

ARTICLE X

ENFORCEMENT, PENALTIES, SEVERABILITY
AMENDMENT AND ENACTMENT

Section 1001 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.

Officials of the Township having regulatory duties and authorities connected with or appurtenant to the subdivision, use of development of land shall have the duties and authorities for the controlling of enforcement of the provisions of this Ordinance, as specific or implied herein or in other ordinances of the Township.

- B. Permits required by the Township, for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land, shall not be issued by any Township official responsible for such issuance until he has ascertained that the site for such building, alteration, improvement or use is located in a subdivision approved and publicly recorded in accordance with the provisions of this Ordinance regulating the subdivision of land.

Also, such permits shall be issued only after it has been determined that the site for such building, alteration, improvement or use conforms to the site description as indicated by the approved and recorded Final Plat or other land description acceptable in accordance with the provisions of this Ordinance, and that it is in compliance with all applicable provisions of this Ordinance.

If the building permit is issued erroneously or prior to proper approval, it is void.

- C. 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 Resources and any requirements of the Township pertaining to the issuance of such permits.

Section 1002 - Amendments

Amendments to the Subdivision and Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice as defined herein and in accordance with the "Pennsylvania Municipalities Planning Code" of 1968, Act 247, as amended Act 93, 1972, Article V1 Section 505.

Section 1003 - Penalties

- 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 five hundred (500) dollars 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.

Section 1004 Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any Court, or any rights accrued, or liability incurred, or any cause or causes of action accrued any right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 1005 Severability

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid, or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or applications. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

In any case where a provision of this Ordinance is found to conflict with the provision of a zoning, building, fire, safety or health ordinance or code of this Township or law, rule or regulation of the Commonwealth of Pennsylvania, the provision which established the higher standard for the promotion and protection of the health and safety of the people, shall prevail. In any case where a provision of this Ordinance is found to be in conflict with the provisions of another ordinance or code of this Municipality or law, rule or regulation of the Commonwealth of Pennsylvania which established a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to

be repealed to the extent that they may be found in conflict with this Ordinance.

Section 1006 - Enactment

ENACTED, ORDAINED, AND ADOPTED this 28th day of June 2006, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Supervisors of the Township of Penn

Henry A. Holman, Jr.

Charles Stoner

Robert E. Shaffer, Sr.

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board on June 28, 2006.....

Helen Klinepeter
Secretary