

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

SECTION 1101 APPLICATION REVIEW AND INSPECTION FEES

1101.1 Application Filing Fees

Application filing fees shall be established, from time to time, by Resolution of the Board of Supervisors. The application filing fees shall cover the administrative costs associated with processing an application for approval of a subdivision or land development and shall be payable to the Township at the time of submission of the application.

1101.2 Application Review Fees

Application review fees shall include reasonable and necessary charges by the Township's professional consultants or the Township Engineer for review and report on the application to the Township. Such review fees shall be based upon a schedule established from time to time by Resolution of the Board of Supervisors. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or other consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or other consultants to the Township when fees are not reimbursed or otherwise imposed on applicants.

In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the Township Secretary that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for resolution of disputes as set forth in Sub-Section 1101.3 of this Ordinance.

1101.3 Inspection Fees

The Township may prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established from time to time by Resolution of the Board of Supervisors.

Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township Secretary that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

If within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

In the event that the Township and the applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located or if at the time there be no President Judge, then the senior active judge then sitting shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.

The fees of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half (½) of the fee of the appointed professional engineer.

SECTION 1102 PROCEDURE FOR AMENDMENTS

The Board of Supervisors may, from time to time, amend this Ordinance in accordance with the following provisions.

1102.1 Planning Commission Review

In the case of amendments other than those prepared by the Township Planning Commission, the Board of Supervisors shall submit the proposed amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on the proposed amendment.

1102.2 County Planning Commission Review

The proposed amendment shall be submitted to the Washington County Planning Commission for review and recommendations at least thirty (30) days prior to the Board of Supervisors' public hearing on the amendment.

1102.3 Public Hearing

Amendments to this Ordinance shall become effective only after a public hearing conducted by the Board of Supervisors which is held pursuant to public notice, as defined herein.

1102.4 Publication, Advertisement and Availability of Ordinance

Proposed amendments shall not be enacted unless public notice, as defined herein, of the proposed enactment is given, including the time and place of the meeting at which passage will be considered and a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor 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:

- 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 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 ordinances.
- C. 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 (1) 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.
- D. 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.

1102.5 Filing After Enactment

Within thirty (30) days after adoption, the Board of Supervisors shall forward a certified copy of the amendment to the Washington County Planning Commission.

SECTION 1103 APPEALS

Any party aggrieved by the decision of the Board of Supervisors regarding a subdivision or land development plan may appeal such decision within thirty (30) days of the date of entry of the decision of the Board of Supervisors to the Washington County Court of Common Pleas.

SECTION 1104 PREVENTIVE REMEDIES

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 transferrer from such penalties or from the remedies herein provided.

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 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.

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.

SECTION 1105 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated 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 fees incurred by the Township as a result thereof. No judgment 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 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, in which event there shall be deemed to have been only one (1) 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 of 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.

SECTION 1106 CONFLICTS OF LAWS

Whenever there is a difference between a minimum standard or dimension specified in this Ordinance and those contained in another official regulation, Resolution or Ordinance of the Township or any other restriction or covenant, the most restrictive standard shall apply. If a question of conflict arises between various portions of this Ordinance, the most restrictive term shall apply.

SECTION 1107 SEPARABILITY

If any provision of this Ordinance, or the application of any provision thereof to particular circumstances, is held invalid, the remainder of this Ordinance, or the application of such provision to other circumstances, shall not be affected.

SECTION 1108 EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment by the Board of Supervisors of the Township of Union.

ORDAINED AND ENACTED into law this 10th day of September, 1997.

TOWNSHIP OF UNION

BY: /s/ Larry Spahr
Chairman, Board of Supervisors

ATTEST:

/s/ Bernadette S. Speer
Township Secretary