

ARTICLE VIII

FEE/ADMINISTRATION

Section 801 - Resolution

- A. The Board of Supervisors shall, by resolution, establish a fee schedule for the review and processing of plans and inspection of improvements. Review fees shall include reasonable and necessary charges by the Municipality's Engineer or Professional Consultants for review and report thereon to the Municipality. The resolution setting forth such fees, shall set forth fees in accordance with the ordinary and customary charges by the Municipal Engineer and/or Professional Consultant for similar services in the community, but in no event shall the fees established by said resolution exceed a rate or cost charged by the Engineer or Professional Consultant to the Municipalities when fees are not reimbursed or otherwise imposed upon Applicants.
1. 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 Municipality that such fees are disputed in which case the Municipality shall not delay or disapprove a subdivision or land development Application due to the Applicant's request over disputed fees.
 2. In the event that the Municipality and the Applicant cannot agree on the amount of review fees which are reasonable and necessary, the Applicant and the Municipality shall follow the procedure for dispute of resolution as set forth in Article 5, Section 503 (G) of this Ordinance.
- B. Fees for all other permits required for and by the Township shall be established by resolution.
- C. Said schedule of fees shall be filed in the office of the Penn Township Supervisors.

Section 802 - Engineering And Legal

- A. Engineering fees required to be paid by this Article shall be promptly paid to the Township by the applicant for the below listed services:
1. Reviewing the Plat and Plan for engineering details.
 2. Reviewing cost estimates of required improvements as submitted by the developer.
 3. Final inspection improvements, on completion of installation of the required improvements.
 4. Such other technical or legal services as deemed necessary or required by the Township.
- B. The engineering fees required to be paid by this Article shall be promptly paid to the Township by the applicant upon the submission of bills to the applicant from time to time, as such fees are billed to the Township by its Municipal Engineer.
- C. All fees shall be paid to the Township prior to approval of the Final Plan and/or Plat.

Section 803 - Approved Final Plan Deposit

Upon approval of final plans, a deposit in the amount of fifty (50) dollars shall be made to Penn Township. Within fifteen (15) days of recording the final plan, the Developer will return two (2) copies of

the recorded plan to the Township Office, and said deposit shall be returned to the Applicant. When copies of recorded plans are not provided within the stated time period, said deposit shall be forfeited by the Developer and used to offset the costs of obtaining such copies.

Section 804 - Recording of Plats and Deeds

- A. Upon the approval of a final plat, the developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the recorder of deeds of the county in which the municipality is located. Whenever such plat approval is required by a municipality, the recorder of deeds of the county shall not accept any plat for recording, unless such plat officially notes the approval of the governing body and review by the county planning agency, if one exists.
- B. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

Section 805 - Effect of Plat Approval on Official Map

After a plat has been approved and recorded as provided in this article, all streets and public grounds on such plat shall be, and become a part of the official map of the municipality without public hearing.

Section 806 - Preventive Remedies

- A. In addition to other remedies, Penn 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. Penn 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 any ordinance adopted pursuant to this article. 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 municipality 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 807 - Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality 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 municipality 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 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.
- 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 municipality the right to commence any action for enforcement pursuant to this section.