

ARTICLE VI

INSPECTION AND ACCEPTANCE OF IMPROVEMENTS

SECTION 601 PROGRESS INSPECTIONS

The developer shall notify the Inspector at least seventy-two (72) hours prior to beginning any installation of public improvements in an approved plan. While work is in progress, the developer shall notify the Inspector at least seventy-two (72) hours prior to the time that the following required progress inspections are desired:

- A. Inspection of sub-grade of streets prior to laying of base;
- B. Inspection of base prior to final paving of streets; and
- C. Inspection on installation of water lines, sanitary sewer lines, storm sewers and drainage facilities before they are covered.

At the Township Engineer's discretion, an inspector may be required to be present at the site on a continual basis while work is in progress. The cost of providing a full-time or part-time inspector shall be charged to the developer in accordance with Section 1101.3 of this Ordinance.

The Inspector shall maintain a daily log of all inspections. The log shall be kept in a survey field book and shall be turned over to the Township Engineer upon completion of the project and copies of the reports shall be forwarded to the developer upon receipt.

SECTION 602 NOTICE OF COMPLETION

When the developer has completed the required public improvements in a plan, the developer shall notify the Township, in writing, by certified or registered mail. Within ten (10) days of the receipt of such notification, the Board of Supervisors shall authorize the Township Engineer to conduct a final inspection of the public improvements in the plan to determine compliance with the Design Standards specified in Article VIII of this Ordinance and the Township Construction Standards.

SECTION 603 FILING OF AS-BUILT PLANS

Upon completion of the public improvements in a plan, "as-built" plans and profiles of the public improvements, as constructed, shall be filed with the Township by the developer within ten (10) days of the mailing of the Notice of Completion. A sepia and print of each "as-built" drawing shall be submitted. "As-built" plans and profiles shall be marked "as-built" and shall contain the final grade of all sanitary and storm sewers and appurtenances. Horizontal angles between sanitary sewer manholes shall be shown.

SECTION 604 FINAL INSPECTION AND APPROVAL

604.1 Township Engineer's Report

Upon authorization by the Board of Supervisors, the Township Engineer shall perform a final inspection of the public improvements in the plan. Within thirty (30) days of receiving the authorization by the Board of Supervisors, the Township Engineer shall file a report, in writing, with the Board of Supervisors indicating approval or rejection of the improvements, either in whole or in part, and in the case of rejection, shall provide a statement of the reasons for such rejection. The Township Engineer shall promptly mail a copy of said report to the developer by certified or registered mail.

604.2 Notification of Developer by The Board of Supervisors

The Board of Supervisors shall notify the developer, in writing, by certified mail, within fifteen (15) days of receipt of the Township Engineer's report, of the action of the Board of Supervisors with relation to approval or rejection of the public improvements.

604.3 Failure of Township to Comply

If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained in this Article, all public improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the Performance Bond posted with the Township.

604.4 Completion of Rejected Public Improvements

If any portion of the public improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to make the required corrections or additions and, upon completion, the same procedure of notification, inspection and approval, as outlined in this Article shall be followed.

604.5 Developer's Rights

Nothing in this Article, however, shall be construed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

604.6 Release of Performance Bond

Upon approval of all of the public improvements in the plan, the developer shall be released from any liability pursuant to the Performance Bond posted to guarantee the proper installation of those improvements.

From time to time, during the installation of the public improvements, the developer may request partial release of the Performance Bond in an amount necessary for payment of contractors performing the work. Any such request shall be in writing and shall be addressed to the Board of Supervisors. The Board of Supervisors shall have forty-five (45) days from the receipt of such request to allow the Township Engineer to certify, in writing, that such portion of the installation of public improvements has been completed in accordance with the requirements of this Ordinance and the approved Final Plat.

Upon such certification by the Township Engineer, the Board of Supervisors shall authorize release of an amount as estimated by the Township Engineer which fairly represents the value of the improvements completed. The Board of Supervisors shall require retention of ten percent (10%) of the estimated cost of such improvements until such time as all improvements have been installed and the Performance Bond is released in its entirety.

SECTION 605 ACCEPTANCE OF PUBLIC IMPROVEMENTS

Upon completion of the final inspection and approval of the public improvements, the developer shall submit a request to the Board of Supervisors, in writing, to accept the dedication of the public improvements. The request for acceptance shall include deeds of dedication and all other legal descriptive documents necessary to prepare an Ordinance and shall be submitted at least ten (10) calendar days prior to the regular meeting of the Board of Supervisors. At the regular meeting, the Board of Supervisors shall enact an Ordinance accepting the public improvements as part of the Township's public facilities, subject to the posting of the Maintenance Bond required by Section 606 of this Ordinance.

No property or public improvements shown on a Final Plat shall be considered to have been finally accepted by the Township until the dedication thereof has been officially accepted by adoption of an Ordinance of the Township, duly enacted and advertised in accordance with law.

SECTION 606 POSTING OF MAINTENANCE BOND

When the Board of Supervisors accepts the dedication of all or some of the required public improvements in a plan, following their completion, the Board of Supervisors shall require

the posting of a Maintenance Bond, as defined by this Ordinance, to insure the structural integrity of the improvements and to guarantee the proper functioning of those improvements in accordance with the Design Standards of Article VIII, the Township Construction Standards and the specifications of the Final Plat.

The term of the Maintenance Bond shall be for a period of eighteen (18) months from the date of the acceptance of the public improvements by the Board of Supervisors. The amount of the Maintenance Bond shall be fifteen percent (15%) of the actual cost of installation of the public improvements.

SECTION 607 REMEDIES TO EFFECT COMPLETION OF PUBLIC IMPROVEMENTS

In the event that the public improvements required to be installed by the provisions of this Ordinance are not installed in accordance with the requirements of this Ordinance or the approved final plat prior to the expiration of the Performance Bond, the Board of Supervisors shall have the power to enforce the Performance Bond by appropriate legal and equitable remedies provided by the laws of the Commonwealth of Pennsylvania. If proceeds from the Performance Bond are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such Performance Bond, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the Performance Bond or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements guaranteed by such Performance Bond and not for any other municipal purpose.

SECTION 608 RELEASE OF AMENITIES BOND

Approval of private improvements for which an amenities bond has been posted and final release of the amenities bond shall only indicate compliance with the specifications shown on the approved plan. Such approval and release of the amenities bond shall not imply approval by the Township of the method of construction or the structural integrity of the private improvements, nor shall there be any liability associated with or responsibility for maintenance of those private improvements by the Township. A maintenance bond shall not be required to be posted for private improvements as a condition of release of the amenities bond.