

**PART 3**

**SUBDIVISION CONTROL**

**§22-301. Conformance with Regulations.**

No subdivision or land development within Chalfont Borough shall be effected and no street, alley, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in accordance with the provisions of this chapter.

(Ord. 359, 11/14/2006)

**§22-302. Construction of Improvements; Completion Guaranty.**

1. Improvement Guaranty.

- A. No plan shall be finally approved unless the streets shown on such plan have been improved to a condition required by this chapter and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this chapter have been installed in accordance with this chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the applicant shall provide for the deposit with the Borough of financial security in an amount sufficient to cover the costs of such improvements or common amenities, including but not limited to roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required. Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- B. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost for the completion of the remaining improvements as of the expiration or a rescheduled date of completion subsequent to said security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this section.
- C. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements submitted by an ap-

## SUBDIVISION AND LAND DEVELOPMENT

plicant and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are able to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

### 2. Agreement Between Borough and Developer.

- A. The developer shall enter into an agreement with the Borough of Chalfont guaranteeing that the improvements will be installed in accordance with the plans, specifications and schedules approved by the Borough of Chalfont prior to plan approval. This agreement shall also guarantee that no lot will be sold and no building will be constructed in any flood-prone and/or mud-slide-prone area prior to the completion of all protective works or measures planned for such lot and necessary access facilities.
- B. Such agreement shall also provide that the bond may be applied by the Borough of Chalfont toward any amounts incurred in correcting such defects. The balance of such deposit, if any, held at the end of such period shall be returned by the Borough Council to the depositor or shall be paid to the order of the depositor without payment of interest by the Borough Council.
- C. Prior to offering any improvement to the Borough Council, the developer shall furnish a written guaranty that labor or engineering and professional services furnished in the construction of improvements shall have been paid in full and that there are no claims for damage nor suits against the contractor involving such improvements. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the designated specification as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this chapter with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of such improvements.

(Ord. 359, 11/14/2006)

**§22-303. Recording of Final Plan; Time Limit.**

Approval of any final plan shall lapse and become void unless the Borough Solicitor shall have caused a copy of the approved plan to be recorded with the Recorder of Deeds of Bucks County, Doylestown, Pennsylvania, within 90 days after the date of approval.

(Ord. 359, 11/14/2006)

**§22-304. Recorded Plan a Part of Borough's Official Plan of Improvements.**

The recording of an approved plan shall make the plan a part of the Borough's Official Plan of Streets, Highways, Parks and Other Public Improvements. However, all streets, highways, parks and other public improvements shall be deemed to be in private ownership, whether or not noted on the plan as dedicated for public use, until such time as any improvements may have been specifically accepted or condemned by Borough according to law.

(Ord. 359, 11/14/2006)

