

**ARTICLE X  
ADMINISTRATION**

**1001 Purpose**

The purpose of this Article is to establish the procedures for the amendment, administration and enforcement of this Ordinance.

**1002 Amendment**

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the MPC.

**1003 Waivers/Modifications**

1003.1 Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Supervisors, to be unreasonable or to cause undue hardship as it applies to a particular property; or, if the applicant shows that an alternative proposal will allow for equal or better results, the Supervisors may grant a waiver from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

1003.2 Conditions

In granting waivers/modifications, the Supervisors may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

1003.3 Procedure

All requests for waivers/modifications shall be in writing, shall accompany and be made a part of the development application, and shall include:

- A. The specific sections of this Ordinance in question.
- B. Provisions for the minimum modification necessary as an alternate to the requirements.
- C. Justification for the waiver/modification, including the full grounds and facts of unreasonableness or hardship.

1003.4 Action

If the Supervisors denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Supervisors grants the request, the final record plan shall include a note which identifies the waiver/modification as granted. In any case, the Supervisors shall keep a written record of all actions on all requests for waivers/modifications.

**1004 Preventive and Enforcement Remedies**

1004.1 Preventive Remedies

- A. 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.

- B. The 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 this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
1. The owner of record at the time of such violation.
  2. 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.
  3. 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.
  4. 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.

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. In the event that any applicant or owner of any property fails to obtain the proper sewage permit for any required on-site sewage disposal system, or takes such action or causes any action which results in the revocation of any sewage permit by the Township Sewage Enforcement Officer, the Township shall have the authority to withhold the issuance of any certificate of use for any structure on the said property and/or to take any appropriate actions by law or in equity to prohibit the occupancy of any such structure.

**1004.2 Enforcement Remedies**

- A. Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney, witness, and consultant fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice further determines that there was a good faith basis for the person, partnership or corporation violating this 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 fifth day following the date of the initial determination of a violation by the District Justice and, thereafter, each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. 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 including, but not limited to, injunctive relief.

**1004.3 Jurisdiction**

District Justices shall have initial jurisdiction in proceedings brought under §1004.2.

**1004.4 Transfer**

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

**1004.5 Construction**

In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §306.7. No deeds shall be executed or recorded for the transfer of any lots or units before the Township has approved the Final Plan and such Plan is filed with the Monroe County Recorder of Deeds.

**1005 Fees**

**1005.1 Establishment of Fees**

Fees to be paid by the Applicant shall be established by resolution of the Board of Supervisors to cover all costs incurred by the Township associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, Township administrative costs and the reasonable and necessary charges by the Township's professional consultants as defined and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants, shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.

**1005.2 Application Fees**

At the time of the filing of any application, the Applicant shall pay to the Township a fee sufficient to cover the administrative costs associated with the review of the application.

**1005.3 Review and Inspection Fees**

At the time of the filing of any application, the Applicant shall pay to the Township a fee deemed sufficient to cover the cost of:

- A. Reviewing compliance with ordinance and engineering details.
- B. Inspecting the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or reinspection on completion of installation of required improvements.
- F. Fees charged for other related consulting services.
- G. Any other review costs incurred by the Township.

**1005.4 Supplemental Fees and Adjustment**

If the review fees collected at the time of application are not sufficient to cover the cost of engineering services and other related professional consulting services incurred by the Township, an additional fee shall be collected from the Applicant prior to any action on the plan. If after Township action on the plan, any review fees remain, there shall be a refund made to the Applicant of the balance within thirty (30) days of action on the plan.

1005.5 Disputes

Disputes between the Applicant and the Township regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.

1005.6 Failure to Pay Fees

Any failure by the Applicant to pay any required fees shall be deemed a violation of this Ordinance and shall make null and void any approval granted by the Township.

**1006 Records**

The Township shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.