

ARTICLE VIII

ADMINISTRATION, ENFORCEMENT AND PENALTIES

SECTION 801 FEES

- A. The Board of Supervisors may impose fees and charges to cover all costs incurred in the administration of this Ordinance. The Board of Supervisors shall establish, by resolution, a collection procedure and Schedule of Fees. These fees shall include, but not be limited to, an application fee; fees for the review of plans, studies, financial security and associated documentation by the Township Engineer, Township Solicitor or other professional consultant; fees for the inspection of improvements installed in connection with development authorized by a plan; and fees for acceptance of dedication of improvements.

- B. The Schedule of Fees shall be posted in the Township Office or in such other place as the Board of Supervisors may designate, and be available upon request.

- C. No Final Plan shall be certified and signed by the Board of Supervisors (in accordance with Section 306.H.) unless all fees and charges have been paid in full.

- D. Disputes over Fees shall be settled in accordance with the requirements of Section 503 (1) of the MPC.

SECTION 802 VIOLATIONS

- A. Any person, partnership or corporation, or the members of such partnership or the officers of such corporation, who or which, being the owner or agent of the owner of any lot, tract or parcel of land, shall:
 - 1. lay out, construct, open and/or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon; or,
 - 2. sell, transfer or agree to enter into an agreement to sell or transfer any land in a subdivision or land development, whether by reference to or by use of a plan of such subdivision or land development or otherwise; or,
 - 3. erect any building or buildings which constitute a land development thereon; or,
 - 4. commence site grading or construction of improvements prior to recording of a final plan unless such grading or construction is for the sole purpose of installing improvements as prescribed in Section 307 herein unless and until a final plan has been prepared in full compliance with the provisions of this Ordinance and has been recorded as provided herein commits a violation of this Ordinance; or,
 - 5. fail to comply with any condition imposed upon approval of a preliminary plan or a final plan or any condition imposed upon the granting of any waiver; or,

6. fail to comply with any agreement with the Township relating to development in accordance with a preliminary plan or a final plan; or,

7. fail to comply with any note included on an approved preliminary plan or final plan;

commits a violation of this Ordinance.

B. Any person, partnership or corporation, or the members of such partnership or the officers of such corporation, who or which, being the owner or agent of the owner of any lot, tract or parcel of land, shall construct or permit the construction of any improvement or develop or permit the development of any property in a manner which does not fully comply with the approved improvement construction plan or final plan, as applicable, commits a violation of this Ordinance.

C. Any person, partnership or corporation, or the members of such partnership or the officers of such corporation, who or which, being the owner or agent of the owner of any lot, tract or parcel of land, shall knowingly provide false information on any plan, report, certification or other document required to be submitted by this Ordinance commits a violation of this Ordinance.

D. Any person, partnership or corporation, or the members of such partnership or the officers of such corporation, who or which, being the owner or agent of the owner of any lot, tract or parcel of land, in any other way takes action or permits another to take action not authorized by this Ordinance or contrary to the provisions of this Ordinance commits a violation of this Ordinance.

E. As an additional condition for the issuance of a permit or the granting of an approval to any 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.

SECTION 803 PENALTIES FOR VIOLATION

A. Any person who shall violate any of the provisions of this Ordinance 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 (\$500.00) plus all court costs, including reasonable attorney's 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 a 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, determining that there has been a violation, 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. If the district justice makes a determination of good faith, there shall be deemed to have been only one such violation until the fifth (5th) day following the date of determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.

B. The Township may institute and maintain actions at law or in equity and any other remedies of enforcement permitted by the MPC to restrain, correct or abate violations of this Ordinance, to prevent unlawful construction, to recover damages and/or prevent illegal occupancy of a building, structure or premises.

C. 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 or land

development of real property in violation of this Ordinance. The authority to deny such 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 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 the 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 constructive knowledge of the violation.
- D. 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 estate.

SECTION 804 KEEPING OF RECORDS

The Township Planning Commission and the Board of Supervisors shall keep a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public for review.

SECTION 805 AMENDMENTS

Any revisions, modifications, or amendments to this Ordinance shall be made in accordance with the procedures established by the Municipalities Planning Code, as amended.