it is situated.

Building Setback Line (Setback): The line within a property defining the required minimum distance between any enclosed structure and the ultimate adjacent right-of-way, and the line defining side and rear yards, where required. (Figure 1)

Building Sewer: The part of the service connection from the building drain to the service lateral.

Bulk Storage Facility: A site that has one or more storage tank systems.

Bus and Truck Terminal: A freight trucking or passenger station that is central to an area and serves as a junction at any point with other lines. While a bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight, they can also include dispatch of vehicles or maintenance services.

Business and Office Equipment Sales and Service: Any retail establishment that is engaged in the sale and/or service of business and office equipment - i.e. desks, typewriters, filing cabinets, etc.

Business Services: Those activities limited to the service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting and assembly of signs; printing, copy and photostating services; arts, crafts, drafting, and stationary supplies; food catering; interior decorating; taxidermy; upholstery; and laundry and dry-cleaning plants. Uses which shall not be interpreted to be business service establishments are retail shops and stores; gasoline and motor vehicle stations; vehicular sales, service and repair; mortuaries; crematoriums; warehouses and distribution facilities; and contractor's offices.

Bypass: The intentional diversion of waste streams from any portion of an industrial user's treatment facility.

Café: See *Tavern*.

Calculated Median Sustained Yield: The median amount of water, in gallons per minute, that can be obtained continuously from a well for 24 hours.

Calculated Sustained Yield: The amount of water, in gallons per minute, which can be obtained continuously from a well for 24 hours.

Calculations: The studied care in analyzing or planning.

Caliper: The diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

Camp: Any one or more of the following, other than a hospital, place of detention, school offering general instructions or a mobile home park:

- A. Type 1 - Any area of land or water of a design or character used for seasonal, recreational or similar temporary living purposes which may include any building or group of buildings or a movable, temporary or seasonal nature, such as cabins, tents, or shelters.
- B. Type 2 - Any land and buildings thereon, used for any assembly of persons for which is commonly known as "day camp" purposes, whether or not conducted for profit or whether occupied by adults or children, either as individuals, families, or groups.
- C. Type 3 - Migrant Labor Camp: One or more buildings or structures, tents, trailers, or vehicles, together with the land pertaining thereto established, operated or used as living quarters for seasonal or temporary workers engaged in agricultural activities, food processing or construction work.

Camper Unit: A tent or camping vehicle that can be temporarily located on a campsite for transient dwelling purposes.

Campground: A parcel of land used by campers for seasonal, recreational or other similar temporary living purposes, in buildings of a movable, temporary or seasonal nature, such as cabins, tents, recreational vehicles or shelters, but not including a mobile home camp, court or park.

Campsite: A plot of ground within a campground intended for occupation by a camper unit.

Canopy: A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

Canopy, Service Station: A structure made of metal, aluminum, or other material intended to be free standing or affixed to a building that serves as an overhang intended to shield persons from the elements while using the service station.

Cantilever: A projecting beam or member supported at only one end.

Capital Improvements Program: A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capped System: A completed system supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

Carport: An accessory building or part of the main structure not totally enclosed and primarily designed or used for parking automobiles.

Cartway: The portion of a street right-of-way that is paved, improved, designated or intended for vehicular traffic.

Categorical User: An industrial user subject to the National Categorical Pretreatment Standards.

Cellar: See *Basement*

Cemetery: A parcel of land used as a burial ground for human or animal remains.

Certificate of Use and Occupancy: The certificate issued by a duly authorized Township Zoning Officer, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

Change of Use and Occupancy: A statement or permit signed by a duly authorized Township Zoning Officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

Channel: The bed and banks of a natural stream that convey the constant or intermittent flow of the stream.

Chemical Oxygen Demand (COD): The measure of oxygen equivalent to that portion of the organic and inorganic matter in a sample that is susceptible to oxidation by a strong chemical oxidant such as, but not limited to potassium dichromate.

Child Care Center: A State licensed and/or registered facility in which care is provided or is intended to be provided for seven (7) or more children of any age at any time.

Chimney: A primarily vertical enclosure containing one or more passageways for conveying flue gases to the outside atmosphere. Also includes, the flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber, as described in Ordinance No. 711.

Chlorine Demand: The quantity of chlorine applied to a sample under laboratory procedure to achieve a chlorine residual of five-tenths (.05) mg/L after a contact time of thirty (30) minutes.

Church Day Care Center: A use that is carried on within the principle structure of the church facility for the purpose of day care, pre-school or kindergarten instruction.

Church: See *House of Worship*.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. (Figure 2)

Clinic: A medical establishment associated with a hospital, medical school, or run by several specialists where medical personnel work together cooperatively dealing chiefly with outpatients.

Club, Clubhouse, or Lodge, Private: A building, structure, or part thereof, used to house an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership or fund raising of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. This does not include "night clubs". The private "clubs" or "lodges" as defined shall not be an adjunct to, operated by or in connection with a tavern, café or other public place.

Code Enforcement Officer (CEO): An authorized agent of the Township to administer and enforce Township Ordinances.

Code Official (also referred to as "Inspector"): The code official is an individual:

- a) authorized to administer and enforce the provisions of the Uniform Construction Code (UCC);
- b) authorized to administer and enforce the other code(s) for which he or she is duly certified by the Township.

Collector: The person, public employee or private agency designated by Penn Township to collect and administer all pertinent taxes imposed.

Colleges or Universities: See *School, College*.

Commercial User, Establishment, Or Account: Any improved property used wholly or in part for the sale and distribution of any product, commodity, article or service.

Commercial Vehicle: A motor vehicle with a gross vehicle weight (GVW) exceeding 8,500 pounds that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).

Commission: See *Planning Agency*

Commission Staff: See *Planning Agency, Staff*

Commissioners: See *Board of Commissioners.*

Common Area: That area in a subdivision including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents. If owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.

Common Elements: Means and includes:

- A. The land on which a building is located and portions of the building that are not included in a unit;
- B. The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of a building;
- C. The yards, parking area and driveways;
- D. Portions of land and building used exclusively for the management, operation or maintenance of the common elements;
- E. Installations of all central services and utilities;
- F. All other elements of a building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
- G. Such other facilities as are designated as common elements.

Common Facilities: When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, storm water management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as approved in the development plan that are appropriate to recreational and other open-space uses of the land, and shall not include playground, athletic field or other open space areas of any schools or churches to be included within the proposed development.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including, without limitation omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

Communication Facilities (non-publicly regulated): Including telephone or telegraph exchanges, communications antenna that are not regulated by the Pennsylvania Utilities Commission (PUC).

Communication Facilities (publicly regulated): Including telephone or telegraph exchanges, communications antenna that are regulated by the Pennsylvania Utilities Commission (PUC).

Communications Tower: A structure other than a building such as a monopole, self supporting or guyed tower, designed and used to support a communications antenna.

Communications Transmitting and Receiving Facility: A communications tower or other facility that transmits or receives a radio, television, or other communication signal.

Community Sewage System: Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two (2) or more lots, and the treatment and/or disposal of the sewage or industrial waste on one (1) or more of the lots or at any other site and which shall comply with all applicable regulations of the PA Department of Environmental Protection.

Community Water Supply System: A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC), or the Township, whichever is more stringent.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Composite Sample: The sample resulting from the combination of individual wastewater samples collected at selected intervals based on an increment of either time or flow that reasonably represent the discharge conditions at the time of collection.

Comprehensive Plan: The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as

amended and reenacted, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of the Township of Penn, as amended from time to time.

Composting: The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

Concept Plan: A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Concentrated Animal Feeding Operation (CAFO): An Animal Feeding Operation (AFO) *of any size* that discharges pollutants (e.g., manure, wastewater) into any ditch, stream, or other water conveyance system, whether natural or manmade. These operations are defined as point sources under the Clean Water Act (CWA). The CWA prohibits discharges of pollutants from point sources, including CAFO's to surface water, unless in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. AFO's that meet the regulatory definition of a CAFO may be regulated under the NPDES permitting program, which shall define Large, Medium and Small CAFO's

Concentrated Animal Operation (CAO): Defined under the Pennsylvania Nutrient Management Act as any animal operation with more than 2,000 pounds of live weight per acre (2 AEU per ac) of land available to spread manure.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.

Confined Livestock Operations: See *Concentrated Animal Feeding Operation*.

Connection Fee: The fee collected by the Township to cover the cost of the installation of the service connection from the sewer main to the property line or curb stop of the property, or the fee collected to inspect the construction.

Conservation Areas: Undeveloped and undisturbed areas, set aside for the preservation and/or continuation of the natural environment, to promote recreational use and retention of open space and undeveloped floodplain areas and to provide areas of wildlife habitat.

Conservation District (YCCD): The York County Conservation District, which District is as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Contractor's Office or Shop: Offices and shops for tradesmen, such as building, cement, electrical, masonry, painting and roofing contractors.

Contractor's Yard: A tract of land where a "dealer" stores new and/or used material, machinery, equipment and other supplies for use by builders, developers, erectors, excavators, and other artisans. Such material, machinery, equipment and other supplies may be made available by wholesale or retail purposes or rental programs.

Control Authority: Penn Township, York County, PA.

Convalescent Home: A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use. Accommodations are provided for the full-time care of aged, disabled, infirm or invalid persons. The term "nursing home" may be used interchangeably with the term "convalescent home" and shall have the meaning set forth in this section.

Convenience Store With Gas Dispensing: A retail store which primarily offers food and related items but which may also dispense fuel.

Convenience Store Without Gas Dispensing: A retail store that offers food and related items but does not dispense fuel.

Conventional Energy System: Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy-distribution components, which uses source(s) of energy other than solar energy. These sources include, but are not limited to, gas, oil, coal, and nuclear materials but exclude windmills.

Conversion Apartment: See *Apartment, Conversion*.

Cooling Water: The water discharged from water cooling systems, such as air conditioners, product cooling or refrigeration, which carries off excess heat.

Cooperative: Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

Corner Lot: See *Lot, Corner*

Corporation Stop: Also known as a corporation cock. A valve, which is placed in a building's water or gas service pipe near its junction with the public water or gas main.

County: County of York, Pennsylvania.

Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such buildings.

Court, Inner: A court that does not extend to a street, alley, yard, or outer court.

Court, Outer: A court that extends to a street, alley, yard, or other outer court.

Coverage: That portion or percentage of the plot or lot covered by the building area.

Crematorium: An establishment containing a furnace used to reduce the deceased to ashes by burning.

Crop Farming: The raising, keeping, and sale of field, truck, and tree crops.

Crosswalk: A right-of-way, municipally or privately owned, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

Cul-de-Sac: A local street with only one outlet and having the other end for the reversal of traffic movement. (Figure 4)

Cultural Facilities: Includes art galleries, auditoriums, libraries, museums, community centers, adult education centers or other similar facilities open to the public or connected with a permitted educational, philanthropic or religious use.

Culvert: A structure designed to convey a watercourse not incorporated in a closed drainage system under a road or pedestrian walk.

Curb: The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

Curb Level: The officially established grade of the curb in front of the mid-point of the lot.

Curb Line: The outside edge of the cartway.

Customer Facilities Fee: The fee collected by the Township to cover the installation costs of building sewer or to inspect the construction.

Cut: An excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also refers to the material removed in excavation.

Daily Average: The result of a 24-hour composite sample.

Dairy: An establishment for the processing of dairy products not produced on-site.

Dam: An impoundment structure regulated by the Pennsylvania DEP Chapter 105. regulations.

Dawn: See *Sunrise*.

Day Care Center: See *School, Nursery*.

DCED: The Department of Community Economic Development of the Commonwealth of Pennsylvania.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance of this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

Deck: An above ground platform that is not covered by a roof or permanent awning and is designed, intended or used for outdoor living purposes as an accessory use to a structure.

Dedication: An act transmitting property or interest thereto.

Dedication, Fee In Lieu Of: Payments of cash, which are authorized in subdivision regulations when requirements for mandatory dedication of land cannot be met because of physical conditions of the site or other reasons.

Density: The total number of dwelling units per gross area of the proposed development.

Density Zoning: A device for averaging residential density over an entire parcel and placing no restrictions on lot sizes or on dwelling types.

Department (DEP, PADEP): The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

Department (PADOT, PennDot): The Pennsylvania Department of Transportation or any successor agency.

Design Flood: The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the flood way, the flood hazard area, and the water surface elevations.

Design Standards: Standards that set forth specific improvement requirements.

Designated Growth Area: A region within a municipality described in a municipal or multi-municipal plan that preferably includes and surrounds a city, borough or village and within which residential and mixed use development is permitted or institutional uses are permitted or planned for and public infrastructure services are provided or planned.

Design Storm: The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence, e.g., a 5-year storm, and duration, e.g., 24 hours, used in the design and evaluation of stormwater management systems. Also see Return Period.

Detention Basin: A structure designed to retard stormwater runoff by temporarily storing and releasing the runoff at a predetermined rate.

Detention Volume: The volume of runoff that is captured and released into the waters of the Commonwealth of Pennsylvania at a controlled rate.

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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 land development or submits a development plan. Also includes any person, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity.

Development: any man made change to improved or unimproved real estate including but not limited to the construction, reconstruction, renovation, repair, expansion, or alternation of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Development Costs Factor: This figure is a percentage of the total average lot price that development actually costs on a per lot basis. The figure would include the costs for streets, sidewalks, curbing, utilities, etc. This value, expressed as a percentage in the fee in lieu of land dedication formula is to be established by the Township.

Development Impact Fees: A fee or tax imposed on developers to pay for the costs to the community of providing services to a new development.

Development Plan: The provisions for development of land under the provisions of this Ordinance, including 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" shall mean both the written and graphic materials referred to in this definition.

Development Regulation: Zoning, subdivision, site plan, official map, flood plain regulation, or other governmental regulation of the use and development of land.

Development Rights: A broad range of less-than-fee-simple ownership interests, mainly referring to easements. Thus, the owner can retain complete or absolute (fee simple) rights to his land and sell the development rights to another.

Development Site (Site): See Project Site.

Discharge: An addition of any pollutant to surface waters from a point source, including surface runoff and storm water, which is collected or channelized and discharges through pipes or other conveyances that do not lead to a treatment works (Source: 25 PA Code, Chapter 92.1).

Disconnected Impervious Area (DIA): An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration as specified in the Penn Township Stormwater Management Ordinance, as amended.

Discretion: The exercise of judgment on the part of local officials in deciding whether to approve or disapprove a developer's application for permit.

Distance Between Buildings: The required distance between facings or building walls measured at the narrowest point.

District Zone: A district includes all buildings, lots and surface areas within certain designated boundaries as indicated on the Zoning Map.

Disturbance of Vegetative Cover: Removal, destruction or damaging of plants including trees, shrubs herbaceous growth, by methods including but not limited to cutting, bulldozing, plowing, regrading, digging, or intensive use of herbicides (in which selective species are intended to be eradicated or which the intent is to defoliate).

Disturbed Area: An unstabilized land area where an earth disturbance activity is occurring or has occurred.

Divided Street: A Street having an island or other barrier separating moving lanes.

Domesticated Animal: A relatively docile animal kept by humans for work or food or as a pet, especially one of a breed notably different from the wild form.

Dog Kennel: The keeping of four (4) or more dogs that are more than six (6) months old.

Domiciliary Care Unit: An existing building or structure designed for a dwelling unit for one family which provides 24-hour supervised living arrangements by the family residing therein for

not more than three (3) unrelated persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or who are aged persons.

Dormitory: A building used as group living quarters for a student body, religious order, or other group as an associated use to a college, university, boarding school, or orphanage, convent, monastery, farm labor camp, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

Downzoning: A change in the zoning classification of land to a classification permitting development that is less intensive or dense, such as from multi-family to single-family or from commercial or industrial to residential.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage Facility: Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any land development or contiguous land areas.

Drive-In Establishment: Any commercial business, including an eating establishment, offering refreshments, entertainment, or services to patrons who purchase and/or consume such refreshments, entertainment or services on the premises and/or outside of the building, including patrons who may be served in their automobiles.

Drive-In Facilities for Permitted Uses: Accessory to the permitted use to provide additional services for public use.

Drive-In Stand: A building no larger than four hundred (400) square feet for the sale of farm, nursery or greenhouse products produced on the premises where offered for sale, not to be located closer than fifty (50) feet to any intersection nor within ten (10) feet of any right-of-way.

Driveway: A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property. (Figure 1)

Driveway/Access Road: A cartway or traveled path, improved or unimproved, by means of which ingress and egress to and from private property is gained and which intersects with a township, state or county right-of-way.

Drop Manhole: A manhole provided for inspection and maintenance of sewers where an incoming sewer is considerably higher than the outgoing.

Drop Pipe: A vertical pipe used to convey sewage from a higher to a lower elevation.

Dry Lines: See *Capped System*.

Drug Store: A retail store where medicines, prescriptions and miscellaneous articles such as food, cosmetics, and film are sold.

Dusk: The state or period of partial darkness between day and night.

Duty to Apply: Operations that meet the definition of a CAFO have a duty to apply, meaning it is the operator 's responsibility to obtain, complete, and file paperwork with the Department.

Dwelling: A building or structure designed for living quarters for one (1) or more families, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

Dwelling Group: A group of two or more one-family, or multiple dwelling structures occupying a lot under one ownership and having any yard in common.

Dwelling, Industrialized Housing: Any structure designed primarily for residential occupancy, except a manufactured home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage, or destruction.

Dwelling, Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Dwelling, Multi-Family: A building designed, occupied or used by three (3) or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; includes apartment houses. (Figure 3)

Dwelling, Multiplex: A multiplex is a single-family or multi-family attached dwelling. In general, all units have independent outside access and may be arranged in a variety of configurations. No more than four (4) units shall be attached in any group.

Dwelling, Single Family, Attached (Row): A dwelling designed, occupied or used by one family, having two (2) party walls in common with other buildings and no side yards, commonly called row houses or townhouses.

Dwelling, Single Family, Detached: A freestanding building containing one (1) dwelling unit used by one (1) family, having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and one (1) side and rear yards. (Figure 3)

Dwelling, Single Family, Semi-Detached: One building arranged or designed for dwelling purposes where two dwelling units exist, separate from each other by a party wall and having two (2) side yards.

Dwelling, Townhouse: A dwelling, the walls on two sides of which are in common with the walls of adjoining dwellings and are party or lot line walls and consisting of more than two (2) dwellings. (Figure 3)

Dwelling, Two-Family Conversion: A two-family residence resulting from the conversion of a single building containing at least two thousand (2000) square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

Dwelling, Two-Family, Detached (Duplex): A building used by two (2) families, with one (1) dwelling. (Figure 3)

Dwelling, Two-Family, Semi-Detached: A building used by four (4) families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building. (Figure 3)

Dwelling Unit: One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities and toilet and bathroom facilities and arranged for occupancy by not more than one (1) family.

E & S Manual: Erosion and Sediment Pollution Control Manual, as amended and updated.

Earned Income: Compensation as this term is defined in Section 13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, subsection 13, as amended, 53 P.S subsection 6913, as amended.

Earth Disturbance Activity: A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

Easement, Utility: A right-of-way granted for the limited use of land for public, quasi-public or private purposes.

Edge of Roof: The lowest portion, on a pitched roof, of the fascia board covering the roof rafters, or if no fascia board exists, the lowest point of the roof rafters. On a flat roof, the top of the parapet wall or three feet above the roof deck, whichever is less.

Effluent Limitations Guidelines (ELG's): Technology-based requirements for the production and land application areas that apply nationwide to operations defined as large CAFO's.

Electric Substation: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.

Emergency Medical Treatment Facility: Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing emergency health service to people on an out-patient basis.

Emergency State III: The condition exists when raw water capacity decreases to a level requiring water rationing. Stage III is preceded by Stage I, voluntary water conservation and Stage II, mandatory water conservation.

Eminent Domain: The legal right of government to acquire or "take" private property for public use or public purpose upon paying just compensation to the owner.

Employer: An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self employed person.

Energy Storage Facility: Equipment consisting of containers, heat exchanges, piping and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

Engineer: See *Professional Engineer*.

Engineering Land Surveys: Surveys for: (1) the development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading but not requiring independent engineering judgment: Provided, however, that tract perimeter surveys shall be functions of the Professional Land Surveyor; (2) the determination of the configuration or contour of the earth's surface, or the position of fixed object thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods; (3) geodetic or cadastral survey, underground survey and hydrographic survey; (4) sedimentation and erosion control surveys; (5) the determination of the quantities of materials; (6) tests for water percolation in soils; and (7) the preparation of plans and specifications and estimates of proposed work as described in this subsection.

Engineer, Registered: See *Professional Engineer*.

Engineer, Township: A *Professional Engineer*, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township of Penn.

Engineering Specifications: The Engineering Specifications of the municipality regulating the installation of any required improvement for any facility installed by any owner, subject to public use.

Environmental Constraints: Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Environmental Impact Assessment: An assessment of the impact of a use on the (1) natural environment, i.e., geology, topography, soils, hydrology, vegetation, wildlife, wetlands, and air quality; and (2) the cultural environment, i.e. lot use, utilities, traffic, population, economics, services, historic assets, and general character of the neighborhood. The assessment of traffic impact must include a complete traffic analysis prepared and sealed by a professional traffic engineer identifying the impact of the proposed development on existing traffic and circulation patterns and proposing solutions to problems that may arise as a consequence of the proposed development.

Environmental Protection Agency (EPA): The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for any Administrator or other duly authorized official of said agency.

Environmentally Sensitive Area: An area with one or more of the following environmental characteristics:

1. Severe slope.
2. Floodplain area.
3. Wetlands

EPA OWHH Phase I Program: EPA OWHH (Outdoor Wood-fired Hydronic Heater) Phase I Program administered by the United States Environmental Protection Agency.

EPA OWHH Phase I Program Qualified Model: An Outdoor Wood-fired Hydronic Heater that has been EPA OWHH Phase I Program qualified to meet a particulate matter emission limit.

Erosion: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, gravity or chemical action.

Erosion and Sediment Control Plan: A site specific plan consisting of both drawings and a narrative that identifies Best Management Practices (BMPs) to minimize accelerated erosion and sedimentation before, during and after earth disturbance activity.

Escrow: A deed, a bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

Essentially Dry Space: A space, which will remain dry during flooding, except for the passage of some water vapor or minor seepage, the structure is substantially impermeable to the passage of water.

Exaction: A contribution or payment required as an authorized precondition for receiving a development permit.

Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting there from.

Exclusionary Zoning: Zoning which has the effect of excluding from the community certain people or groups for social or economic reasons, or in some cases, additional population of any kind.

Existing Condition: The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.

Existing Outdoor Wood Furnace: An Outdoor Wood Furnace that was purchased and installed prior to February 15, 2010.

Existing Source: Any source of discharge, the construction or operation of which commenced prior to the publication of EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Exoneration: The relief to or waiver of one or more requirements of an ordinance, rule, regulation or provision granted by the Governing Body, either temporary or permanent.

Exotic Wildlife: Includes, but is not limited to, reptiles and all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds, animals, or reptiles were bred or reared in captivity or imported from another state or nation.

Extractive Operations: Open excavations that include operations such as quarries, strip mines, and borrow pits.

Facility: A building, room or structure that allows or makes possible some type of activity.

Family: A group of individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Family Care Facility: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to eight (8) residents, plus such minimum supervisory personnel as may be required to meet standards of a licensing agency. Residents may not be legally related to the facility operators or supervisors. Residents, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, may require a minimal level of supervision but do not require medical or nursing care. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare or other such designated state agency having such authority and responsibility, and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

Family Day Care Home: A residence offering babysitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare or other such designated state agency having such authority and responsibility.

Farm: Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. A farm shall not include the raising of fur bearing animals, riding academy, livery or boarding stables, or dog kennels.

FEMA: Federal Emergency Management Agency.

Fences: Any freestanding and uninhabitable device constructed of wood, glass, metal, plastic materials, wire, wire mesh or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy or to protect the property so screened or divided or to define and mark the property line when such device is erected on or within the front, side, or rear property lines. A freestanding masonry wall when so located is considered to be a fence. When the term "lot line" is used in relation to fences, it shall be synonymous with rear yard lot lines, side yard lot lines, and front yard lot lines. The use of rope, taped wire, electrified wire or barbed wire is allowed only in conjunction with a use approved for agricultural, livestock or dairy production.

Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting there from. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade; also refers to the material used to make fill.

Filling Station: Any area of land, including structures thereon that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

Final Approval: Occurs at the time that the Board of Commissioners has determined that all conditions related to the Preliminary Approval have been satisfied.

Final Plat: The final map of all or a portion of a subdivision that is presented for final approval.

Finding: A determination or conclusion based on the evidence presented and prepared by a hearings body in support of its decision.

Fire Code Enforcement Officer (FCEO): The Fire Chief of the Township of Penn or his designated representative.

Flag Lot: See *Lot, Flag*.

Floating Zone: A zoning district whose requirements are fully described in the text of the ordinance but which is unmapped.

Flood: A temporary inundation of normally dry land areas.

Flood, 100-Year: A flood that is likely to be equaled or exceeded once every one hundred (100) years (i.e., that has a one (1%) percent chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood. (Figure 5)

Flood, 500-Year: A flood which is likely to be equaled or exceeded once every five hundred (500) years (i.e., that has a one-fifth (1/5) of one (1%) percent chance of being equaled or exceeded in any given year.) A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

Flood Boundary, 100-Year: The outer boundary of an area of land that is likely to be flooded once every one hundred (100) years (i.e., that has a one (1%) percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define its boundary.

Flood Boundary, 500-Year: The outer boundary of an area of land that is likely to be flooded once every five hundred (500) years (i.e., that has one-fifth (1/5) of one (1%) percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States

Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.

Flood Elevation, 100-Year: The water surface elevations of the 100-Year Flood. (Figure 5)

Flood Elevation, 500-Year: The water surface elevations of the 500-Year Flood.

Flood Hazard Boundary Map: An official flood hazard zone or area issued or approved by the Federal Insurance Administrator.

Flood of Record: The flood that has reached the highest flood elevation above mean sea level at a particular location.

Floodplain: Any land area susceptible to inundation by water from any natural source as delineated by applicable FEMA maps and studies as being a special flood hazard area. (Figure 5)

Flood Plain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Flood Plain Area, Identified: The floodplain area specifically identified in the Penn Township Flood Plain Ordinance as being inundated by the one hundred (100) year flood.

Flood Proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term flood proofing shall also mean that the structure together with attendant utility and sanitary facilities be designed so that any space below the Regulatory Flood Elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy.

Floodway: The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream. (Figure 5)

Flood Way Fringe: Those portions of land within the flood plain subject to inundations by the 100-year flood, beyond the flood way in areas where detailed study and profiles area available. (Figure 5)

Floor Area of a Building: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area, Habitable: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than six (6) feet and floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

Floor Area Ratio: The ratio of floor area of a building to its lot area. When a floor area ratio of four-tenths (0.4) is specified, the floor area of a building constructed on a lot of 10,000 square feet is limited to a maximum of 4,000 square feet. When numbers of stories are optional, the building area may be 4,000 square feet for one story; 2,000 square feet for two stories, and so forth. (Figure 7)

Floor Area Retail, Net: All that space relegated to use by the customer and the retail employee to consummate retail sales, and to include display area used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

Florist: One who sells or grows for sale flowers and ornamental plants.

Footprint: The perimeter outline of a permissible structure measured by the area in square feet located on the interior of the exterior walls of said structure, excluding porches, sidewalks, patios, overhangs or eaves.

Forest Management/Timber Operations: Planning and activities necessary for the management of forest land. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

Frontage: The horizontal or curvilinear distance along the street line upon which a lot abuts. (Figure 1)

Frontage, Primary: That portion of the lot or lots that abut a street line used for ingress and egress with the higher average daily traffic count (ADT).

Fuel Dispensing, Automated Key or Card: Any area of land, including structures hereon that is used for the sale and dispensing of gasoline, or any other motor vehicle fuel. This type of facility is activated by a key or card and does not have an attendant present. This facility does not include the sale of oil, and other lubricating substances, including the sales of motor vehicle

accessories, vehicle repairing, body and fender work, painting, vehicular sales, rental, or vehicle washing facilities.

Funeral Home: A principal use for the preparation and viewing of the deceased prior to burial or cremation. Funeral homes shall not include cemeteries, columbarium, mausoleums, or entombments, but does include mortuaries.

Future Right-of-Way: (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land.

Garage:

- A. **Garage, Private:** An accessory building for the storage of one (1) or more motor vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation or service is conducted for profit therein.
- B. **Garage, Public:** Any garage not a private garage and which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

Garbage: Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods. Also, see *Solid Waste*.

Garden Apartment: A two (2) story multi-family structure, containing one (1) story dwelling units, under one ownership. Also, see *Dwelling, Multi-Family*. (Figure 3)

Garden Pool: Any structure containing water with a maximum depth less than twenty-four (24) inches for ornamental or landscaping purposes.

Garden Structures: Any accessory structure that may be used or occupied for other than sleeping or general housekeeping purposes.

Gardening: The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

Gazebo: A freestanding roofed structure open on the sides. Also see *Structure, Accessory*.

Golf Course: Any regulation 9-hole, 18-hole or Executive golf course and/or driving range not including miniature golf courses.

Golf Course, Executive: A golf course that is much shorter and has a much lower par than a regular golf course; Designed to be played quickly and is comprised of many par-3's plus a small number of par-4 and par-5 holes.

Golf Course, Miniature: An indoor/outdoor course manufactured or constructed as to allow the putting of a ball through miniaturized fairways; utilizing for hazards and decorations, obstacles such as lighthouses, windmills, waterfalls, lagoons and fabricated characters/animals, etc.

Golf Course, Pitch & Putt: The smallest of the golf courses, not including miniature golf, these have tee shots of limited length; also referred to as a “Par-3” course; includes Pitch & Putt fields.

Governing Body: The Board of Commissioners of the Township of Penn, York County, Pennsylvania.

Governmental Authority: Any federal, state or local agency having authority over health factors, such as sewers, water and other related matters.

Grab Sample: A sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes that reasonably represents the discharge conditions at the time of collection.

Grade: The slope expressed in a percent that indicates the rate of change of elevation in feet per hundred feet.

Grade Level: Related to height; the lowest point on the exterior of the structure.

Grade, Established: The elevation of the centerline of the streets as officially established by the municipality.

Grade, Finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designed relating thereto.

Greenways: A linear area maintained as open space in order to conserve natural and cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

Gross Building Area: The total area of a building available for construction or use, as measured from the exterior walls of the building. Gross building area should be used in computing all square footage measurements for buildings, as well as dimension requirements.

Gross Residential Density: The number of dwelling units divided by the land area proposed to be used for residential purposes, excluding interior or exterior rights-of-way and lands intended for commercial or other nonresidential uses, but including interior parking areas, sidewalks, parks, playgrounds and common open space.

Ground Floor: The floor of a building nearest the front grade of the building.

Group Care Facility: A facility providing shelter, counseling, and other rehabilitative services in a family like environment for more than nine (9) but fewer than fifteen (15) residents, plus

such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors. Residents, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, may require a minimal level of supervision but do not require medical or nursing care. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare or other such designated state agency having such authority or responsibility.

Group Day Care Facility: A non-residential premise in which care is provided at anytime for not more than twelve (12) children under the age of fifteen (15) years.

Group Day Care Home: A residence offering babysitting services for seven (7) to eleven (11) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare or other such designated state agency having such authority or responsibility.

Group Home: The use of any lawful dwelling unit that meets all of the following criteria:

- A. Involves persons functioning as a common household unit.
- B. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, or mental retardation/developmental disability, or that the applicant proves to the satisfaction of the Zoning Officer and meets the definition of "handicap"* as defined by applicable Federal law.
- C. Does not meet the definition of a "group quarters."
- D. Does not involve the housing or treatment of persons who: a) could reasonably be considered a threat to the physical safety of others, and/or b) were previously convicted of a sexual offense committed against a minor.

(* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.)

(NOTE: For a use that would include more than the number of residents permitted under a "Group Home," See "Group Quarters", which is a district use.)

Group Quarters: Any dwelling or portion thereof, which is designed or used for four (4) or more persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, lodging or boarding

houses, fraternity and sorority houses and dormitories and other quarters of an institutional nature. Group quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

Gutter: That portion of a right-of-way carrying surface drainage.

Halfway House: A dwelling for the transitional institutionalized supervision of individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to, a penal institution.

Hazardous Material: Materials which are classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Township as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage such as logs, storage tanks, and large containers, located in flood prone areas.

Hazardous Waste: Any substance classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Township as having the potential to damage health or impair safety including garbage, refuse, sludge from an industrial or air pollution facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

(NOTE: "Hazardous waste" shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended)

Hazardous Waste Facility: Any structure, group of structures, above ground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

Heavy Storage Service: A use with a predominantly industrial character due to the extent of storage of goods. Heavy storage services shall include, but not be limited to, warehouses, building material yards, and fuel storage tanks.

Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on a communication tower, including antennas mounted on the tower.

Height Development Regulations: Zoning regulations that limit the maximum height of buildings within particular zones.

Heliport: An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

Helistop: Same as heliport, but without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

Highway: See *Streets*.

Historic Site: A structure or place of historical significance. May be designated as such by local, state, or federal government.

Historic Structure: Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in communities with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a state inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by Secretary of the Interior in states without approved programs.

Holding Tank Waste: Any wastewater from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Home Occupation: A business activity that is conducted as an accessory use in a principal unit clearly incidental and secondary to the residential living use. The occupation shall be conducted entirely within a dwelling and carried on by no more than two (2) inhabitants residing therein.

The exterior of the building is to be maintained in its original character as a residential dwelling and no goods are to be publicly displayed on the premises other than a sign as provided herein. Home Occupation shall specifically exclude photo studios, music schools, dance schools, business schools or schools of any kind with organized classes, day care or pre-and post-school care for latch-key children.

Hospital: A building or part thereof used for the medical, psychiatric, obstetrical, or surgical care on a twenty-four (24) hour basis. The term hospital shall include facilities used for medical research and training for health care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities that provide in-patient care. The term hospital shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of any felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

Hotel: A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals, in which building:

- A. There are more than ten (10) sleeping rooms;
- B. Fifty (50) percent or more of the gross floor area shall be devoted to residential use;
- C. There may be clubrooms, ballrooms, common dining facilities and swimming pools;
- D. Such hotel services as maid, telephone and postal services are provided.
- E. Business may be conducted when accessory and incidental.

Hotel, Apartment: A building designed for occupancy, primarily as the permanent abiding place for families who are lodged with or without meals, in which building;

- A. More than fifty (50) percent of the gross floor area devoted to residential use is in dwelling units.
- B. Business may be conducted when accessory and incidental.
- C. Such hotel services as common dining facilities, maid, telephone and postal services are provided.
- D. There may be clubrooms and ballrooms.

Hotel, Residential: A dwelling occupied by permanent guests only and not by transients. It may include restaurants, newsstands, and other accessory services primarily for serving its occupants and only incidentally the public.

House Drain: The part of the main horizontal drain and its branches inside the walls of the building vault or area and or five (5) feet outside thereof, and extending to and connecting with the house sewer.

House of Worship: A building for religious worship.

Hydrologic Response: The properties, distribution, and circulation of water.

Hydrologic Soil Group (HSG): Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS 3, 4).

Hydrogeologic Study: An inventory of the source, quantity, yield and use of ground water and surface water resources within the Township.

Illumination: The constant supply of light, that allows a sign to be visible in dim or dark conditions.

Impervious Surface (Impervious Area): A surface that prevents the infiltration of water into the ground. Impervious surfaces and areas shall include, but not be limited to, buildings, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, parking areas, driveways, streets and sidewalks. However, any surface or area designed, constructed and maintained to permit infiltration as specified herein shall be considered pervious, not impervious. A surface or area shall not be considered impervious if such surface or area does not diminish the capacity for infiltration of stormwater for storms up to, and including, a two (2)-year 24-hour storm event.

Impoundment: A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

Improved Property: Any parcel, property or lot with a use, on-lot improvement or occupied building that generates, or is capable of generating wastewater.

Improvements: Those physical additions, installations and changes required to render land suitable for the use intended, including grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees.

Improvements, Public: *See Public Improvements*

Impulsive Sound: Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop force impacts, punch presses, and the discharge of firearms.

Incinerator: An approved device in which combustible material is burned to ashes.

Indirect Discharge: The discharge or introduction of pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act (33 U.S.C. 1317), including holding tank waste discharged into the system.

Individual: Any person, male, or female, engaged in any occupation, trade, or profession within the corporate limits of the political subdivision.

Individual On-Lot Sewage System: Any system of piping, tanks, or other facilities serving on a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is located upon the lot which it serves.

Indoor Recreation Facility, Theater, Pool Parlor: An establishment in which any recreational activities, be it ping-pong, billiards, or a play or movie is carried out for pure entertainment purposes for both the participants as well as the audience.

Industrial Establishment: Any improved property used in whole or part for the manufacture, processing, conversion, or assembly of any product, commodity, or article.

Industrial Park: A tract of land laid out in accordance with an overall plan for a group or community of industries, including the servicing of these industries, with separate buildings designed and arranged to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

Industrial User: Any non-domestic source of indirect discharge to the POTW.

Industrial Waste: Any solid, liquid, or gaseous substance discharged intentionally or otherwise from any industrial or commercial establishment, as distinct from sanitary wastewater.

Industry: The manufacturing, compounding, processing, assembling, or treatment of materials, articles, or merchandise.

Infiltration: The entrance of surface water into the soil, usually at the soil-air interface.

In-Ground Pool: Any pool, that has all or a portion of the floor below the surrounding grade level, containing, water to a depth at any point greater than twenty-four inches. Farm ponds, and/or lakes are not included provided that swimming and/or wading was not the primary purpose for their construction. Also see *Swimming, Bathing or Other Pool, and Wading Pool*.

Stormwater retention/detention basins, public or private, shall follow the requirements of the Stormwater Management Ordinance.

In-Ground Structure: Any man-made object having an ascertainable stationary location in or on the land, whether or not affixed to the land.

Inoperable Motor Vehicle: A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection or any vehicle in a major or severe state of disrepair.

Instantaneous Maximum Allowable Discharge Limit: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and of the duration of the sampling event.

Institutional Facility: A public or private benevolent establishment devoted to the shelter, maintenance or education and care of minor children; homeless, aged or infirmed persons; or members of a religious community. This classification shall not include almshouses, penal or reformatory institutions, nursing homes, hospitals or institutions for the custody, care or treatment of persons suffering from amentia, mental derangement or drug or alcoholic addiction.

Insulation: The total amount of solar radiation (direct, diffuse, and reflected) striking a surface exposed to the sky.

Interior Lot: See *Lot, Interior*

Interference: A discharge which, alone or in conjunction with a discharge or discharges from other sources, not only inhibits or disrupts the POTW, its treatment processes or operations, or its biosolids processes, use or disposal, but also causes a violation of any requirement of the Township's NPDES Permit (including an increase in the magnitude or duration of a violation). The term includes prevention of wastewater biosolids use or disposal by the Township in accordance with 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solids Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act, or more stringent State criteria, including those contained in any State sludge management plan prepared pursuant to the Title IV (Subtitle D) of SWDA applicable to the method of disposal or use employed by the Township.

Interior Walk: The right-of-way for pedestrian use extending from a street into a block or across a block to another street.

International Building Code (IBC): See the definition for Uniform Construction Code herein for additional information.

International Residential Code (IRC): See the definition for Uniform Construction Code herein for additional information.

IWRP: The York County Integrated Water Resources Plan, which Plan includes Act 167 Plan elements and requirements.

Junk: Any discarded materials, machinery, scrap metals, appliances, articles or objects possessing value in part, gross or aggregate, and including but not limited to scrapped motor vehicles and parts thereof, including motor, bodies of motor vehicles and vehicles that are inoperable and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste or farm machinery provided said farm machinery is used in connection with a bona fide farming/agricultural operation.

Junk Yard: Any place within the Township where junk as herein defined is stored, disposed of, accumulated or maintained. Any premises having more than one (1) used, unlicensed and/or inoperable automobiles or other vehicles thereon shall in any event be deemed a "junkyard"; provided, however, that any used automobile dealer or any automobile or truck dealer who is licensed or franchised as such dealer may store upon premises occupied by him, for a period not to exceed thirty (30) days, any one (1) junked automobile, with no more than three (3) junked automobiles at any one time ever to be upon such premises. Should such used automobile dealer or any licensed or franchised automobile or truck dealer have a junked automobile upon the premises for more than thirty (30) days or in excess of the permitted number of junked automobiles, the premises of the used automobile dealer or the licensed or franchised truck or automobile dealer shall be a "junk yard".

Junked Motor Vehicle: A motor vehicle from which parts or accessories have been removed or that shall be inoperable as a result of damage thereto.

Karst: A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst landscapes are formed on carbonate rocks, such as limestone or dolomite.

Kennel: An establishment for the sheltering of four (4) or more animals, wild or domesticated that are more than six (6) months old.

Land Development: Shall include 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:
 1. A group of two (2) 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

2. The division or allocation of land or space between or among two (2) 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. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

Land, Improved: Raw land which has been provided with basic utilities such as water and sewerage, streets, and, if required, sidewalks; such improvements normally precede residential or other construction.

Land, Raw: Vacant land unsubdivided, unimproved with without utilities.

Landfill: See *Sanitary Landfill*.

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 authorized under the lease to exercise the rights of the landowner; or other person having a proprietary interest in land.

Landscape Plan: A plan for providing grass and other planting such as trees, shrubs, bushes and/or vegetation.

Land-Use Controls: A term generally referring to the use of police power techniques to control and guide land use and development.

Launderette: A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment.

Laundry and Dry Cleaning Establishments: A business premises equipped with large scale clothes washing and/or dry cleaning equipment.

Laundry and Dry Cleaning Establishments (Personal): A business premises equipped with individual clothes washing equipment for the use of retail customers or the drop-off and pick-up of clothing for dry cleaning by retail customers.

Level of Service (LOS): Level of service provides an objective measure of how well a facility operates and is generally estimated utilizing the methodologies contained in the *Highway Capacity Manual* published by the Transportation Research Board, as amended.

Library: A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale.

Lighting:

- A. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.
- B. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- C. Indirect: The form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

Livestock: Any wild or domestic animal of the bovine, equine, porcine, deer, elk or sheep family, including confined pigeon (Columbidac Family), chicken (Phasiansdae Family) or rabbit (Lagomorpha Family).

Loading Space: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on or has access to a street.

Location Map: A map showing the site with relation to adjoining areas.

Lodger: One who occupies a rented room in a *Bed and Breakfast Inn*.

Logging Plan: A written description with a map of a specific logging operation prepared before the operation commences.

Lopping: To cut tops and slash into smaller pieces to allow material to settle close to the ground.

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.

- A. Lot, Area: The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street right-of-way, but including the area of any easement.
- B. Lot, Corner: A lot with two (2) adjacent sides abutting on streets which has an interior angle of less than one hundred thirty-five (135°) degrees at the intersection of the two (2) street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135°) degrees. (Figure 6)
- C. Lot, Flag: A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway. (Figure 6)

- D. Lot, Interior: A lot other than a corner lot. (Figure 6)
- E. Lot, Medium Width: The minimum lot width at the building setback line.
- F. Lot, Nonconforming: A lot of record prior to the enactment of the Zoning Ordinance of Penn Township, which by reason of area or dimension, does not conform to the requirements of the Zoning District in which it is located.
- G. Lot, Reverse Frontage: A lot extending between, and having frontage on both an arterial street and minor street, and with vehicular access permitted solely from the latter. (Figure 6)
- H. Lot, Through/Double Frontage: A lot with frontage on two parallel or approximately parallel streets. (Figure 6)

Lot Coverage: The total of impervious areas including building area divided by lot area.

Lot Depth: The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line. (Figure 1)

Lot Lines: The boundary lines of a lot as defined herein. (Figure 1 & 3)

- A. Rear Lot Line: Any lot line which is parallel to or within forty-five degrees (45°) of being parallel to a street line, except for a lot line that is itself a street line. In the case of a corner lot, the front wall of the house will determine the rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line further from any street shall be considered a rear lot line.
- B. Side Lot Line: Any lot line that is not a street line or a rear lot line.
- C. Street Line: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line."

Lot of Record: A lot that has been recorded in the Office of the Recorder of Deeds of York County, Pennsylvania.

Lot Width: The distance measured between the side lot lines at the edge of the required right-of-way line. When there is only one (1) side lot line, as in the case of single family semi-detached or some single family attached dwellings, the lot width shall be measured between the side lot line and the centerline of the party wall. For interior single-family attached dwellings, lot width shall be measured between the centerlines of party walls. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and directly opposite property line. (Figure 1)

Lowest Floor: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Luminare: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Mandatory Water Use Restrictions: Any use of the water supply which is prohibited under the authority of the Mandatory Water Use Restriction Ordinance.

Manhole: An inspection chamber whose dimensions allow easy entry and exit and working room for a person inside.

Manifest: The York County Sludge/Septage Manifest and Report.

Manning Equation: A method for calculating the hydraulic capacity of a conduit to convey water.

Manufactured Home: See *Dwelling, Manufactured Home*.

Manufactured Home Lot: A parcel of land, in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home. (See also *Mobile home Lot*.)

Manufactured Home Park or Subdivision: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use. (See also *Mobile home Park*.)

Manufacturing: The processing and/or converting of raw unfinished or finished materials or products, or any, or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing of the refinishing of manufactured articles.

Manufacturing Uses: Manufacturing and storage uses that do not constitute an unusual fire or explosion hazard or create a nuisance by reason of smoke, odor, dust, noise or glare. Also, manufacturing uses that do not cause: dust, smoke, fumes, gas or offensive odors to be disseminated beyond the lot boundaries; vibration beyond lot boundaries; noise exceeding that of off-street traffic at the front lot line; or a glare observable from beyond the lot boundaries. These include, but are not limited to, food processing; manufacture of furniture, textiles, leather, rubber, paper, fabricated metals, machinery and glass; and stone and clay processing; printing, polishing, photography and related industries; instrument, tool and die and cabinet making; metal

and wood fabrication; assembly of electronic apparatus; electroplating, molding and other related industries; warehousing and distribution.

Manure: The fecal and/or urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

Manure Storage Facilities: See *Animal Waste Storage Facilities*.

Marginal Access Street: Minor streets, parallel and adjacent to major traffic streets that provide access to abutting properties and control intersections with major traffic street.

Marquee: A permanent, roof-like structure, supported by a wall of a building, but having no relationship to the roof structure, generally designed and constructed for protection against weather.

Massage Parlor: An establishment whose business emphasis is the administration of non-sexually oriented massage to patrons by employees.

Median: That portion of a divided highway separating lanes of traffic proceeding in opposite directions.

Medical and Similar Labs and Clinics: Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis.

Medical Waste: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Membership Club: An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, but not including members of the general public. These uses are restricted to those not conducted primarily for gain, although a restaurant may be operated primarily to serve members and their guests. This use shall not include boarding house, a tavern, restaurant open to the general public, or an auditorium unless that particular use is permitted in that District and the applicable requirements of that use are met.

Metes and Bounds: A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or, in rural areas, a tree or other permanent feature.

Mg/L: Milligrams per liter. Also referred to as parts per million (PPM).

Mill: Where grain, lumber, and similar products are stored and processed as a gainful business.

Mineral Extraction: A lot of land or part thereof used for the purpose of extracting coal, stone, sand, clay, gravel or top soil for sale, and excluding the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Mini-Storage Warehouses: A facility providing for the enclosed storage of household items or recreational equipment where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility.

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Minor Subdivision: The subdivision of a single lot, tract or parcel of land into five (5) or less lots or parcels of land, for the purpose, whether immediate or future, or transfer or ownership or of building development, providing lots, tracts or parcels of land thereby created having frontage on an improved public street or streets and providing further, there is not created by the subdivision any new street, streets easement, easements of access or need therefore.

Mixed Occupancy: Occupancy of a building or land for more than one use.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again begin separated for repeated towing or moving, 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, which is leased by the park owner to the occupant(s) of the mobile home erected on the lot.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Mobile Home Sales Lot: An open lot for the outdoor display of new or used mobile homes.

Mobile Home Stand or Pad: That part of an individual mobile home space that has been reserved for the placement of a mobile home and appurtenant structures and connections.

Mobile Home Subdivision: A group of mobile homes whose lots on which these mobile homes are located are owned separately by the owner of each mobile home.

Modular Home: A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, single family attached, two family detached, two family semi-detached and multi-family that is in substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.

Mortuary or Undertaking Facility: A place in which human remains are prepared and stored prior to burial.

Motel: A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients including auto courts, motor lodges and similar establishments.

Motor Freight Terminal: A terminal that is primarily centered on the storage and distribution of motor freight.

Municipal Waste: Municipal waste as defined in the Municipal Waste Planning, Recycling, and Waste Reduction Act of July 28, 1988 as may be amended and supplemented.

Municipal Waste Planning, Recycling and Waster Reduction Act: The Act of July 28, 1988, P.L. 556, No. 101, as amended and supplemented.

Municipalities Planning Code (MPC): The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

Municipality: The Township of Penn, York County, Pennsylvania.

National Pollutant Discharge Elimination System (NPDES) Permit: A permit for the discharge of wastewaters of the U.S., issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

National Pretreatment Standards: Categorical Standards: Any regulation specifying quantities or concentrations of pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial categories which appear as separate regulation in 40 CFR Chapter I, Subchapter N, Sections 405-471.

National Pretreatment Standard: Prohibited Discharges: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of

the Act (33 U.S.C. 1317), which applies to Industrial users. This term includes absolute prohibitions against the discharge of certain substances established pursuant to section 403.5.

Natural Feature: A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those of which, if disturbed, may cause hazards or stress to life, property, or the natural environment.

Natural Production Uses: A lot or parcel of land or part thereof used for the purpose of extracting stone, sand, clay, gravel or top soil for the sale, and excluding the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Natural Wood: Wood that has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

Net Area (Acreage): The net tract area shall be calculated using the following formula:

$$\begin{array}{rcl} \text{Total Tract Area:} & & \\ - (\text{minus}) & \text{existing road} & \\ - (\text{minus}) & 50\% \text{ of environmentally sensitive areas (flood} & \\ & \text{plains, wetlands, slopes } >15\%) & \\ - (\text{minus}) & 15\% \text{ of total tract area (for future roads and} & \\ & \text{stormwater management facilities)} & \\ = & \text{Net Tract Area} & \end{array}$$

Net Profits: The net income from the operation of a business, profession; or other activity, as this term is defined in Section 13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1251 section 13, as amended, 53 P.S. section 6913, as amended.

New Construction: Structures for which the start of construction commenced on or after October 15, 1981, and includes any subsequent improvements thereto.

New Outdoor Wood Furnace: An Outdoor Wood Furnace that is first installed or constructed after February 15, 2010.

Newspaper and Printing Establishments: Any establishment that is engaged in the printing of newspaper or similar material on a regular basis.

New Source:

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which began after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section provided that:
 - (a) the building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (b) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
2. Construction on a site at which an existing source is located results in modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (1) (b) or (c) above but otherwise alters, replaces. Or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has
 - (a) begun or caused to begin as part of a continuous on-site construction program:
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for placement, assembly, or installation of new source facilities equipment: or
 - (b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contract which can be terminated or modified without substantial loss, and contracts for feasibility,

engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nightclub: Any building used for on-site consumption of alcoholic or non-alcoholic beverages where live entertainment can be offered. For the purposes of this definition, "live entertainment" is meant to also include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carry-out beer and wine as an accessory use. "Nightclub" includes an "Under 21" club that features entertainment.

No-Impact, Home-Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

Nonconforming Lot: *See Lot, Nonconforming*

Nonconforming Structure: *See Structure, Nonconforming.*

Nonconforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions of the Penn Township Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nonconformity, Dimensional: Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by the Penn Township Zoning Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

Noncontact Cooling Water: Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nonessential Water Use: Any use of public water which, when curtailed, does not affect the health or safety of the general public.

NRCS: USDA Natural Resources Conservation Service (previously SCS).

Nuisance: Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursery, Horticulture: Any lot or parcel of land used to cultivate, propagate, grow and/or sell trees, shrubs, vines and other plants including the buildings, structures and equipment customarily incidental and accessory to the primary use.

Nursing Home: See *Convalescent Home*.

O & M: Operation and Maintenance

O & M Plan: Operation and Maintenance Plan

Occupancy Permit: A permit stating that all work indicated on a building permit has been satisfactorily completed or, in cases not involving construction, a proposed new use is in conformity with this chapter and the building or lot may be occupied.

Occupation: Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the political subdivision for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

Occupied Building: Each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit or family unit contained within any structure erected within one hundred fifty (150) feet of the sewer system and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage is or may be discharged.

Off-Site: Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or on a contiguous portion of a street or right-of-way.

Off-Street Parking: Parking of motor vehicles as an accessory use located upon the same lot as a permitted principal use to serve the parking requirements and needs of the principal use.

Off-Street Parking Space: A parking space provided in a parking lot, parking structure, or private driveway.

Off-Tract: An item, detail or feature not located on the property that is the subject of a development application nor on a contiguous portion of a street or right-of-way.

Offices, Contractors: Refers to an office or shop with an accessory storage yard of a building, electrical, or mechanical contractor.

Offices, Corporate: Refers to the executive and administrative offices of business firms.

Office Building: A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling other than by a watchman or janitor.

Office Center: A group of offices planned and designed to function as a unit for the lot(s) on which it is located with off-street parking provided as an integral part of the unit.

Official Map: A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

On-Site: Located on the lot in question.

On-Street Parking Space: A parking space that is located on a dedicated street right-of-way.

Open Pit Mining: Open pit mining shall include all activity which removes from the surface or beneath the surface, of the land materials, mineral resources, natural resources, or other elements of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space Development: An area of land to be developed as a residential community in which the dimensions of the individual lots may be reduced, but in which common areas are provided so that the overall density required in that zoning district is maintained and in which open space constitutes an outdoor playground area or sports field, open space, or scenic vista.

Ordinance: A decree or regulations set forth by the Township of Penn, York County, Pennsylvania.

Outdoor Lighting: An illumination source outside any building, including, but not limited to, an incandescent bulb, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including, but not limited to, storage sheds, canopies and gas station marquees over gas pumps, are deemed to be outdoor lighting.

Outdoor Lighting Fixture: Lighting fixture located outside any building, whether the fixture is freestanding on its own pole or other structure, or is attached to any part of the facade or roof of a building. Includes the hardware that houses the illumination source and into which the illumination source is attached, which also includes, but is not limited to, the hardware casing and the neck of a fixture that is attached to a pole, the side of a building or some other surface.

Outdoor Sales And Services: The display and sale of products and services, primarily outside of a building or structure, including vehicles, garden supplies, flowers, shrubs, and other plant materials, gas, tires, and motor oil, food and beverages; boats and aircraft, farm equipment, motor homes, burial monuments; building and landscaping materials and lumberyards.

Outdoor Storage or Display: Storage of materials as a primary use of the land, necessary and incidental to the normal operation of a primary use, provided that no part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas and no part of the required setbacks shall be occupied by outside storage or display. Outside storage and display areas shall be shielded from public view. The storage or display area is limited to the less of two hundred (200) square feet or ten (10) percent of the gross floor area of the primary building or structure.

Outdoor Wood Furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, constructed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to as an Outdoor Wood Boiler or Outdoor Wood-Fired Hydronic Heater.

Out-parcel: A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks, savings and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

Overlay Zones: A set of zoning requirements that may be described in the Penn Township Zoning Ordinance text, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

Owner: Any person who, alone or jointly or severally with other persons, has legal title to any premises. This does not include a lessee, sublessee or other person who merely has the right to occupy or possess a premise.

Owner Occupied: The property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.

Parapet: That portion of a building wall or false front that extends above the roofline.

Parcel: A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

Parking Garage: A building where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

Parking Lot: Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

Parking Space: The area required for parking one automobile.

Party: A person or group taking one side of a question, dispute, or contest.

Passive Solar Energy System: A solar energy system that uses natural properties of materials and architectural components to collect and store energy without using any external mechanical power.

Pass Through: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Township's NPDES permit, including an increase in the magnitude or duration of a violation.

Patio: An area intended for outdoor use that is paved or covered with brick or similar material and is flush with the ground.

Peak Discharge: The maximum rate of stormwater runoff from a specific storm event.

Pedestrian Walkway: An improved thoroughfare designated exclusively for pedestrian traffic.

Penn Township: See *Township*.

Percolation: The downward movement, under the influence of gravity, of water under hydrostatic pressure through interstices of the soil or rock.

Performance Bond: An agreement by and between a contractor and a bonding company in favor of the developer and the Township Board of Commissioners guaranteeing the completion of physical improvements.

Performance Standards: A minimum requirement or maximum allowable limit on the effects or characteristics of a use, usually written in the form of regulatory language.

Permissible Use: A use by right that is specifically authorized in a particular zoning district.

Permit Officer: The Building Code Officer for all situations involving a Building Permit or other permit issued under the Uniform Construction Code or the Zoning Officer for permits issued pursuant to the zoning ordinance and for all permits under this ordinance that are not issued under the Uniform Construction Code.

Person: Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Personal Services/Establishment: Service activities shall include and be limited to barber shops, beauty salons, photographic studios, self-service laundry and dry-cleaning establishments, laundromats, radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches, tailor and dressmaking shops, and pet grooming with no overnight boarding.

Personal Use: Not for commercial sale or resale.

Pervious Area: Any area not defined as impervious.

Pervious Surface: A surface that permits full or partial absorption of storm water.

Pesticide: Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

Petroleum Product: Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as sludge, as oil refuse, or mixed with other wastes.

PH: A measure of degree of acidity or alkalinity of a solution, expressed in standard units. Specifically, pH is the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Plan: The map or plan of a subdivision or land development, whether sketch, preliminary or final.

- A. Plan, Final: A complete and exact plan, prepared for official recording, to define property rights and proposed streets and other improvements.
- B. Plan, Preliminary: A tentative plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.
- C. Plan, Sketch: An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development for discussion purposes only and not to be presented for approval.

Plan, Construction Improvement: A plan prepared by a registered engineer or surveyor showing the construction details of streets, drains, sewers, bridges, culverts, public utilities and other improvements as required by the Subdivision and Land Development Ordinance for Penn Township.

Planning Agency: The Planning Commission of Penn Township.

Planning Agency Staff: The Township Engineer, Zoning Officer and/or other personnel retained by the Planning Commission.

Planning Module for Land Development: A revision to, or an exception to the Township's Official Sewage Facilities Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

Plant Superintendent: The Township official authorized to manage the operations and maintenance of the Publicly Owned Treatment Works (POTW).

Plat: See *Plan*.

Point Source Pollution: Point source means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, concentrated animal feeding operation from which pollutants are or may be discharged.

Political Subdivision: The area within the corporate limits of Penn Township, York County.

Pollutant: Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, wastewater biosolids and sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural wastes; and certain characteristics of wastewater (e.g. BOD5, COD, color, odor, PH, temperature, TSS, toxicity, or turbidity).

Pollution: The man made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

PCSWMP: Post-Construction Stormwater Management Plan

Potable Water Supply: Water suitable for drinking or cooking purposes.

Poultry: Any member of the Aves species including any type of domestic or wild fowl, chickens, quail, pheasants, ducks, geese, doves, turkeys and pigeons.

Power Generation Facility: A facility that generates electric power for the purpose of transmission of such electricity to other users not located at the site where the electricity is generated.

Practice of Engineering: Means the application of the mathematical and physical sciences for the design of public or private buildings, structures, machines, equipment, processes, works of engineering systems, and the consultation, investigation, evaluation, engineering surveys, planning and inspection in connection therewith, the performance of the foregoing acts and services being prohibited to persons who are not licensed under the laws of the Commonwealth as professional engineers unless exempt under other provisions of the laws of the Commonwealth. The term "Practice of Engineering" shall also mean and include related acts and services that may be performed by other qualified persons, including but not limited to, municipal planning, incidental landscape architecture, teaching, construction, maintenance and research but licensure under the laws of the Commonwealth to engage in or perform any such related acts and services shall not be required.

Practice of Land Surveying: Means the practice of that branch of the profession of engineering which involves the location, relocation, establishment, re-establishment or retracement of any property line or boundary of any parcel of land or any road right of way, easement of alignment, the use of principles of land surveying, determination of the position of any monument or reference point which marks a property line boundary, or corner setting, resetting or replacing any such monument or individual point including the writing of deed descriptions, procuring or offering to procure land surveying work for himself or others, managing or conducting managers, proprietors or agents any place of business form which land surveying work is solicited, performed, or practiced, the performance of the foregoing acts and services being prohibited to persons who are not granted certificates of registration under the laws of the Commonwealth as a professional land survey unless exempt under other provisions of the laws of the Commonwealth.

Pre-Application Conference: An initial meeting between developers and Zoning Officer and/or Township Engineer which affords developers the opportunity to present their proposals informally.

Preliminary Approval: The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the planning board and the applicant.

Preliminary Subdivision Plat: A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

Premises: The property upon which the activity is conducted as determined by physical facts rather than property lines.

Pretreatment Or Treatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants or pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by 40 CFR subsection 403.6 (d) Dilution Prohibited as Substitute for Treatment.

Pretreatment Coordinator: The person(s) designated by the Board of Commissioners as having authority to administer, implement and enforce the pretreatment program.

Pretreatment Program: A program administered by the Pretreatment Coordinator that regulates existing and new sources of pollution and meets the criteria established in 40 CFR subsections 403.8 and 403.9 and which has approved by the Approval Authority in accordance with 40 CFR subsection 403.11.

Pretreatment Program, Approved: A program administered by the Township that meets the criteria established in subsections 403.8 and 403.9 and which has been approved by the Approval Authority in accordance with subsection 403.11.

Pretreatment Requirement: Any substantive or procedural requirement related to pretreatment, other than a National pretreatment standard, applicable to a user.

Pretreatment Standards: National prohibited discharge standards, National Categorical Pretreatment Standards and local limits.

Primary Residence: The premises where a person has legal residency.

Prime Agricultural Land: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resources and Conservation Services County Soil Survey.

Principal Building or Structure: A building or structure in which is conducted the principal use of the lot on which the building or structure is located. (Figure 1)

Private: Not publicly owned, operated or controlled.

Private Club: *See Membership Club.*

Private Recreational Facility: A privately owned facility for recreational purposes including, but not limited to, such uses as parks, nature trails, and wildlife sanctuaries and excluding uses

which would commonly be considered a nuisance because of noise, pollution, etc., such as racing, touring and promotion of motor vehicles.

Private or Non-Public Street: All streets which are not public, including, but not limited to streets maintained by private agreements, by private owners, or for which no municipal maintenance responsibility has been established.

Professional Architect: Means an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of architecture.

Professional Center: A building or group of buildings designed for use as offices of professional occupations.

Professional Engineer: Means an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed and registered as a professional land surveyor as defined and set forth in this ordinance; however, a professional engineer may perform engineering land surveys.

Professional Land Surveyor: Means an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

Professional Occupation: The practice of, including but not limited to, a profession by an attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropractist, engineer, surveyor, architect, landscape architect, or city planner entitled to practice under the laws of the Commonwealth of Pennsylvania.

Professional Offices: Include but are not limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

Profile Line (Street Center Line): Means the profile of the centerline of the finished surface of the street, which shall be midway between the edges of the cartway.

Project Site: The specific area of land where any regulated activities in the Municipality are planned, conducted, or maintained.

Public: Owned, operated or controlled by a governmental agency (federal, state, county, or local, including a corporation created by law for the performance of certain specialized governmental functions, and the Department of Education).

Public and Other Transmission and Distribution Facilities: Public, semi-public and private utility transmission and distribution facilities including substations, pump stations, booster facilities, etc.

Public Building (Public Services): See *Public Uses and Buildings*.

Public Entertainment Facilities: An activity operated as a gainful business open to the public for entertainment or recreation, including but not limited to motion picture theaters, health clubs and miniature golf courses.

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 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.

Public Improvements: An improvement that has been or will be dedicated for public use in accordance with the Penn Township Subdivision and Land Development Ordinance and the Zoning Ordinance. Includes streets, pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, recreational facilities, plantings, and other items required for the welfare of the property owners and the public.

Public Notice: Notice published once a week for two successive weeks in a newspaper of general circulation in the municipality. Such notices 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 or less than seven (7) days from the date of the hearing.

Public Owned Treatment Works (POTW): A treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292), which in this instance, is owned and operated by the Township. This definition includes any devices or systems used in the collection, storage, transportation, treatment, recycling, and reclamation of municipal wastewater or industrial wastes of a liquid nature. It also includes pipes, sewers, pumping stations and other conveyances which convey wastewater to the Township treatment plant even though those sewers may not have been constructed by the Township, or are not located within the Township boundaries or are not owned or maintained by the Township. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the treatment facility.

Public Parks and Recreation Areas: Locations for leisure-time activities, including but not limited to, sports and entertainment, that are open to anyone without restriction, except for the rules and standards of conduct and use.

Public Recreation Facility/Public Grounds: Recreation facilities owned and/or operated by an agency of the municipality or other governmental body, including but not limited to parks, swimming pools, golf courses, rail trail, etc.

Public Road: *See Street, Public*

Public Sewer: A municipal sanitary sewer system, or a comparable common or package sanitary facility approved by the State of Pennsylvania, Department of Environmental Protection.

Public Street: *See Street, Public*

Public Uses and Buildings: Includes public and semi-public uses of welfare and educational nature, such as schools (public and private), parks, fire stations, municipal buildings and municipal garages, etc.

Public Utility Buildings and Structures: Any structure that belongs to a public utility for uses such as electrical, telephone, gas, water and sewer that are regulated by the Pennsylvania Public Utility Commission or any other governmental agency.

Public Utility Transmission Tower: A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission designed and used to support overhead electricity transmission lines.

Public Water: A municipal water supply system, or a comparable common water facilities approved by the State of Pennsylvania, Department of Environmental Protection.

Pumping Certification: A properly executed York County Solid Waste and Refuse Authority Sludge/Septage Manifest.

Qualified Person: Any person licensed by the State of Pennsylvania or otherwise qualified by law to perform any testing or work required by any Ordinance of the Township.

Qualified Pumper/Hauler: A Person or organization licensed by the York County Solid Waste Authority to conduct septage pumping and hauling within York County.

Quarry, Sand Pit, Gravel Pit, Borrow Pit, Top Soil Stripping: *See Open Pit Mining.*

Rail Trail: A recreational trail developed on an abandoned rail line parcel or right-of-way.

Rainfall Deficit: The negative difference between the total amount of rainfall received to date in the previous 12-month period and the amount of rainfall normally received by the same date in the same 12 month period.

Raw Water Capacity: The total combined gallonage of untreated water stored in the Sheppard Myers and Lawrence Baker Sheppard reservoirs, and wells owned and operated by the Borough.

Raw Water Capacity Trend: The projected graphic representation of the total stored raw water capacity gallonage change based on weekly total capacity readings.

Recreation: Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including, but not limited to:

- A. Sports (individual, dual, team, co-recreational, and combative), athletics; both land and water-based.
- B. Arts and crafts, spectating, picnicking, nature study, and board games.
- C. Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

Recreation, Active: Any activity that requires some physical exertion on the part of the participant.

Recreation, Passive: Any activity that requires little or no physical exertion on the part of the participant.

Recreation Area Accessibility: Any area that can be easily approached, entered and used by the citizens of a particular residential development provided that the area is within six miles of the development.

Recreation Area, Active: Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

Recreation Area, Passive: Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

Recreation Area Required: The amount of land in any given subdivision that would be dedicated for recreation where the fee in lieu of land dedication provision is not being utilized.

Recreation, Commercial or Entertainment Facility: A building housing an activity operated as a business, open to the public, in the Commercial District, for the purpose of public recreation

or entertainment, including but not limited to, bowling alleys, theaters, drive-in motion picture facilities, swimming pools, health clubs, museums, etc. This does not include adult-related uses, amusement arcades, nightclubs or golf courses as defined herein.

Recreation, Outdoor Commercial Establishment: A use of open land for leisure time activities, such as a beach, swimming pool, tennis courts, golf courses.

Recreation Open Space: That area of land suitable for the development of specific active recreation facilities for leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendant facilities.

Recreational Vehicle: A vehicle which is (1) built on a single chassis; (2) not more than 400 square feet, measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light-duty truck; (4) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park or Camp Ground: A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping and travel use, or recreational vehicle camp ground lots rented for such use, thereby constituting a "land development."

Recycling Yard: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

Refuse: See *Solid Waste*.

Registered Landscape Architect: An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of landscape architecture.

Regional Administrator: The appropriate official of EPA.

Regulated Activity: Any earth disturbance activity that involves the alteration or development of land in a manner that may affect stormwater runoff.

Regulated Earth Disturbance Activity: Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.

Regulatory Flood Elevation: The 100-year flood elevation plus a freeboard safety factor of one and one-half (1/2) feet.

Renewable Energy Source: Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion process.

Rental Agreement: A legal agreement between the owner and tenant embodying the terms and conditions concerning the use and occupancy of a residential unit. A Rental Agreement may be oral or written.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Representative of The Township: Includes, but may not be limited to, the Manager of the Township, Township Engineer, Zoning Officer, Code Official, or such other person as shall be appointed by the Township as its representative.

Research Testing/Experimental Lab: Including experimental study, testing and analysis of soils, medicines, new technology, products and similar items and areas of research.

Residential Account: A service account based on a dwelling or dwelling unit for residential purposes.

Residential Development: A subdivision or land development as those terms are defined in the Pennsylvania Municipalities Planning Code, whether initially or cumulatively, of a tract under single or separate ownership, for the purpose of erecting residential dwelling units.

Residential Rental License: A document issued by the FCEO to the owner of a residential rental unit, which is required for the lawful rental and occupancy of any residential rental dwelling, buildings, or structures.

Residential Rental Unit: A rooming or dwelling unit let for rent under an individual rental agreement with a tenant. Residential Rental Units include, but are not limited to, apartments, single family, duplex, and multi-family units, boarding homes, hotels, motels, and bed and breakfast establishments.

Resort: A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

Restaurant: A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption or carryout service.

Re-subdivision: Any subdivision or transfer of land, laid out on a plan which has been approved by the Board of Commissioners which changes or proposes to change property lines or public right-of-way in strict accordance with an approval plan.

Retail Business: Includes variety stores, apparel stores, florists, drug stores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book, stationary, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis.

Retaining Wall: A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

Retention Basin: An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm.

Retention Volume/Removed Runoff: The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.

Retirement Facility/Village: A facility licensed by the state designed to serve the housing needs of older persons in a continuum of care environment through facilities which relate both to dependent and independent persons; such facilities may include independent living units, sheltered care units, nursing care units and related support services.

Return Period: The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04, i.e., a 4% chance.

Rezoning: An amendment to or change in the zoning ordinance. Rezoning can take three forms: (1) a comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels.

Riding Academy: An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch or similar establishment. *See also Boarding Stable.*

Right-of-Way: A strip of land occupied or intended to be occupied by a street crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established. (Figure 1)

- A. Existing Right-of-Way: The right-of-way established by the state or other appropriate governing authority and currently in existence.
- B. Future Right-of-Way: The right-of-way deemed necessary by the Penn Township Comprehensive Plan.

Right-of-Way, Street: A public or private thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane or however designated.

Riparian Buffer: A Best Management Practice that is an area of permanent vegetation along surface waters. (Such areas serve as natural vegetative filters between upland landscapes and waterways.)

Roadway: See *Cartway*

Rolloff Dumpster: A metal storage receptacle used primarily for the temporary storage or deposit of waste materials, including debris, trash, or construction, renovation or demolition waste, and which is transportable such as to be delivered by, rolled off of, and pickup by, a carrying vehicle that allows for the disposal and removal of its contents to a dump site. The term does not include dumpsters, which are permanently placed for the collection of normal household trash, such as at commercial locations or apartment complexes.

Roof: The cover of a building or structure.

Roofline: The highest point of a flat roof and mansard roof and the highest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Rooming House: An existing building containing a single dwelling unit and no more than 5 guest rooms, where lodging is provided with or without meals for compensation. The use shall not alter the original character of the structure or neighborhood. Also referred to as a boarding house.

Runoff: Any part of precipitation that flows over the land.

Sanitary Sewer: A sewer that carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Sanitary Waste Facility or Incinerator: A site utilized for the deposit/disposal/incineration of waste and refuse. Such facility shall be subject to the following conditions:

- A. A lot area of not less than one hundred (100) acres shall be provided.

- B. No sanitary landfilling operation or incineration shall take place within five hundred (500) feet of any street or property line.
- C. The lot shall have direct access to either an arterial or collector highway as shown in the Penn Township Comprehensive Plan.
- D. It shall be demonstrated that the use, because of its location and proposed method of operation, will not have an adverse effect on any surrounding portions of Penn Township.
- E. Such facility is part of a solid waste plan approved by the County Commissioners and any other pertinent agencies.

Sanitary Landfill: See *Solid Waste Landfill*.

Satellite Dish Antenna: A device incorporating a reflective surface which is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, television receivers only (TVROs), and satellite microwave antennas.

School: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

- A. College: The same as elementary and secondary school except general education and/or research is provided above the level of the secondary school and may include junior college, college, or university, and is authorized to grant academic degrees.
- B. School, Commercial: A school conducted for profit for such instruction as business, art, music, trades, handicraft, dancing or riding.
- C. School, Elementary: Any school having regular sessions with employed instruction which teaches those subjects that are fundamental and essential in general education for elementary grades.
- D. School, Non-Public: An educational facility not operated by a public agency, but controlled by the Department of Education.
- E. School, Nursery (Day Care Center): A facility, not in a private residence, enrolling four (4) or more children no more than five (5) years of age and where tuition, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

- F. School, Public: A public place of instruction other than a commercial school operated by a Public Agency.
- G. School, Secondary: The same as elementary school except general education is provided for secondary grades.
- H. School, Trade/Professional: See *School, Commercial*.
- I. School, Vocational: The same as elementary and secondary school except that the primary activity is training in a trade or vocation.

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of adjoining property owners the structures and uses on the premises on which the screen planting is located.

Sediment: Soils or other materials transported by surface water as a product of erosion.

Sedimentation: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "Sediment."

Seepage Bed: A covered pit or bed with open-jointed lining through which septic tank effluent may seep or leach into the surrounding soil.

Septage: Any substance pumped out of a sewage system.

Septic System: An underground system with a septic tank used for the decomposition of domestic wastes.

Septic Tank: A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

Service Account: An account located in Penn Township having sanitary sewer service. This service account is subject to all rules and regulations as governed by the Penn Township Sewer Use Ordinance, as amended.

Service Agreement: The agreement dated January 29, 1964, between the Township, the Authority, the Borough and Hanover Borough, York County, under which the Borough agrees, in consideration of the payment by the Township in the amounts stated therein, to treat sanitary sewage and industrial waste originating in certain areas of the Township and discharged directly or indirectly into sewers operated by the Borough.

Service Area: The Township's service area includes the area incorporated as Penn Township, the area included within the Service Agreements with adjacent municipalities, and the area

described in the Flow Exchange Agreement with the Borough of Hanover. Also includes the area in which there are users of public water.

Service Connection: That part of the drainage system that connects a building to the sanitary sewer main. The service connection consists of the following in the order given: building drain, building sewer, service lateral. The Township is responsible for only the service lateral portion of the service connection.

Service Lateral: That part of the sewer pipe extending from the building sewer at the Township's right of way to the main sewer line.

Service Shops and Establishments: Any privately owned place of business carried on for profit, any place of amusement or entertainment to which the public is invited, and any similar place.

Service Station: Any area of land, including structures hereon that is used for the sale of gasoline or any other motor vehicle fuel, oil, and other lubricating substances, including sales of motor vehicle accessories at retail only, and which may or may not include vehicles but not including major repairing, body and fender work, painting, vehicular sales, rental, or vehicle washing facilities.

Setback Line (Building Setback Line): *See Building Setback Line*

Setback, Front: The minimum required distance between the street line and the front setback line projected the full width of the lot. (Figure 1)

Setback, Side: The minimum required distance between the side lot line and the side setback line projected from the front yard to the rear yard. (Figure 1)

Setback, Sign: The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member whichever is nearest to the property line or right-of-way.

Setback, Rear: The minimum required distance between the rear lot line and the rear setback line projected the full width of the lot.

Severe Slope: Land with a fifteen (15) foot or greater change in elevation within one hundred (100) feet or less in horizontal distance, or in other terms fifteen (15) percent or greater on the average.

Sewage Disposal System (On Site): Any system designed to eliminate sanitary sewage within the boundaries of the lot.

Sewage Disposal System: (Public): A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to the central treatment and disposal plant.

Sewage Enforcement Officer (SEO): The Sewage Enforcement Officer of the Township.

Sewage System Malfunction: The condition occurring when an on-lot system causes pollution to ground or surface waters, contamination of private or public drinking water supplies, nuisance, problems or is a hazard to public health. Any treatment tank or holding tank observed to be leaking, or any instance where sewage is backing up into a building connected to the system is considered a malfunction. [Any component in a treatment tank or septic system that is broken or deteriorated is considered a malfunction. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year].

Sewage System Rehabilitation: Work done to modify, alter, repair, enlarge, or replace an existing on-lot disposal system, or component thereof.

Sewer: A public or private utility system designed to collect, centrally treat and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever is more stringent. See also *Community Sewage System and Individual On-Lot Sewage System*.

Sewer Manager: See Plant Superintendent.

Sewer System: The complete sewer system from time to time operated by the Township including the existing systems of sewers within the Township and the sewage treatment collection sewers, interceptor sewers, sewer mains and force mains, pumping stations and sewer facilities to be constructed, together with all further improvements extensions and capital additions acquired or constructed by the Township.

Sexual Conduct: Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, analingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person be female, a breast.

Sexual Device: An artificial human penis, vagina, or anus, or other device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals, pubic area, perineum, or anal area, including dildos, penisators, vibrators, penis rings, and erection enlargement or prolonging creams, jellies, or other such chemicals or preparation.

Sexually Explicit Nudity: The sexually oriented and explicit showing by any means including, but not limited to close-up views, poses or depictions in such position or manner which present or expose such areas to prominent, focal or obvious viewing attention, of any of the following: post pubertal, full or partially developed, human female breast with less than a fully opaque covering of any portion thereof below the top of the areola or nipple; the depiction of covered human male genitals in a discernible turgid state; or lewd exhibition of the human genitals, pubic area, perineum, buttocks, or anal region, with less than a fully opaque covering.

Specified Anatomical Areas:

- A. Less than completely and opaquely covered human genitals, pubic regions; buttocks; and female breasts below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy; and
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Shade Tree: A tree in a public place, street, special easement, or right-of-way adjoining a street.

Sheet Flow: Water flow with a relatively thin and uniform depth.

Shooting Range: A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) can be shot for recreation, competition, skill development and/or training, usually in a sportsmen's or outdoor club in which skeet shooting, rifle shooting, or archery is practiced. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

Shopping Center, Mall or Plaza: A group of stores planned and designed to function as a unit for the lot(s) on which it is located with off-street parking provided as an integral part of the unit.

Shoulder (Street): The portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of pavement.

Sidewalk: See *Walkway*

Significant Industrial User: A non-residential user of the Township's wastewater system who:

1. Is subject to National Categorical Pretreatment Standards or:
2. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling water and boiler blowdown);
or

3. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Township's treatment plant: or
4. Is designated as such by the Township on the basis that it has an adverse affect (either realized or a reasonable potential) on the POTW's operation, on effluent and biosolids quality, or for violating a pretreatment standard or requirement.

The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under sections 403.6 and 40 CFR Chapter I, subchapter N is a Non Significant Categorical Industrial User rather than a Significant Industrial User on a Finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater unless specifically included in the Pretreatment Standard) and the following conditions are met:

- a. The Industrial User, prior to Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements:
- b. The Industrial User annually submits the certification statement required in section 403.12 (q) together with any additional information necessary to support the certification statement; and
- c. The industrial User never discharges any untreated concentrated wastewater.

Sight Distance: The 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 Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (Figure 2)

Sign: Any object, display or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign, Abandoned: A sign erected on, or related to, the use of a property which becomes vacant and unoccupied for a period twelve (12) months or more, or any sign which relates to a time, event, or purpose which is past.

Sign, Advertising: A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under the Penn Township Sign Ordinance may display either a commercial or noncommercial message.

Sign, Awning: A sign attached to, painted, or printed onto an awning, of the hinged, roll, or folding type.

Sign, Business: A sign directing attention to a business, commodity, or service conducted, sold, or offered upon the same premises as those upon which the sign is maintained. This includes signs that identify or advertise home occupations.

Sign, Canopy: A sign attached to, painted, or printed onto a canopy. The permitted size of a canopy sign shall be calculated on the basis of the size of the building wall parallel, or substantially parallel, to a street. It will, for measuring purposes, be considered a wall sign.

Sign, Construction: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Sign, Directional: A sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

Sign, Directory: A sign which identifies the names and locations of occupants or the use of a building or property.

Sign, Flashing: A sign that uses an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

Sign, Freestanding: Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

Sign, Government: Any temporary or permanent sign erected and maintained for any government purposes other than signs placed on the premises of a publicly owned building, structure or other land use, designed to identify to the public and land use. Examples of government signs include speed limit signs, city limit signs, street name signs, and traffic signs. Conversely a sign placed on a public building such as library, school or public safety building, which identifies said building, shall not be considered a government sign.

Sign, Ground Mounted: Any sign which extends from the ground or which has supports which places the bottom thereof less than two (2) feet from the ground directly beneath the sign.

Sign, Identification: A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

Sign, Incidental: A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through window menu boards,

and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Sign, Instructional: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One-Way," or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Sign, Lighted: A sign illuminated by light cast upon the sign from an external light source.

Sign, Logo: A sign used by the Pennsylvania Department of Transportation on limited access highways to direct motorists to nearby businesses and services. NOTE: Logo signs are replacing billboards on interstate highways.

Sign, Luminous: A sign illuminated through the use of phosphorescent or luminescent paint or materials

Sign, Marquee: Any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment.

Sign, Nonconforming: A sign that does not conform to the regulations of the district in which it is located.

Sign, Off-Premises: A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located

Sign, On-Premises: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

Sign, Pole: A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground mounted signs. The bottom of such signs shall be greater than three (3) feet from the ground directly beneath the sign.

Sign, Political: Any temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels or a truck; signs constructed as or converted to an A or T-frame sign; or umbrellas used for advertising purposes. Such sign, whether or not bolted to the ground, shall nonetheless be deemed to be a "portable sign."

Sign, Projecting: Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

Sign, Public Interest: A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

Sign, Real Estate: A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Roof: A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign, Sandwich or inverted “V”: A sign designed to advertise specials or sales occurring on the same day as their placement.

Sign, Temporary: A sign intended for short-term use, such as a promotional sign, including signs pertaining to business events, community events, political issues, an individual seeking public office, or a forthcoming public election.

Sign, Vehicular: Signs on parked vehicles visible from any street where the sign on the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. Vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

Sign, Wall: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which it is placed. Signs directly painted on walls shall be considered wall signs.

Sign, Window: A temporary or permanent sign, which is oriented to the public right-of-way and is located on the inside or outside of a window.

Significant Noncompliance (SNC): Any violation of pretreatment standards or requirements that meets one or more of the following eight criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter taken during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 404.3(1);
2. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all the measurements taken for each pollutant parameter during a 6 month period equals or exceeds the product of the numeric Pretreatment Standards or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criteria (1.4 BOD5, TSS, oil and grease; and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Township determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public):

4. Any discharge of a pollutant that has caused imminent endangerment to public or to the environment, or has resulted in the Township's exercise of its emergency authority under 40 CFR subsection (f)(1)(vi)(B) to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of Best Management Practices, which the Township determines will adversely affect the operation or implementation of the Township's pretreatment program.

Single Loaded Streets: Streets having houses only on one side. [Comment: When lots are trimmed down in width developers can easily reserve certain street lengths for single loading (such as alongside conservation areas or around village greens or commons) without increasing their average house lot to street length ratios. Single loading provides homebuyers with views that are more uplifting than their neighbor's garage doors staring back at them. It also provides all subdivision residents with welcome views of their conservation land as they drive, bike, jog, or walk through their neighborhood on a daily basis, increasing everyone's quality of life as well as their property values]¹. (Figure 7)

Site: A parcel of land located in the Township, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

Site Plan: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

Sketch Plan: See *Plan, Sketch*.

¹

Arendt, Randall G. *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*. Washington, D.C.: Island Press, 1996.

Skilled Health Care Facility: A skilled care facility is any premises in which nursing care and related medical or other health services are provided, for a period exceeding twenty-four (24) hours, for two (2) or more individuals, who are not relatives of the operator and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plain of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet over 100 feet of horizontal distance.

Sludge: The solid, semi-solid or liquid residue resulting from the collection and treatment of industrial, commercial, and municipal wastewaters. This term may refer particularly to chemical or physical (not biological) residues. *See also Biosolids.*

Slug Load Or Slug: Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, or at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Sections 3.1 and 3.2 of the Sewer System Use Ordinance.

Soil Cement: A mixture of Portland cement and locally available soil, which serves as a soil stabilizer.

Soil Percolation Test: A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

Soil Pipe: Any pipe receiving the discharge of one (1) or more water closets, with or without fixtures.

Soil Stabilization: Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

Solar Energy: Radiant energy (direct, diffuse, and reflected) received from the sun.

Solar Energy System: Any system, design, assembly or device which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Solar energy systems may include but are not limited to solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

Solar Skyspace: The space between a solar energy collector and the sun which must be free of significant obstructions to ensure enough incident sunlight to permit the cost effective operation of the system at least between the hours of 9 a.m. and 3 p.m. on the winter solstice (December 21st) of each year.

Solar Skyspace Easement: A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three-dimensional space in which obstruction is prohibited or limited, as well as the times of day during which direct sunlight to solar energy collector may not be obstructed.

Solid Waste: Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.

Solid Waste Landfill: A lot, parcel or tract of land used primarily for the disposal by dumping, burial, burning, or other means and for whatever purposes, of garbage, trash, refuse, sewage, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind; includes solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Meets all requirements of the Pennsylvania Department of Environmental Protection and possesses all necessary permits and authorizations to operate such facility.

Solid Waste Processing Facility: A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated offsite, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated offsite, whether or not the facility is operated to recover energy.

Solid Waste Management Act: The act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. 6018.101 et seq., as may be amended and supplemented.

South: The orientation of any building or structure shall be considered as facing south if its longest axis has a maximum deviation of twenty (20) degrees north of due east to twenty (20) degrees south of due east.

Special Exception: A special exception shall be the approval granted by the Zoning Hearing Board in situations where provision therefore is made by the terms of the Zoning Ordinance of Penn Township.

Special Occasion Home: An owner-occupied residence of historical and/or architectural significance which is available for private rental for occasions such as business meetings, weddings, receptions, banquets, private parties, fund-raising events, conferences and similar functions, although not otherwise open to the general public. The rental use must be as secondary and subordinate to the residential use.

Spillway: A depression in the embankment of a pond or basin which is used to pass peak discharge greater than the maximum design storm controlled by the pond or basin.

Spot Zoning: The zoning of a relatively small area differently from the zoning of the surrounding area, usually for an incompatible use and to favor the owner of a particular piece or pieces of property.

Stable, Boarding: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation. Also referred to as a Public Stable. *See also Riding Academy.*

Stable, Private: An accessory building in which horses are kept for private use of the landowner and not for hire, remuneration, exhibition or sale.

Standard Industrial Classification (SIC) Code: A classification pursuant to the Standard Industrial Classification Manual issues by the U.S. Office of Management and Budget, 1987.

State: The Commonwealth of Pennsylvania.

State Water Quality Requirements: The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

Stoop: An uncovered area at the front, side or rear door with a minimum of three (3) feet by three (3) or nine (9) square feet in area.

Storage Shed: A structure not intended for residential occupancy which is necessary to the principal use of the property as a place to store personal property.

Storage tank system: An aboveground tank, an underground tank or a non-stationary tank, and any associated piping, lines, dikes, curbs, transfer stations and ancillary equipment.

Storm Frequency: The number of times that a given storm event occurs on average in a stated period of years.

Storm Sewer: A pipe or conduit, or a system of pipes or conduits, which intercepts and carries surface stormwater runoff, but excludes sewage, industrial wastes and similar discharges.

Stormwater: Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Storm Water Detention: A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Stormwater Management Facility: Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels; storm sewers, pipes, and infiltration facilities.

Stormwater Management Plan: Parts and/or elements of the York County Integrated Water Resources Plan which incorporate the requirements of the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the “Storm Water Management Act.”

Stormwater Management Site Plan: The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with the Penn Township Stormwater Management Ordinance. Stormwater Management Site Plan will be designated as SWM Site Plan. For all NPDES permitted sites, the Stormwater Management Site Plan shall include, and be consistent with, the Erosion and Sediment Control Plan as submitted to the York County Conservation District (YCCD) and/or DEP.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used, whether public or private, by the general public for vehicular or pedestrian traffic. Streets are classified in accordance with the Penn Township Comprehensive Plan and are defined as follows:

- A. Interstate Highway: Limited access highways designed for traffic between major regional areas or larger urban communities of 50,000 or more; these highways extend beyond state boundaries, with access limited to interchanges located by the U.S. Department of Transportation. (Figure 4)
- B. Freeway: Limited access roads designed for large volumes of traffic between communities of 50,000 or more to major regional traffic generators (such as central business districts, suburban shopping centers and industrial areas); freeways should be tied directly to arterial roads, with accessibility limited to specific interchanges to avoid the impediment of through traffic. (Figure 4)
- C. Principle Arterial Highway: A Principal Arterial provides land access while retaining a high degree of thru traffic mobility and serves major centers of urban activity and traffic generation. They provide a high speed, high volume network for travel between major destinations in both rural and urban areas. (Figure 4)

- D. Minor Arterial Highway: A Minor Arterial gives greater emphasis to land access with a lower level of thru traffic mobility than a principal arterial and serves larger schools, industries, hospitals and small commercial areas not incidentally served by principal arterials. (Figure 4)
- E. Collector Highway: A Collector serves dual functions collecting traffic between local roads and arterial streets and providing access to abutting properties. It serves minor traffic generators, such as local elementary schools, small individual industrial plants, offices, commercial facilities, and warehouses not served by principal and minor arterials. (Figure 4)
- F. Local Roads: Those that are local in character and serve farms, residences, businesses, neighborhoods and abutting properties. (Figure 4 & 6)

Street or Highway Frontage: The distance along any one side of any public street or highway, street or alley, measured along the right-of-way line or parallel to the normal right-of-way line where the right-of-way line is not fixed.

Street Grade: The officially established grade of the street upon which a lot fronts or in its absence, the established grade of other streets upon which the lot abuts, at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at some midpoint shall be taken as the street grade.

Street Line: The dividing line between the street and lot, also known as the right-of-way line.

Street, Public: A street maintained or dedicated and accepted by the Township, County, State, or Federal Governments and open to the public use.

Street, Single Loaded: A street serving property (front yard or side yard) on one side only, with no need for access (to a rear yard or to open space) or parking on the other side.

Street Width: The distance between street lines measured at right angles to the centerline of the street.

Strip Zoning: A zone normally consisting of a ribbon of uses fronting both sides of an arterial roadway and extending inward for half a block.

Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

Structure, Accessory: A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code. (Figure 1)

Structure, Nonconforming: A structure or part of a structure that does not comply with the applicable provisions of the Zoning Ordinance or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Structure, Temporary: A tent, construction shanty, or similarly portable or demountable structure not intended for permanent use.

Structure Alteration: See *Alterations, Structural*.

Studio, Dancing or Music: The use of a premises by a teacher of music or dancing where students are taught these arts for a fee, and where more than one (1) student may be taught in a class at one time. The term is synonymous with "Dancing School" and "Music School", and other similar expressions.

Subdivider: The owner or authorized agent of the owner of the lot, tract or parcel of land to be subdivided for sale or development under the terms of this Ordinance. See also *Applicant or Developer*.

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 petition of 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.

Subgrade: The natural ground lying beneath a road.

Substantial Additions To Manufactured Home Parks: Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities and pads before the repair, reconstruction, or improvement is started.

Substantially Completed: Where, in the judgment of the Township Engineer, at least ninety percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approve plan, so that the project will be able to be used, occupied or operated for its intended use.

Substantial Damage: Damage from a cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage (or “repetitive loss” when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or:
- B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Sunrise: The first appearance of the sun, as determined by the National Weather Service. Also referred to as dawn.

Supplemental Farm Business: An auxiliary use to the primary agricultural use of a property in which residents engage in a commercial activity that is secondary to the primary agricultural activity on the property or farm. The auxiliary use may not change the primary agricultural characteristics of the property or neighborhood.

Supply Utilities: Include water supply works and storage, electric, gas, or oil substations, excluding business/sales offices and storage yards unless permitted as a principal use within the district located, and provided that all distribution facilities shall be installed in accordance with current Pennsylvania Public Utilities Commission (PUC) regulations.

Supply Yards: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods. "Supply yards" do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

Surface Drainage Plan: A plan showing all present and proposed grades and facilities for storm water drainage.

Suspended Solids: The total nonfilterable residue retained on a glass fiber filter and dried at a temperature of one hundred three to one hundred five degrees centigrade (103° to 105° C) to a constant weight.

Swale: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

Swimming, Bathing or Other Pool, Private: Any pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four inches. Farm ponds, and/or lakes are not included provided that swimming and/or wading was not the primary purpose for their construction.

Stormwater retention/detention basins, public or private, shall follow the requirements of the Stormwater Management Ordinance. See also *Wading Pool*.

SWM: Stormwater Management.

SWM BMP: See, *Best Management Practice (BMP Stormwater)*

Taking: See *Eminent Domain*.

Tapping Fee: A four part fee collected by the Township to cover eligible capital expenditures for existing or planned capacity, distribution, collection or special purpose facilities necessary to supply service to users in accordance with Act 537 of 2003 of the Commonwealth of Pennsylvania.

Tax, Local Services: The local services tax at the rate fixed in Section 3 of Ordinance No. 672, as amended.

Tax Year: The period from January 1 until December 31 in any calendar year.

Tavern: An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

Technology-Based Requirements: Standards for pollution reduction shown to be achievable as a result of implementing appropriate control technology, such as best management practices.

Telephone Central Office: A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone and radio telephone messages between subscribers and other business of the telephone company, but in a residential district not to include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

Television Antenna: Any device used for receiving video transmissions.

Temporary Portable Storage Unit: Commonly know as “portable on demand storage” or “PODS™”. Any mobile container, storage unit, shed like container or other portable structure, other than any accessory building or shed complying with all building codes and land use requirement, that is not permanently affixed to the land; is designed for temporary short term storage; is not intended for human habitation; that can or is used for the storage of personal property of any kind; and which is located for such purposes outside an enclosed building.

Temporary Structure: See *Structure, Temporary*.

Temporary Use: A prospective use, intended for limited duration, to be located in a zoning district for such use, and not constituting a nonconforming use or building.

Terminology: Technical terminology contained in rules and regulations or in ordinances referred to shall be interpreted by and through and shall have the meanings set forth in the Standard methods for the Examination of Water, Sewerage and Industrial Wastes and the Glossary, Water and Sewerage Control Engineering, both prepared by the American Public Health Association.

Theater: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

Theater, Outdoor Drive-In: An open lot or part thereof, with its apartment facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admissions basis, to patrons seated in automobiles, or on outdoor seats.

Thoroughfare: See *Major Thoroughfares*.

Through Lot: See *Lot, Through*.

Tile Disposal Field: A system of open jointed or perforated pipes laid in the upper strata of the soil for absorption.

Timbering: See *Timber Harvesting*.

Timber Harvesting: The process of cutting down and removing trees for the primary purpose of sale or processing into commercial wood products.

Topographic Map: A map showing the elevations of the ground by contours or elevations based on the United States Geologic Survey (USGS) datum.

Topsoil: Surface soils and substances, which presumably are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

Total Suspended Solids (TSS): The total suspended matter that floats on the surface or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.

Tourist Court: See *Motel*.

Tourist Home: See *Bed and Breakfast Inn*.

Townhouse: Single family attached dwelling units of one or two-story construction so situated that there are three (3) or more units contiguous to one another with some common walls, adjacent parking facilities and common yards or open space provided for all occupants.

Township: The Township of Penn, York County, Pennsylvania, Board of Commissioners (Township Commissioners), its agents or authorized representatives, with administrative offices at 20 Wayne Avenue, Hanover, Pennsylvania.

Township Code: The body of law under which the Municipality operates.

Tract: The minimum amount of land required to be approved or have been approved in a preliminary subdivision or land development plan prior to subdivision into allowed lots smaller than the original tract size.

1. Access. A tract shall only include areas of land that in the approved preliminary plan included a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior of the tract.
2. Ownership. At the time of the approval of the preliminary plan, the tract shall have one (1) Landowner as defined herein. If more than one person, entity, or corporation is involved as the landowner, such applicant shall provide evidence acceptable to the Township that there is a legally binding commitment between such entities to coordinate the access and development of the tract as shown in the approved preliminary plan.
3. Contiguous. All land area within a tract shall be contiguous, although the land may be separated by alleys, streets, or waterways.
4. Municipal Boundaries. Only areas within the Township shall be considered within a tract for purpose of meeting the minimum tract area.
5. Measurement. The land area with a tract shall be calculated by totaling the lot area (as defined herein) of each lot within the tract and also any land proposed to be dedicated as common open space.

Tractor: A truck with more than 2 axles that is primarily intended to be used to pull a trailer, as defined below.

Trailer: A vehicle designed to be towed by a motor vehicle.

Transportation Terminals: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent

or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Transformer Substation: An electric substation containing an assemblage of equipment for the purpose, other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public.

Truck Terminal: A facility designed primarily to handle freight with limited warehousing of freight for no more than thirty (30) days, with secondary allowances for service, repair and storage of vehicles involved in the normal operation.

Undeveloped Land: Any lot, tract or parcel of land that has not been graded or in any other manner prepared for the construction of a building.

Uniform Construction Code: The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and IBC.

Unit: A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to an easement or right of way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

Upzoning: Changing the zoning designation of an area to allow so-called less restrictive uses, e.g., from residential to commercial, or allowing higher densities.

Use: The specific purpose, for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

A. Use, Accessory: A use customarily incidental and subordinate to the principal use, building or structure, and located on the same lot with this principal use, building or structure.

- B. **Use, Principal:** The main or primary use of property, buildings, or structures. Only one (1) use permitted by right or by special exception shall be permitted as a principal use on an individual lot.

USDA: United States Department of Agriculture.

User: Any person who contributes, causes, or permits the contribution of wastewater into the Township's POTW. Also includes any person who withdraws potable water from individual wells or from water distribution system owned and operated by the Borough.

Utility, Public: A business organization regulated by the PUC performing a public service.

Utility Shed: A small non-rental building designed primarily for storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a dwelling and customarily made of prefabricated materials purchased, assembled, or erected and used exclusively by the property owner.

Variance: The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for an adjustment to some regulation or provision of the Zoning Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of the Ordinance. A variance may also be granted by the Governing Body for any applicable non-zoning ordinance, rule, regulation or provision.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

Vehicle, Dismantled or Non-operable: A vehicle that does not display the current Pennsylvania State Inspection Certificate and is manifestly incapable of being locomotive in its existing condition; does not include agricultural machinery and equipment.

Vehicle Washing Facility: A building on a lot, designed and used exclusively for the washing and polishing of vehicles.

Vested Right: A right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for.

Veterinarian: A qualified professional trained in the care and treatment of animals and in particular domestic animals. The term "veterinarian" includes the office, waiting room,

examination room, treatment area and overnight recovery quarters for the usual house pets (dogs, cats, birds, hamsters, and the like). See also *Animal Hospital*.

Veterinary: See *Animal Hospital*.

Viewshed: That portion of the landscape that can be readily viewed by the observer from one (1) or more vantage points. The extent of area that can be viewed is commonly delineated by landform, vegetation and/or distance.

Wading Pool: A portable or permanent structure designed to hold water for wading purposes not to exceed twenty-four (24) inches in depth and may be located above or recessed below ground level. See also *Swimming, Bathing or Other Pool, Private*.

Waiver or Modification: A deviation from the Penn Township Subdivision and Land Development Ordinance. The waiver or modification must be submitted in writing and approved by the Township following the provisions of the Pennsylvania Municipalities Planning Code.

Walkway: An area designed for pedestrians constructed to the standards set forth in the Penn Township Subdivision and Land Development Ordinance.

Wall: An upright structure of wood, stone, brick, etc. serving to enclose, divide, support or protect.

Wastewater: The liquid and water-carried industrial and sanitary wastes from residential dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the Township's sewer system.

Wastewater (Sanitary): The wastewater generated in residential kitchens, bathrooms and laundries (human waste and gray water); and from toilet facilities in commercial and industrial establishments. Includes domestic sewage.

Water Facility: Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

Water Survey: An inventory of the source, quantity, yield, and use of groundwater and subsurface resources within the municipality.

Watercourse: A stream of water, river, brook, creek, or channel or ditch for water whether natural or man-made.

Waters of this (the) Commonwealth: Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Watershed: Region or area drained by a river, watercourse, or other surface water of this Commonwealth.

Wetlands: Areas that are inundated or saturated by surface or ground water 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, including swamps, marshes, bogs, and similar areas.

Wharf: A construction designed and placed at waters edge along which board and other water craft can be brought to be docked, landed, moored, loaded or unloaded of its contents.

Wholesale Establishment: A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use. Such commodities shall be limited to durable goods, sundries, dry goods and non-perishable items.

Wholesaling, Storage and Warehousing: A building or group of buildings primarily used for the storage, transfer and distribution of products and materials.

Wind Energy System (Windmill): A device that converts wind energy to mechanical or electrical energy.

Window: An opening to the outside, other than a door, which provides all or part of the required natural light, natural ventilation, or both, to an interior space.

Window, Bay: A window whose casement may not extend beyond the foundation wall by more than eighteen (18) inches.

Yard: A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure. (Figure 1)

A. Yard, Buffer: A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure, but in addition to and outside of the required front yard, rear yard, and side yards.

- B. Yard, Exterior: An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.
- C. Yard, Front: A yard on the same lot with a main building extending the full width of the lot, exclusive of any buffer yards, and situated between the street line or rear line of a buffer yard and the required front building line projected to the side lines of the lot. (Figure 1 & 6)
- D. Yard, Interior: An open, unoccupied space between the buildings of a dwelling or its accessory buildings; not a front, side or rear yard.
- E. Yard, Rear: A yard on the same lot with a main building extending the full width of the lot, exclusive of any buffer yards, and situated between the rear line of the lot or buffer yard or if none from the conjunction of the two lot side lines and the required rear building lines projected to the side lines of the lot. On a corner lot, the rear yard should be the yard area opposite the street of address. (Figure 1 & 6)
- F. Yard, Side: A yard on the same lot with a main building situated between the required setback line and the sideline of the lot or rear yard. Any lot line not a rear line or a front line shall be deemed a side line. On a corner lot, there should only be one side yard. (Figure 1 & 6)

Zoning: A police power measure, enacted primarily by general-purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

Zoning District: A section of a municipality designated in the zoning ordinance text and (usually) delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

Zoning Envelope (Building Envelope): The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, minimum yard setbacks, and sky exposure plane regulations when applicable.

Zoning Hearing Board: The Penn Township Zoning Hearing Board.

Zoning Map: The map delineating the boundaries of districts that, along with the zoning text, comprises the zoning ordinance.

Zoning Officer: The administrative officer designated to administer the zoning ordinance and issue zoning permits.

Zoning Ordinance: The Penn Township Zoning Ordinance, as amended.

Zoning Permit: A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance there from.

Conflicts

The definitions contained herein shall apply to any ordinance that specifically references the “Ordinance of Definitions.” All other definition contained in other Ordinances shall continue to apply to those Ordinances.

Amendment

The Commissioners may, from time to time, revise, modify, and amend these regulations by appropriate action taken at a public meeting.

Validity

Should any section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof.

Repealer

Ordinance Number 704 is hereby repealed.

Effective Date

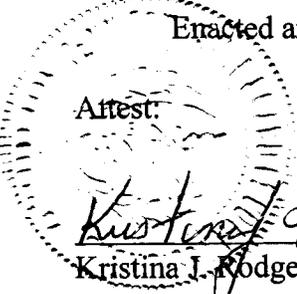
This Ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Penn Township, York County, Pennsylvania.

Ordinance of Definition

Enacted and Ordained this 21st day of November, 2011

Attest:

Penn Township Board of Commissioners,
York County, Pennsylvania



Kristina J. Rodgers

Kristina J. Rodgers, Secretary



Craig M. Prieber, President



* - RIGHT OF WAYS, SETBACKS, AND OTHER LINES NOT DRAWN TO SCALE

Figure 1

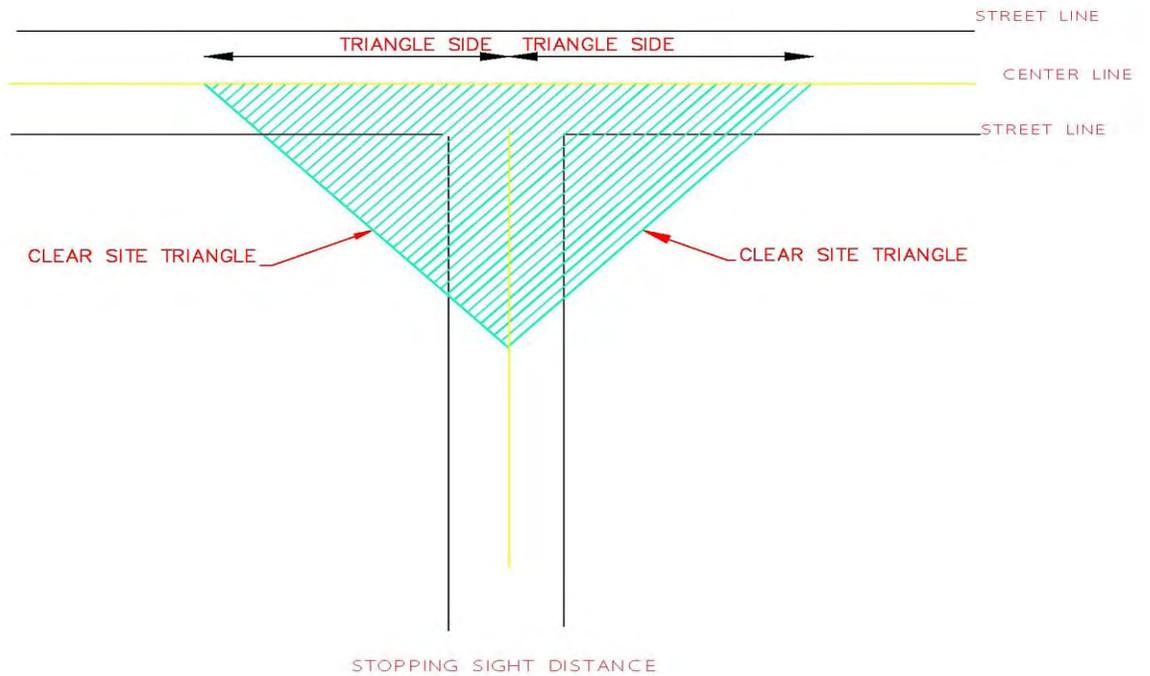
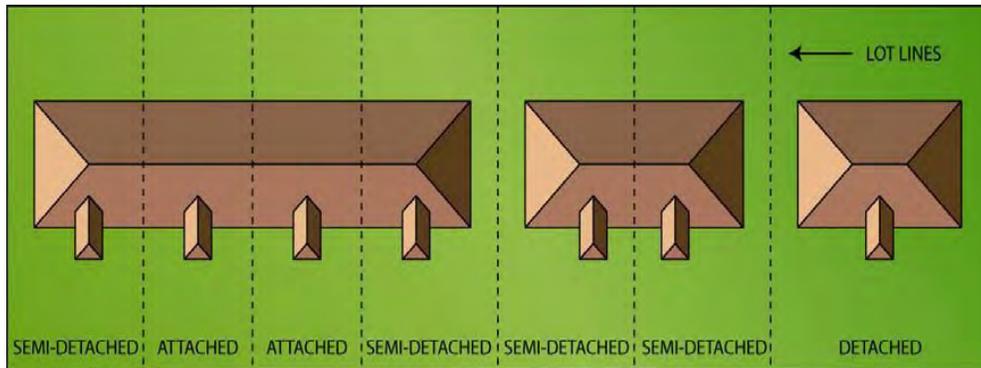
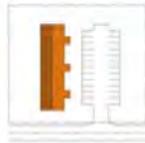


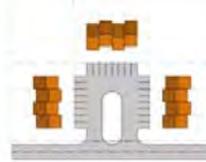
FIGURE 2



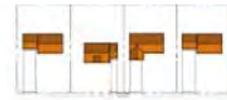
DWELLING - MULTI-FAMILY



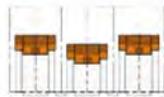
DWELLING - SINGLE FAMILY ATTACHED



DWELLING - SINGLE FAMILY DETACHED



DWELLING - SINGLE FAMILY SEMI-DETACHED



DWELLING TWO FAMILY

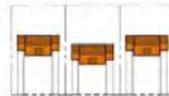


FIGURE 3

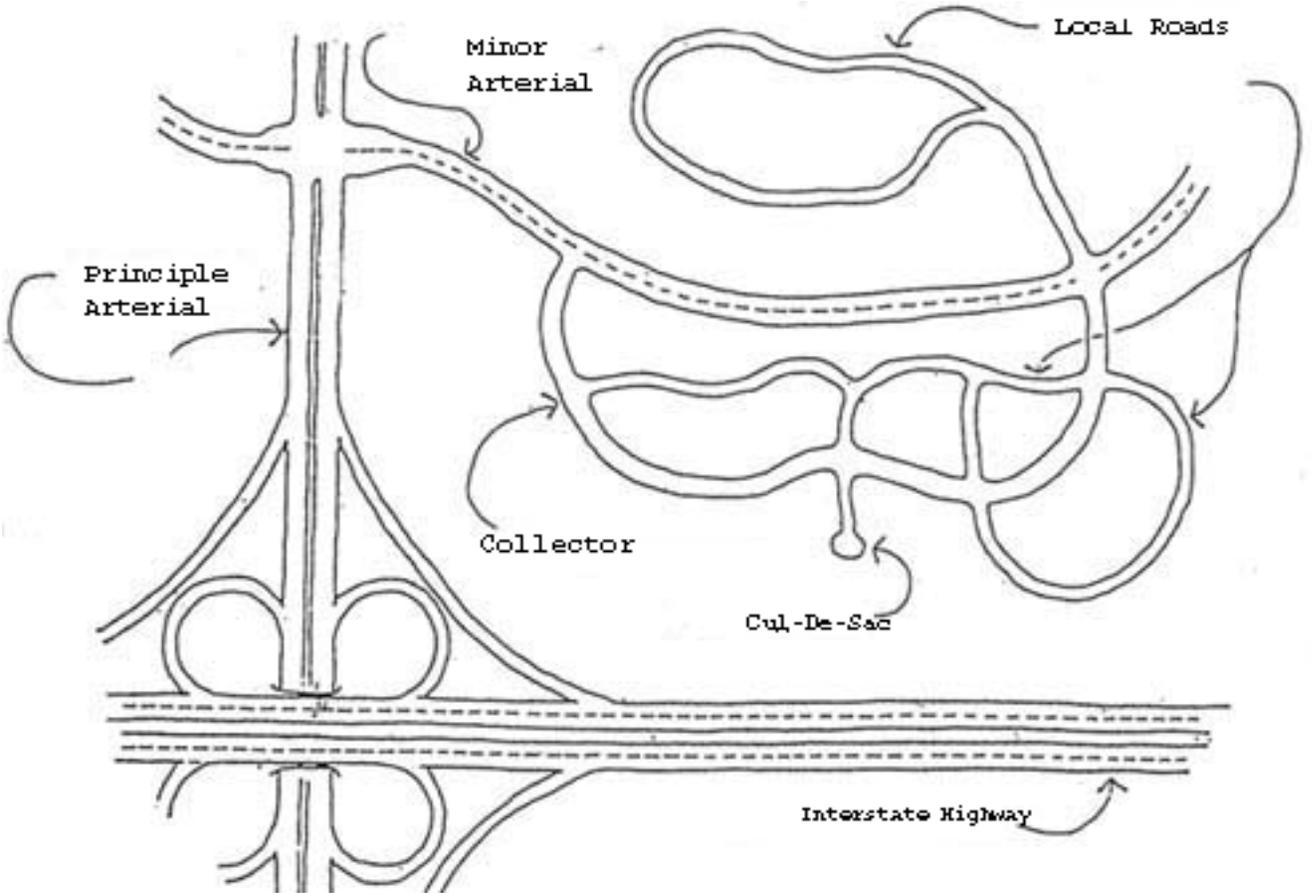


FIGURE 4

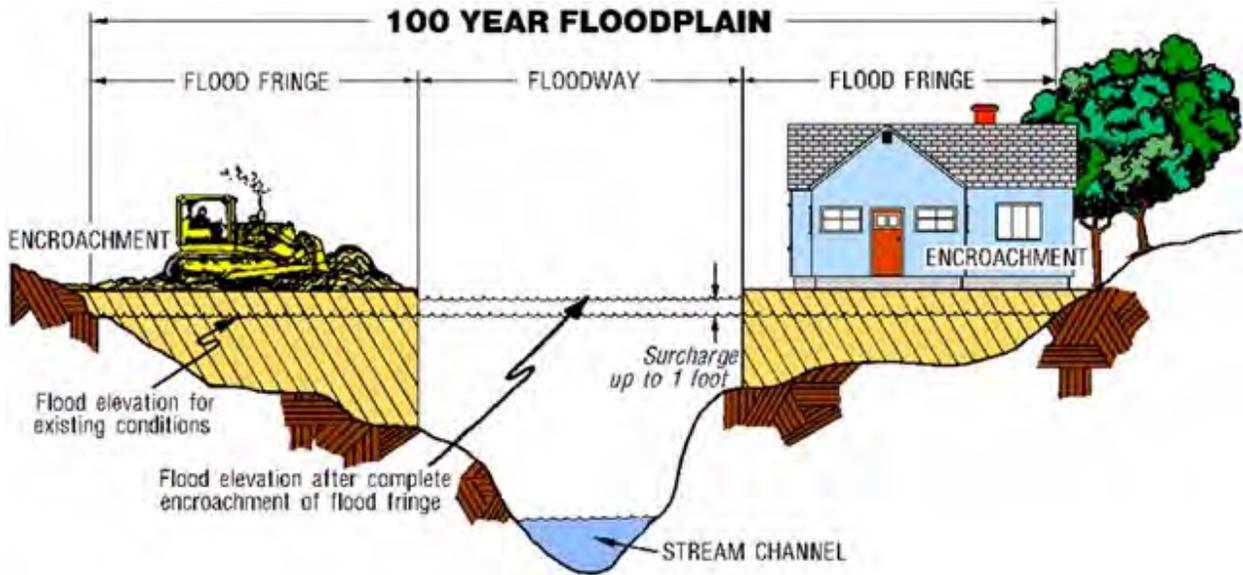


FIGURE 5

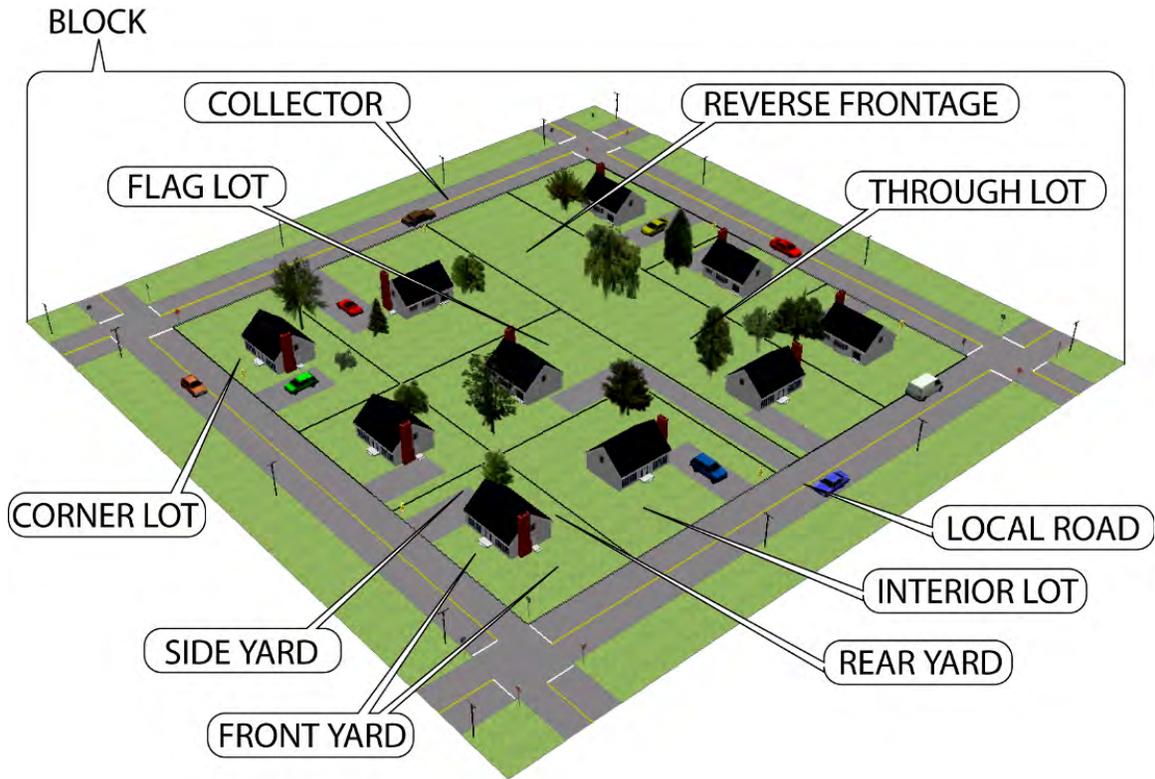
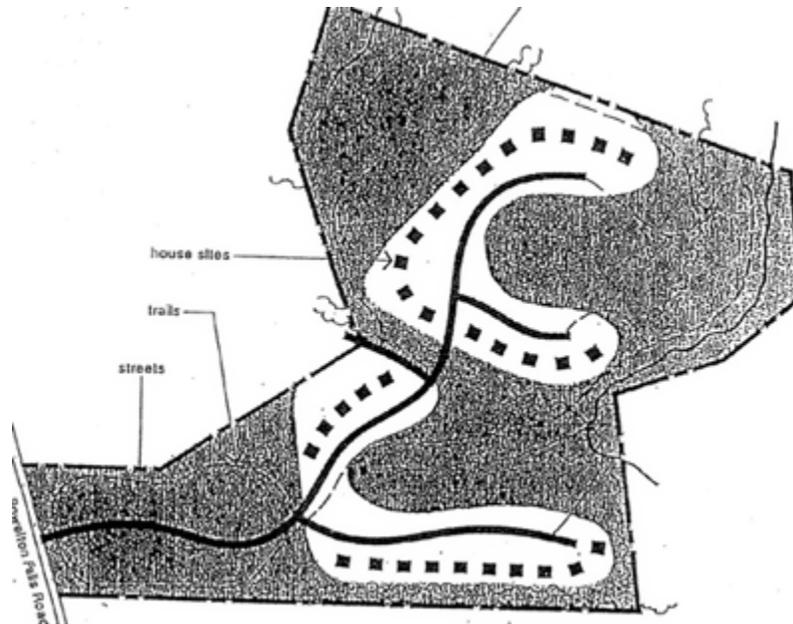


FIGURE 6



SINLGE LOADED STREETS

FIGURE 7