

ARTICLE VIII

ADMINISTRATION AND ENACTMENT

§. 801 Enforcement

It shall be the duty of the Building Inspector, Zoning Officer, or other such duly authorized representative of the Board of Commissioners and is hereby given the power and authority to enforce the provisions of this Ordinance. The Enforcement Officer shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No building permit shall be issued until the Enforcement Officer has certified that the site for the proposed building, alteration, or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plan.

§. 802 Modifications

- a) The regulations embodied in this Ordinance are the minimum standards for the protection of the public welfare. When special circumstances warrant, the Township may impose stricter standards.
- b) Where a provision of this Ordinance would cause unique and undue hardship as it applies to a particular property, the Board of Commissioners may grant a modification from the strict application of the terms of this Ordinance if the variation will not be detrimental to the general welfare, nullify the objectives of these regulations or conflict with the Comprehensive Plan. In granting the modification the Board of Commissioners may impose conditions, which will substantially secure compliance with the purposes of this Ordinance.
- c) The Township Planning Commission shall have the right to recommend to the Board of Commissioners modifications to the regulations in individual cases as may be necessary in the public interest, provided, however, that such modifications shall not have the effect of nullifying the intent and purpose of these regulations. The list of suggested modifications and the specific reasons for such change shall be entered in the minutes of the Planning Commission and a copy of this entry shall be transmitted to the Board of Commissioners. The Board of Commissioners may then alter the land development plans and specify changes or modifications therein, which it deems necessary and may make its approval subject to such alterations, changes or modifications. Upon approval by the Board of Commissioners, said modifications shall be clearly defined and entered on the final plan and signed by the Board of Commissioners.

§. 803 Amendments

The Board of Commissioners may on its own motion, or upon recommendation of the Planning Commission amend, supplement or repeal any portion of this Ordinance. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice. In addition in case of an amendment other than that prepared by the Township Planning Commission, the Board of Commissioners shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

§. 804 Fees

At the time of filing of the Plan, whether Preliminary or Final, the developer shall pay to the Township the required Plan fee as follows:

- a) Preliminary Plan - a filing fee plus a fee per lot or dwelling unit for residential development and a fee per acre for other types of development.
- b) Final Plan - A filing fee plus an amount determined by the Township Engineer and Township Solicitor sufficient to cover the reasonable cost of:
  - Reviewing the development plan engineering details.
  - Inspecting the site for conformance of survey.
  - Preparing cost estimates of required improvements.
  - Inspection of required improvements during installation.
  - Final inspection on completion of installation of required improvements.
  - Administrative and legal services necessary for the processing of the proposed land development plan.

Any engineering, legal and administrative costs in excess of the amount submitted prior to approval of the Final Plan, shall be paid by the developer upon being notified of same by the Township Solicitor. Any excess paid over the amount actually required to cover such costs of the Final Plan shall be returned to the developer upon the completion of the required improvement.

- c) All fees shall be payable at the time of filing in the form of a check or money order payable to Penn Township.
- d) No Final Plan shall be approved until all fees and charges are Paid in full.

e) All fees shall be set by Resolution from time to time.

§. 805 Penalties

No lot in a land development shall be sold, rented, leased or conveyed in any manner; no permit to erect, alter or repair any building upon land in a land development shall be issued; and no building shall be created in a land development until a Final Plan of such land development has been approved and properly recorded and until improvements have been either constructed or guaranteed.

Any person, co-partnership or corporation who shall develop any lot, tract or parcel of land, layout, construct, open or dedicate any street, sanitary sewer, storm sewer or water mains, for public use or travel, or for the common use of occupants of buildings abutting thereon, sell, rent, lease, or convey in any manner any lot or erect any building in a land development without first having complied with the provisions of this Ordinance shall be guilty of a misdemeanor.

Any person, partnership or corporation who or which has violated the provisions of the Penn Township Subdivision and Land Development Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by a Penn Township, pay a judgement of not more than \$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 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.

The court of common pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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.

§. 806 Appeals

The procedures for securing review of any ordinance, decision, or

determination is set forth in Article X of the Pennsylvania Municipalities Planning Code, Act 170 of December 21, 1988, P.L. 170, as amended.

§. 807 Repealer

All ordinances or portions of ordinances inconsistent herewith are hereby repealed.

§. 808 Interpretation

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

§. 809 Severability Clause

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

§. 810 Effective Date

This Ordinance shall take effect 10 days after publication of adoption according to law.

Initial Subdivision Ordinance adopted by the Board of Commissioners of Penn Township, York County, Pennsylvania into an ordinance the 21st day of February, 1967.

Board of Commissioners  
Penn Township  
York County, Pennsylvania

By: Richard C. Amspacher

President  
Attest:

Charles T. Lucabaugh  
Secretary

This amending ordinance adopted by the Board of Commissioners of Penn Township, York County, Pennsylvania into an ordinance the 23rd day of April, 1975.

Board of Commissioners  
Penn Township  
York County, Pennsylvania

By: David S. Baer

President  
Attest:

Bonnie K. Loy  
Secretary

Amending ordinance adopted by the Board of Commissioners of Penn Township, York County, Pennsylvania into on ordinance the 20th day of April, 1981.

Board of Commissioners  
Penn Township  
York County, Pennsylvania

By: Eugene V. Fuhrman

President  
Attest:

Karen M. Little  
Secretary

Amending ordinance adopted by the Board of Commissioners of Penn Township, York County, Pennsylvania into on ordinance the 31st day of May, 1990.

Board of Commissioners  
Penn Township  
York County, Pennsylvania

By: Ronald R. Beeler, Sr.

President  
Attest:

Karen M. Little  
Secretary