

Article XI — Administration

| | | |
|-----------|-------------------------------|-------|
| § 22-1101 | Amendments..... | 22-41 |
| § 22-1102 | Appeals..... | 22-41 |
| § 22-1103 | Violations and Penalties..... | 22-42 |
| § 22-1104 | Severability..... | 22-42 |
| § 22-1105 | Conflicting Requirements..... | 22-42 |
| § 22-1106 | Fees..... | 22-42 |
| | (a) Base Fees..... | 22-42 |
| | (b) Additional Fees..... | 22-43 |
| | (c) Escrow..... | 22-43 |
| | (d) Schedule:..... | 22-43 |

| | |
|---|-------|
| (e) Field Inspection..... | 22-44 |
| (f) No Action Taken Unless Fees Are Paid..... | 22-44 |

Article XI — Administration

§ 22-1101 Amendments.

Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a subdivision and land development ordinance by the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq.* In addition, in case of an amendment other than that prepared by the Planning Commission, Council 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.

§ 22-1102 Appeals.

The decisions of Council with respect to the approval or disapproval of subdivision or land development plans may be appealed directly to court in the same manner and within the same time limitations as is provided for zoning appeals in the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq.*

§ 22-1103 Violations and Penalties.

Any person, partnership, or corporation who or which, being the owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes, or for the common use of occupants of buildings abutting thereon, or who sells, transfer, or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plan of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Chapter and of the regulations adopted hereunder and has been recorded as provided herein, or otherwise violate any of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of Five Hundred Dollars (\$500.00) per lot or parcel or per dwelling within each lot or parcel, plus all court costs, including reasonable attorney fees incurred by the Borough 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 Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each time that a violation continues shall constitute a separate violation, unless the magisterial district judge determines 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 (5th) day following the date of the determination of a violation by the magisterial district judge, and thereafter each day that a violation continues shall constitute a separate violation. The description in 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 transferor from such penalties or from the remedies herein provided.

§ 22-1104 Severability.

Should any section or provision of this Chapter be declared by the courts to be invalid, such decision shall not affect the validity of the Chapter as a whole, nor the validity of any section or provision of the Chapter other than the one so declared.

§ 22-1105 Conflicting Requirements.

Whenever there is a conflict between minimum standards or requirements set forth in this Chapter and those contained in other Borough ordinances and regulations, or other applicable laws and regulations, the most stringent standard or requirements shall apply.

§ 22-1106 Fees.

(a) **Base Fees.** The base fee for review of a land development or subdivision application shall be as set forth in subsection (d).

(b) Additional Fees. In addition to the base fees, the Borough shall recover from the applicant—

(1) all costs incurred by the Borough for advertising meetings in connection with the application;

(2) all costs incurred by the Borough to provide notices to any persons in connection with the application;

(3) all properly-chargeable engineering and legal costs incurred by the Borough in connection with the review of the application, including reasonable and necessary charges by the Borough's professional consultants for review and report thereon to the Borough, at the then-current rates approved by Council for comparable services to the Borough which are not reimbursed or otherwise imposed on applicants. Fees charged to the Borough relating to any appeal of a decision on an application shall not be considered review fees and shall not be charged to an applicant. Procedures for billing and disputing review fees and resolving such disputes are set forth in sections 503(1) and 510(g) of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. §§ 10503(1), 10510(g).

(c) Escrow. The applicant shall deposit with the Borough at the time the land development or subdivision application is filed the applicable amount set forth in subsection (d) as security for the payment of additional fees under subsection (b), and shall replenish any sums drawn against the escrow upon demand.

(d) Schedule:

| | Base Fee | | | Escrow | | |
|--|-----------|------------------------------|------------------|---|----------------|------------------|
| | Minimum + | Additional amount | But no more than | Minimum + | Amount per lot | But no more than |
| Minor Subdivision | \$100.00 | \$10.00 per lot | \$200.00 | \$200.00 | \$20.00 | \$750.00 |
| Major Subdivision/ Sketch Plan | \$200.00 | | | \$2000.00 | \$50.00 | \$4000.00 |
| Major Subdivision/ Preliminary and/or Final Plan | \$100.00 | \$10.00 per lot | \$200.00 | Escrow is submitted at time of sketch plan. If no sketch plan is submitted, the escrow is as set forth above for the sketch plan. | | |
| Re-subdivision | \$100.00 | \$10.00 per acre or fraction | \$200.00 | \$0 | | |
| Incomplete subdivision | \$400.00 | | | \$0 | | |
| Site plan | \$500.00 | | | \$500.00 | | |

| | Base Fee | | | Escrow | | |
|----------------------|-----------|-------------------|------------------|-----------|----------------|------------------|
| | Minimum + | Additional amount | But no more than | Minimum + | Amount per lot | But no more than |
| Incomplete site plan | \$400.00 | | | \$0 | | |

(e) **Field Inspection.** Charges for field inspection as required by Council for public improvements shall be based on actual costs incurred for such inspections.

(f) **No Action Taken Unless Fees Are Paid.** No final plan shall be approved unless all fees and charges are paid in full.