

Franklin Township Subdivision and Land Development Ordinance

ARTICLE VIII ADMINISTRATION, ENFORCEMENT, AND PENALTIES

800. Administration.

- 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.
- B. Officials of the Township having regulatory duties and authorities connected with, or pertinent 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.
- C. 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 the Township Official until it has been ascertained that the site for such building, alteration, improvement, or use is located in a development approved and publicly recorded in accordance with the provisions of this Ordinance.
- D. 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 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.
- E. The Township Building Permit Officer shall require that application for building permits contain all the information necessary to ascertain that, and shall not issue any building permit until it is determined that, the site and plan for the proposed building, alteration, or other improvement is acceptable in accordance with the provisions of this Ordinance.
- F. The Township Sewage Enforcement Officer shall require that applications for sewage disposal system permits contain all the information necessary for him to ascertain that, and he shall not issue any sewage disposal system permit until he determines that, the site for the proposed system is acceptable in accordance with the provisions of this Ordinance.
- G. 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 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.

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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.

801. Enforcement and Penalties.

- A. Any person, partnership, or corporation who or which has violated the provisions of this Ordinance, 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 payable until the date of the determination of a violation by the Magisterial District Judge. 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 Magisterial District Judge 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 Magisterial District Judge and thereafter each day that a violation continues shall be a separate offense.
- B. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferee from such penalties or from the remedies herein provided.
- C. 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. Nothing herein shall prevent the Board of Supervisors from taking such other action necessary to prevent or remedy any violation.
- D. Duly authorized representatives of Franklin Township have the right to enter private property at reasonable times to investigate any condition associated with this ordinance.

802. Appeals.

Decisions made by the Township may be appealed in accordance with the Pennsylvania Municipalities Planning Code.

803. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, more specifically including the following:

- 2 - 2005 Amend Subdivision/Land Development Ordinance
- 4 - 2004 Amending the Subdivision & Land Development Ordinance

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- 1 – 2003 Ordinance Amending Subdivision and Land Development Ordinance - definition of major land subdivision, clarification of deadline for plan submissions, amend plan processing requirements, amend plan processing requirements for minor land subdivisions, provide for rejection of incomplete submissions, clarify plan review time periods, etc.
- 1 - 2001 Amendment to Subdivision & Land Development Ordinance to permit exemptions from sewage facilities planning
- 4 - 1997 SD/LD Ordinance

804. Severability.

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Franklin Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.