

ARTICLE XV

ENFORCEMENT, PENALTIES, SEVERABILITY, AMENDMENTS, AND ENACTMENT

1501. Administration and Enforcement

- a. The Board of Supervisors shall have the duty and authority for the administration and general enforcement of the provisions of this Ordinance, as specified or implied herein.
- b. Officials of the Township having regulatory duties and authorities connected with or appurtenant to the subdivision, use or development of land shall have the duties and authorities for the controlling enforcement of the provisions of this Ordinance, as specified or implied herein or in other ordinances of the Township.
- c. No construction, building, alteration, or any other improvement to land, or change in the manner of the use of the land, shall be effected unless it fully complies with the standards of this and other ordinances, as well as the standards contained in any applicable subdivision or land development plan approved pursuant to this ordinance.
- d. The Sewage Enforcement Officer shall require that applications for Sewage Disposal System Permits contain all the information for him to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this Ordinance, and the Rules and Regulations of the Department of Environmental Protection and any requirement of the Township pertaining to the issuance of such permit.
- e. Preventive Remedies
 - (1) In addition to other remedies, the Township may institute and maintain appropriate actions by law or 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) 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. The Township's authority to deny such a permit or approval shall apply to any of the following applicants:
 - (3) The owner of record at the time of such violation.

- (4) 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.
 - (5) 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.
 - (6) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- f. As an additional condition for the 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.

1502. Amendments

- a. Amendments to the Subdivision and Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by this Article as follows:
 - (1) Publication of the notice in a newspaper of general circulation in the Township.
 - (2) Said notice shall be published once each week for two successive weeks.
 - (3) The first publication shall not be more than thirty days or less than fourteen days from the date of the hearing.
- b. In case of an amendment other than that prepared by the Planning Department, the governing body shall submit each such amendment to the Planning Department and the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.
- c. At least thirty (30) days prior to the hearing on the amendment, the municipality shall submit the proposed amendment to said county planning agency for recommendations.

- d. Within thirty (30) days after adoption, the governing body shall forward a certified copy of any amendment to the Subdivision and Land Development Ordinance to the county planning agency.

1503. Publication, Advertisement and Availability of Ordinance

- a. Proposed subdivision and land development ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one newspaper in general circulation in the Township not more than sixty (60) days or less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - (1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 - (2) An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.
- b. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall at least ten (10) days prior to enactment re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- c. Subdivision and land development amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.
- d. Within thirty (30) days after adoption, the Township shall forward a certified copy of any amendment to the subdivision and land development ordinance to the County Planning Commission.

1504. Penalties

- a. Jurisdiction - District justices shall have initial jurisdiction over proceedings brought under Section 1504 b.

- b. Enforcement Remedies
 - (1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the Township 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 fifth 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. All judgements, costs and reasonable attorney fee collected for the violation of the Ordinance shall be paid over to the Township.

 - (2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.

 - (3) Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

1505. Severability

If any section, clause, sentence, part, or provision hereof shall be held to be invalid, or unconstitutional, by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions, of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included herein.

1506. Enactment

ENACTED and ORDAINED this ___th day of January, 2001.

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP

JAMES N. BAKER, Chairman

ATTEST:

PHYLLIS W. GIVLER, Vice Chairman

SANDRA A. QUICKEL, SECRETARY

THOMAS E. FALEY

R. DUFF MANWEILER

LINDA G. ADCOCK