

**ARTICLE VI**  
**CONSERVATION DESIGN OPTION**

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**601 Purpose.**

- A. To complement the purposes of the AP and RC zoning districts in implementing the policies of the Hereford Township and Washington Township Joint Municipal Comprehensive Plan.
- B. To conserve open land, including active farmland and those areas containing unique and sensitive natural resources such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development.
- C. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utilities, and the amount of paving and impervious surface required for residential development.
- D. To reduce erosion and sedimentation through the retention of existing vegetation, the minimization of development on steep slopes, and the reduction of earth disturbance.
- E. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space and with strong neighborhood identity.
- F. To provide options for landowners to minimize impacts on sensitive environmental resources, reduce disturbance of natural and cultural features, and conserve scenic views.
- G. To provide flexible standards for addressing varying circumstances and interests of individual landowners and the unique characteristics of their properties.

**602 General Regulations.**

- A. Minimum Tract Area. Any tract of land with a Net Lot Area of ten (10) Acres or greater shall be eligible for use of the Conservation Design Option (CDO).

- B. Permitted Uses.

Except as limited pursuant to Section 602.A above, use of the CDO may include any principal and accessory residential use(s) permitted in the base zoning district and any open space use(s) pursuant to Section 605.A hereinafter set forth, subject to all applicable regulation herein. Where residential development under the CDO constitutes a Continuing Care Retirement Community (CCRC), additional uses and/or facilities as set forth in Section 904.E may be permitted when demonstrated by the applicant to be clearly intended for use principally by residents, staff, and visitors to the community.

- C. Applicable Approval Process. Use of the CDO shall be permitted by right in the AP and RC zoning districts where all of the qualifying conditions listed below are met. In any

other situation, where permitted, the CDO shall be subject to conditional use approval by the Board of Supervisors.

1. Residential uses shall be limited to single-family detached dwellings on lots where the Net Lot Area is not less than one acre;
2. Sewage disposal shall be limited to individual sewage disposal; and
3. Density shall not be increased through receipt of Transferable Development Right (TDRs), where applicable.

D. Water Supply.

Development under the CDO shall be served by individual, community, or public water supply systems in accordance with applicable provisions of the Hereford Township Subdivision & Land Development Ordinance, where the applicant can demonstrate, to the satisfaction of the Board of Supervisors, adequate supply for the intended residential and open space uses. In order to demonstrate adequate water supply, the Township may require the drilling of test wells upon the recommendation of the Township Engineer.

E. Sewage Disposal.

Development under the CDO shall be served by individual, community or public sewage disposal systems consistent with the Hereford Township Sewage Facilities (Act 537) Plan and in accordance with applicable provisions of the Hereford Township Subdivision and Land Development Ordinance, subject to demonstration of compliance with all applicable federal, state or county regulation or authority. Where individual sewage disposal systems are utilized, they shall be located on the lot which they serve and shall not be located within areas of common open space.

F. Single Plan.

The tract, or tracts in the case of contiguous or non-contiguous parcels, of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility.

**603 Density, Area & Bulk Regulations.**

A. Minimum Restricted Open Space.

Except where adjusted to facilitate the receipt of transferable development rights as provided in Article VII, the minimum restricted open space shall encompass an area of land meeting the greater of the following criteria, as applicable:

1. An area of land equal to that established by the following calculation: the gross tract area less fifty percent (50%) of the Net Lot Area of the tract (Net Tract Area).

2. An area of land not less than sixty-five percent (65%) of the gross tract area where located in the RC zoning district.
3. An area of land not less than seventy percent (70%) of the gross tract area and encompassing not less than seventy percent (70%) of the prime agricultural soils on the subject property where located in the AP zoning district.
4. Net Acreage restricted as a result of TDR severance shall not be calculated toward compliance with minimum open space requirements in any development under the Conservation Design Option.

B. Permitted Density Calculation.

1. Except where additional density is permitted through receipt of transferable development rights as provided in Article VII, the maximum permissible number of lots or dwelling units on any tract utilizing the CDO shall be calculated by multiplying the Net Lot Area of the tract (in acres) by the multiplier stipulated for each zoning district as provided below. The product of any such calculation shall be rounded to the nearest whole number; a fraction equal to 0.5 or greater shall be rounded up:

<u>Zoning District</u>	<u>Applicable Density Multiplier</u>
AP - Agricultural Preservation District	0.33
RC - Rural Conservation District	0.2

2. Net Acreage restricted as a result of TDR severance shall not contribute to the Net Lot Area used to calculate permitted residential density under this section nor toward compliance with minimum lot area standards for any individual lots as provided below.
3. The maximum number of units calculated under the provisions herein may not always be achievable while meeting requirements for minimum restricted open space and all other standards, criteria, and regulations herein.

C. Density and Open Space Determinations for Split-zoned Properties.

1. Density Calculations. Where a single contiguous tract of land falls into more than one zoning district, the permitted density of development shall be calculated as the sum of the density calculations made for each district separately. In such cases, ultimate placement of dwelling units may reflect a uniform plan for the entire tract without regard to zoning district boundaries within the tract.
2. Open Space Calculations. Where a contiguous tract of land falls into more than one

zoning district, the open space requirement for the entire tract shall be calculated as the sum of that required in each district separately, without regard to ultimate geographic location of open space parcels relative to each zoning district.

D. Residential Area and Bulk Regulations.

1. Minimum Individual Net Lot Area:
  - a) With individual sewage disposal system: one acre.
  - b) With public or community sewage disposal and on-site water supply: 20,000 square feet.
  - c) With public or community sewage disposal and public or community water supply: 10,000 square feet.
2. Minimum Lot Width at Building Line:
  - a) Lots of one Net Acre or greater: 120 feet.
  - b) Lots 20,000 net square feet or greater and less than one Net Acre: 90 feet
  - c) Lots 10,000 net square feet or greater and less than 20,000 net square feet: 60 feet
3. Minimum Lot Width at Street Line shall be not less than the required minimum lot width at building line, as applicable, except that in the case of lots entirely fronting on a cul-de-sac turnaround, regardless of lot size, the lot width at street line may be reduced to no less 60 feet measured along the perimeter of the cul-de-sac turnaround.
4. Minimum Tract Perimeter Yard Setbacks: Any yard abutting the pre-existing perimeter of the tract shall comply with the conventional setbacks set forth in the base zoning district, notwithstanding the provisions set forth below.
5. Minimum Front Yard Setbacks
  - a) Lots of one Net Acre or greater: 50 feet.
  - b) Lots 20,000 net square feet or greater and less than one Net Acre: 40 feet
  - c) Lots 10,000 net square feet or greater and less than 20,000 net square feet: 25 feet
6. Minimum Rear Yard Setbacks: 50 feet regardless of lot size.

7. Minimum Side Yard Setback:
  - a) Lots of one Net Acre or greater: 20 feet.
  - b) Lots less than 30,000 net square feet: 10 feet.
8. Additional building setbacks. In addition to individual yard setbacks, all new residential structures in a CDO development shall meet the following standards unless modified subject to approval as a conditional use:
  - a) From crop or pasture land: 100 feet
  - b) From buildings or barnyards housing livestock: 300 feet
  - c) From active recreation areas such as courts, playing fields, or golf fairways, greens or driving ranges: 150 feet
9. Maximum Lot Coverage:
  - a) Lots with Net Lot Area of one acre or greater: 25 percent.
  - b) Lots with Net Lot Area less than one acre: 35 percent.
10. Maximum Building Coverage:
  - a) Lots with Net Lot Area of 30,000 square feet or greater: 15 percent.
  - b) Lots with Net Lot Area less than 30,000 square feet: 25 percent.
11. Maximum Building Height: 35 feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1703.B.

#### **604 Conservation & Development Design Standards.**

- A. General Development Standards. All applicable standards provided in Article XVII of this Ordinance shall apply to any development utilizing the Conservation Design Option.
- B. Required Design Process.

Use of the CDO shall follow a four-step design process as described below. Applicants are required to document the design process as described in the plan requirements of the Subdivision and Land Development Ordinance and in sufficient detail to demonstrate compliance with the following procedure. This procedure is established to guide the design process and is not intended to further constrain density calculations, open space requirements, or area and bulk regulations.

1. Step 1: Delineation of Open Space Lands and Development Areas

Open space lands and development areas shall be delineated according to the following procedure:

- a. All lands excluded or partially excluded from determination of Net Lot Area of the tract shall be delineated.
- b. A preliminary open space network shall be delineated to include lands subject to exclusion from the Net Lot Area definition pursuant to Section 201 to the greatest extent practicable and consistent with the resource protection standards set forth in Article XVIII. At a minimum, the preliminary open space network shall include sufficient lands to meet the minimum restricted open space requirement as calculated in accordance with Section 603.A.
- c. Potential development areas shall constitute the residual areas of the tract(s) once the preliminary open space network has been delineated.

2. Step 2: Location of House Sites

Proposed house sites shall be located within the potential development areas and shall be designed to:

- a. Fit the tract's natural topography, minimizing need for changes in topography or disturbance to existing vegetation;
- b. Be located no less than fifty (50) feet from any area within the preliminary open space network delineated in Step 1, to the greatest extent practicable;
- c. Provide views of and access to adjoining open space areas (without encroaching upon them in a manner visually intrusive to users of such areas);
- d. Minimize visibility from exterior roads and other properties;
- e. Be able to be served by adequate water and sewage facilities.

3. Step 3: Alignment of Streets and Trails

- a. Once proposed house site locations are identified, the applicant shall delineate a system for vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe and efficient pattern of circulation and ingress and egress to and from the tract.
- b. Houselots shall generally be accessed from interior streets, rather than from

external roads bordering the tract.

- c. The locations of streets and driveways shall minimize intrusion into and adverse impacts to the open space network. Interconnection between separate development areas as well as existing or potential development areas on adjoining tracts shall be encouraged.
- d. A tentative network of trails shall also be delineated, connecting streets and development areas with various natural and cultural features within the open space network. Potential trail connections to adjacent parcels shall also be shown in areas where a Township trail network may be envisioned.

4. Step 4: Design of Lot Lines

Lot lines for the subdivision should be drawn as the last step in the design procedure. They should follow the configuration of house sites and streets in a logical and flexible manner, should be consistent with the applicable dimensional standards of Section 603.D, and should provide for logical management of open space areas consistent with the provisions of this Article.

C. Open Space Resource Protection. The location of proposed open space shall take into consideration and incorporate the following natural and cultural resources to the fullest extent practicable:

1. Stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas required to ensure their protection.
2. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.
3. Moderate to steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
4. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
5. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
6. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetation features representing the site's rural past.

7. Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
8. Historic structures and sites.
9. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
10. Existing trails connecting the tract to other locations in the Township.

### **605 Open Space Designation & Management Standards.**

#### **A. Open Space Designation & Use.**

1. The location and layout of restricted open space shall be configured so as to serve residents adequately and conveniently and to promote adherence to resource protection standards set forth in Section 604 above, and shall further conform to the following conditions:
  - a. A portion of the designated restricted open space equal in area to no less than twenty (20) percent of the gross tract area shall exclude areas comprised of designated flood hazard districts, wetlands, slopes in excess of twenty-five (25) percent, sewage treatment or disposal facilities or areas, stormwater management facilities, or areas devoted to golf or commercial recreation.
  - b. No portion of the designated restricted open space shall be measured as contributing to the minimum required restricted open space area where it:
    - 1) is within twenty-five (25) feet of any residential structure except historic structures;
    - 2) is occupied by any parking area or any non-residential structure except historic structures and structures devoted to permitted agricultural or non-commercial recreational use(s);
    - 3) extends less than seventy-five (75) feet in the narrowest dimension at any point;
2. Areas designated for open space purposes, regardless of ownership, and notwithstanding the minimum standards for measurement of open space set forth in Section 605.A.1 above, may be used for any of the following:
  - a. Conservation of open land in its natural state (e.g., woodland, fallow field, or managed meadow);



- b. Agricultural and horticultural uses, including raising crops or livestock and wholesale nurseries. Intensive agricultural uses may only be permitted where approved as a conditional use where consistent with the provisions of Section 1905 and where the Board of Supervisors is satisfied that such use(s) may be conducted in a manner not detrimental to any neighboring residential use.
  - c. Forestry, if conducted in compliance with the woodland protection and tree harvesting standards of Article XVIII of this Ordinance.
  - d. Public, common, or private green, park or outdoor recreation area. Commercial recreational use(s) may be permitted where approved as a conditional use where the Board of Supervisors is satisfied that such use(s) are consistent with the purposes of this Article.
  - e. Golf courses, subject to the restriction set forth in Section 605.A.1.a.
  - f. Stormwater management facilities, water supply facilities, and sewage treatment and disposal facilities, including individual sewage disposal systems to the extent that it is not practicable to locate such facilities on individual lots. The placement of stormwater management, water and sewer facilities in open space areas shall be subject to all applicable regulations and shall be permitted only where the Board of Supervisors is satisfied that adequate provision(s) for the long-term management and maintenance of such facilities are guaranteed and that the placement of such systems in open space areas does not significantly compromise compliance with all other applicable standards for the designation, use and management of open space;
  - g. Where water, sewer, or stormwater management facilities are located within restricted open space, easements satisfactory to the Board of Supervisors shall be established to require and enable the maintenance of such facilities by the appropriate parties.
  - h. Easements for drainage, access, utilities, sewer or water lines, or other public uses. Above ground utility and rights-of-way may traverse open space and conservation areas, but shall not count towards the minimum required open space.
  - i. Structures principally used for any of the above permitted open space uses, subject to compliance with any applicable limitations on measurement of minimum restricted open space;
3. Open space shall be interconnected with open space areas on abutting parcels wherever possible to promote the establishment of an interconnected and continuous network of open space, and shall include, where appropriate, provisions for

pedestrian pathways for general public use to create linked systems within the Township.

4. As a condition of approval, the Township may require that open space areas be provided with sufficient perimeter parking, and with safe and convenient access by adjoining street frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.
5. Open space shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources

B. Standards for Ownership of Restricted Open Space.

Except to provide for permitted open space uses, required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Berks County. Subject to such permanent restrictions and the approval of the Board of Supervisors, restricted open space land in any conservation design may be owned by a homeowners or condominium association, the Township, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership.

1. Offer of Dedication.

The Township may, but shall not be required, to accept dedication in the form of fee simple ownership of restricted open space land. Where the Township accepts dedication of restricted open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

2. Homeowners Association.

The restricted open space land and associated facilities may be held in common ownership by a Homeowners Association. The Association shall be formed and operated under the following provisions:

- a. The developer shall provide a description of the Association including its bylaws and proposed means of maintaining the open space. The developer shall further provide satisfactory proof of adoption of the Association bylaws and copy of all declaration(s) of covenants, easements, restrictions or similar document(s) regulating the use and maintenance of the property.

- b. The Association shall be organized by the developer and operated with financial subsidization by the developer, before the sale of any lots within the development;
- c. Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from developer to homeowners shall be identified;
- d. The Association shall be responsible for maintenance and insurance on common open space land and any permitted improvements thereon, enforceable by liens placed by the Homeowners Association. The Township has the right, but not the obligation, to enforce maintenance of common open space land, and may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the lots subject to membership in the Homeowners Association and/or the open space to collect unpaid taxes;
- e. The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association declaration and bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes);
- f. In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners Association, or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development;
- g. The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land;
- h. The Homeowners Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
  - 1) that the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
  - 2) that the common open space land to be leased shall be maintained for the purposes set forth in this Ordinance; and

- 3) that the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or Homeowners Association, as the case may be.
  - i. The lease shall be subject to the approval of the Board of Supervisors and any transfer or assignment of the lease shall be further subject to the approval of the Board of Supervisors. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Berks County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Secretary of the Township;
  - j. Homeowners Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, Applicant shall provide draft Homeowners Association documentation with sufficient detail to demonstrate feasible compliance with this Section.
  - k. All applicable Homeowners Association documentation shall be reviewed and approved by the Township Solicitor and shall be recorded in the Office of the Berks County Recorder of Deeds at the time of recording of Final Plans and prior to issuance of any building permit.
  - l. Any costs accrued on the part of the Township in regard to the administration, review or approval of any required activities of the Homeowners Association shall be reimbursed by the Association within ten (10) days after written demand by the Township. Upon failure of the Association to pay such costs by the time required, there shall be added thereto interest at the rate of fifteen (15) percent per annum as well as all costs incurred by the Township in collection thereof. All such costs, including court costs and attorney's fees, shall constitute a municipal lien and be enforceable as such against the Association and shall apply, pro rata, against all lot owners who are members of the association, in addition to applying to any affected open space.
3. Condominiums.

The restricted open space land and associated facilities may be held in common through the use of condominium agreement(s), approved by the Board of Supervisors. Such agreement shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements." To the degree applicable, condominium agreement(s) shall comply with the provisions of Section 605.B.2 above, set forth for Homeowners Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan

submission, Applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate compliance with this Section.

4. Dedication of Easements.

The Township may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land, title of which is to remain in common ownership by condominium or homeowners association, as applicable.

5. Transfer of Easements to a Private Conservation Organization

With the permission of the Township, an owner may transfer easements to a private, nonprofit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:

- a. the organization is acceptable to the Board of Supervisors, and is a bona fide conservation organization with perpetual existence;
- b. the conveyance contains appropriate provision for proper reverter or retransfer subject to the approval of the Township in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
- c. a maintenance agreement acceptable to the Board of Supervisors is entered into by the applicant and the private conservation organization.

6. Private Ownership of Restricted Open Space.

- a. Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.
- b. All or portions of the designated restricted open space, where permitted by the Board of Supervisors, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of restricted open space be conferred upon and/or divided among the owners of one or more individual lots.

C. Maintenance of Open Space and Common Facilities

Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and open space shall be borne by the property owner, condominium association, homeowners association, or conservation organization as outlined below.

1. Required Open Space Management Plan.

The applicant shall provide a plan for the long term management of the restricted open space which is to be created as part of the development, including maintenance and management of any wastewater disposal, water supply, stormwater management or any other common facilities.

a. Open Space Management Plan Information

Such a plan shall include a narrative discussion of the following items:

- 1) The manner in which the restricted open space and any facilities included therein will be owned and by whom it will be managed and maintained;
- 2) The conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protect the restricted open space, including conservation plan(s) approved by the Berks County Conservation District where applicable;
- 3) The professional and personnel resources that will be necessary in order to maintain and manage the property;
- 4) The nature of public or private access that is planned for the restricted open space; and
- 5) The source of money that will be available for such management, preservation and maintenance on a perpetual basis.

b. At the time of Preliminary Plan submission, the applicant shall provide a draft open space management plan with sufficient detail to demonstrate feasible compliance with the provisions required under this Section.

c. The Board of Supervisors may require that the management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Berks County.

d. The Board may require as a condition of subdivision and/or land development approval that appropriate management contracts be established as evidence of the ability to adhere to the provisions of the approved management plan.

e. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors. Approval of such application by the Board shall not be unreasonably withheld or delayed, so long as:

- 1) The proposed change is feasible, is consistent with the purposes of preservation of open space set forth in this Section and with the approved subdivision and land development plans; and
- 2) The plan for such change avoids a likelihood of the obligation for management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors.

2. Provisions for Maintenance of Restricted Open Space

- a. In the event that a homeowners or condominium association, any successor organization, or any other owner of the open space or other entity responsible for maintenance of any open space or common facilities, shall, at any time after establishment of a development containing open space lands or common facilities, fail to maintain such land or facilities in reasonable order and condition in accordance with the approved development plan, the open space management plan and/or association or condominium documents as applicable, the Township may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space lands or common facilities in reasonable order and condition.
- b. Failure on the part of the homeowners or condominium association, any successor organization, or any other owner of the open space or other entity responsible for maintenance of any open space or common facilities to adequately maintain the open space land or common facilities in reasonable order and condition shall constitute a violation of this Ordinance. The Township is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.
- c. Upon default by any homeowners or condominium association, any successor organization, or any other owner of the open space or other entity responsible for maintenance of any open space or common facilities, where such maintenance is required under the terms of the open space management plan, homeowners association or condominium documents, any subdivision and/or land development plan for the property, the zoning approval for the property, or under any applicable requirements of any Township ordinances, permits or approvals, or where such maintenance is otherwise necessary to abate a nuisance, emergency, hazard or other condition threatening persons or property or the public health, safety or welfare, the Township may, but shall not be obligated, to take the following actions:
  - 1) Upon thirty (30) days advance written notice to the person, association or entity responsible for such maintenance (or any such lesser period as may be specified in the notice in instances of emergency) and the failure of the responsible individual, entity or association within such thirty (30) day period (or such lesser period in the event of an emergency) to perform the necessary maintenance

and otherwise remedy the condition set forth in the Township's notice, to enter upon the open space, accessing the same through any other lands of such entity, association or individual as may be necessary, to perform such maintenance and take any other action necessary to correct the condition provided in the Township's notice.

- 2) Any and all costs incurred by the Township in connection with such notice and maintenance shall be paid by the responsible individual, entity or association within ten (10) days after written demand by the Township. Upon failure of the responsible entity, association or individual to pay such costs by the time required, there shall be added thereto interest at the rate of fifteen (15) percent per annum as well as all costs incurred by the Township in collection thereof.
  - a) All such costs of maintenance, remediation, notices, and collection, including court costs and attorney's fees, shall constitute a municipal lien and be enforceable as such against the responsible entity, individual or association.
  - b) Such lien shall extend to all property of such individual, entity or association within the development containing the affected open space.
  - c) In the case of an association, such lien shall apply, pro rata, against all lot owners who are members of the association, in addition to applying to the affected open space.

- D. Open Space Performance Guarantees. Where intended as common or public amenities, all landscape improvements, plantings, accessways, and recreational facilities within designated open space areas shall be provided by the developer. A performance bond or other security acceptable to the Township shall be required to cover costs of installation of such improvements in the open space area. The performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements by the Hereford Township Subdivision and Land Development Ordinance