

ARTICLE VII  
ADMINISTRATION

SECTION 700 ENFORCEMENT

- A. Inspection revealing noncompliance with plans submitted under the provisions of this Ordinance, including all supplementary data required, shall be sufficient grounds for withdrawal of building permits by the Township until correction thereof, or other penalties or remedies, including injunctive relief, as may be provided by law.
  
- B. Preventive Remedies
  - 1. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
  
  - 2. A Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:
    - a. The owner of record at the time of such violation.
  
    - b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  
    - c. The current owner of record who acquired the property, subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  
    - d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation

without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

C. Enforcement Remedies

1. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgement shall commence or be imposed, levied or be payable until the date of determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fiftieth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

## SECTION 701 SUBDIVISION OFFICER

In order to provide for the orderly receipt and processing of plans, the position of Subdivision Officer shall be established in the Township. The duties of the Subdivision Officer shall be:

- A. Administer the procedures for receipt, review and approval of subdivision and land development plans of this Ordinance to ensure the orderly processing of plans, collecting of review information and comments, and submission of such information to the Planning Commission and Board of Supervisors for their action.
- B. Be available by appointment at reasonable hours so that applicants may obtain applications, written information on procedures and related ordinances, and may file applications and pay fees for the consideration of subdivision and land development plans.
- C. Maintain files of the necessary forms, information and ordinances for distribution and/or sale to applicants.
- D. Receive applications and subdivision and land development plans and fees, issue receipts, and deposit fees with the Township Treasurer.

## SECTION 702 RECORDS

- A. The Township shall assign a subdivision application number to all subdivision and land development applications, and all matters referring to an application should be filed in accordance with the subdivision case number. The Township shall keep a record of its findings, decisions, and recommendations relative to all plans filed with it for review.
- B. All such records shall be public records.

## SECTION 703 FEES AND COSTS

- A. No application for preliminary or final approval shall be deemed to have been submitted until the fee and escrow deposit, as set forth below, shall have been paid.
- B. A subdivision or land development application fee (nonrefundable) and an escrow deposit shall be submitted with any application for preliminary or final plan approval to cover the costs of plan review and processing. Amounts of the application fee and escrow deposit shall be fixed by resolution by the Board of Supervisors. The escrowed funds shall be used to reimburse the Township for actual expenditures

incidental to these processes, including, but not limited to, fees of the Township Engineer and legal fees in excess of the fee for review of the Township's standard forms. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant prior to the issuance of any permits. Any unexpended balance in the escrow deposit shall become part of the second deposit required in Section 703.C.

- C. Following final plan approval and recording and the establishment of any required performance guarantee, a second escrow deposit shall be established to cover the cost of inspections of improvements construction; materials or site testing; or maintenance costs prior to the acceptance of improvements by the Township. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant. The amount of the escrow deposit shall be fixed by resolution by the Board of Supervisors.

#### SECTION 704            MODIFICATIONS

- A. In any case in which an applicant demonstrates to the satisfaction of the Board of Supervisors that strict application of any provisions of this Ordinance would be unreasonable and would cause unnecessary hardship as applied to the proposed subdivision or land development, the Board may grant a modification from the mandatory provision to grant relief from the unnecessary hardship; provided, however, that such modifications shall not be granted if it would be contrary to the public interest and have the effect of nullifying the intent and purpose of this Ordinance.
- B. In granting modifications, the Board of Supervisors may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements so modified.
- C. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state, in full, the grounds and facts of unreasonableness or hardship on which the request is based, provision or provisions of the ordinance involved, and the minimum modification necessary.
- D. The request for modification may be referred by the Board of Supervisors to the Planning Commission for advisory comments. The Board shall keep a written record of all action on all requests for modification.

SECTION 705 APPEALS

Appeals from the actions of the Board of Supervisors with respect to any application for subdivision or land development approval shall be governed by the provisions of Act 247 as they may be amended from time to time, or any successor legislation thereto.

SECTION 706 AMENDMENTS

A. Power to Amend

The regulations set forth in this Ordinance may be from time to time amended by the Board of Supervisors.

B. Procedure

The following requirements shall be observed prior to making any amendment to this Ordinance:

1. Proposed amendments shall be submitted to the Township Planning Commission for their findings and recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment, if the amendment has been prepared by an agency other than the Township Planning Commission. In addition, the proposed amendment shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days prior to the date fixed for the public hearing on the amendment.
2. The findings of the Planning Commission shall be submitted to the Board of Supervisors in a written report.
3. Before voting on the enactment of a proposed amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice as defined by this Ordinance, at which time the parties in interest and citizens shall have an opportunity to be heard. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the Township where copies of the proposed amendment may be secured or examined shall be incorporated into the public notice.
4. Prior to the enactment of proposed amendments, the Township shall publish the proposed amendment once in a newspaper of general circulation in the Townships not more than sixty (60) days and not less than seven (7) days prior to passage.

Publication of the proposed amendment shall include the time and place of the meeting, the place within the Township where copies of the proposed amendment can be obtained, and either the full text thereof or the title and a brief summary prepared by the Township Solicitor, setting forth all the provisions in reasonable detail. If the full text is not included:

- a. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
  - b. An attested copy of the proposed amendment shall be filed in the County Law Library.
  - c. In the event substantial changes are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to the enactment, re-advertise in a newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail, together with a summary of the changes.
5. Within thirty (30) days after enactment, the Board of Supervisors shall forward a certified copy of the amendment to the County Planning Commission.

## SECTION 707 LIABILITY INSURANCE

If, in the opinion of the Township Engineer, the nature of any land disturbance work is such that it may create a hazard to human life or endanger adjoining property or property at a higher or lower elevation, or any street or street improvement, or any other public property, then the Township Engineer may require that such an applicant file a certificate of insurance showing that he is insured against claims for damages for personal injury and property damage (including damage to East Pikeland Township by deposit or washing of material onto municipal streets or other public improvements), which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or any person directly or indirectly employed by him. The amount of such insurance shall be prescribed by the Township in accordance with its determination of the risks involved in an amount not less than \$25,000 per occurrence. Such insurance shall be written by a company licensed to do business in Pennsylvania and approved by the Township. Neither issuance of a permit nor compliance with the provisions thereto or any condition imposed by the Township shall relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor shall it impose any liability upon the Township for damages to persons or property.