

ARTICLE XV

ENFORCEMENT, PENALTIES, SEVERABILITY, AMENDMENTS, and ENACTMENT

Section 1501. 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 or development of land shall have the duties and authorities for the controlling enforcement of the provisions of This Ordinance, as specified 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 and development 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 indicated by the approved and recorded Final Plan 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 Protection and any requirement of the Township pertaining to the issuance of such permit.

d. **Preventative Remedies**

- (1) In addition to other remedies, the Township may institute and maintain appropriate actions by Law or 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 transferee from such penalties or from the remedies herein provided.
- (2) 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 Township's 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 the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (3) 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 property.

Section 1502. Amendments

- a. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. Notice shall be given as follows:

- (1) By publication of the notice in a newspaper of general circulation in the Township. Said notice shall be published one each week for two successive weeks. The first publication shall not be more than thirty days nor less than seven days from the date of the hearing.
- b. In addition, in the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors 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.
- c. In addition, at least thirty (30) days prior to the hearing on the amendment, the Township shall submit the proposed amendment to the County Planning Commission for recommendations.

Section 1503. Publication, Advertisement and Availability of Ordinance

- a. Proposed subdivision and land development ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one 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:
 - (1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 - (2) An attested copy of the proposed ordinance 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 ordinance.
- b. 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 readvertise, in one 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.

- c. 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.
- d. Within thirty (30) days after adoption, the Township shall forward a certified copy of any amendment to the Subdivision and Land Development Ordinance to the County Planning Commission.

Section 1504. Penalties

a. **Jurisdiction**

District Justices shall have initial jurisdiction over proceedings brought under Section 1404b.

b. **Enforcement Remedies**

- (1) Any person, partnership or corporation who or which has violated or permitted the violation 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) 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 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. All judgments, costs and reasonable attorney fees collected for the violation of the Ordinance shall be paid over to the Township.
- (2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

- (3) Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

Section 1505. Mediation Option

- a. Parties to proceedings authorized in This Ordinance may utilize mediation as an aid in completing such proceedings. Mediation shall supplement, not replace, those procedures in This Ordinance once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- b. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - (1) Funding mediation.
 - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - (3) Completing mediation, including time limits for such completion.
 - (4) Suspending time limits otherwise authorized in this Ordinance and the PA Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
 - (5) Identifying all parties and affording them the opportunity to participate.
 - (6) Subject to legal restraints, determining whether some of all of the mediation sessions shall be open or closed to the public.
 - (7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the PA Municipalities Planning Code.
- c. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 1506. Severability

If any section, clause, provision, or portion of these regulations shall be held to be invalid, or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of these regulations.

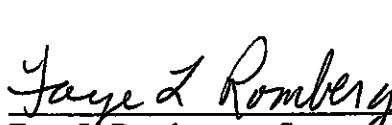
Section 1507. Adoption

DULY ENACTED AND ORDAINED by the Board of Supervisors of Carroll


Township, York County, Pennsylvania, this 13th day of July 2009.

ATTEST:

TOWNSHIP OF CARROLL
COUNTY OF YORK, PENNSYLVANIA



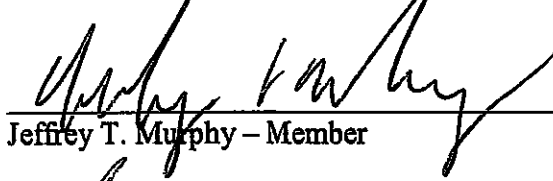
Faye L. Romberger - Secretary



William B. Turner - Chairman




Robert F. Faulkner - Vice-Chairman



Jeffrey T. Murphy - Member



Nancy L. Livingston - Member



Paul A. Walters - Member