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## Article 1

### GENERAL PROVISION

101 Title: Pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, this Ordinance shall hereafter be known, cited and referred to as the "Briar Creek Township Subdivision and Land Development Ordinance".

102 Policy

1. It is hereby declared to be the policy of the Township to consider the subdivision of land and the development of land as subject to the control of the Township pursuant to the Comprehensive Plan of Briar Creek Township for the orderly, planned, efficient, and economical development of the municipality.
2. Land to be subdivided or developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided or developed until available public, central, or on-lot facilities and improvements exist and proper provision has been made for drainage, water, sewerage, recreation facilities, and transportation facilities.
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, including the Capital Improvements Program, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Ordinance, Comprehensive Plan, and Capital Improvements Program of the municipality.

103 Purposes: These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the residents.
2. To guide the future growth and development of the community in accordance with the Comprehensive Plan.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the Township and to encourage the orderly and beneficial development of all parts of the Township.
5. To protect and conserve the value of land throughout the Township and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public improvements and facilities.
7. To provide the most beneficial relationship between uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard for the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

## Section 103 (cont'd)

8. To establish reasonable standards of design and procedures for subdivisions, resubdivisions, and land developments, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision or development.
10. To prevent the pollution of air, streams, river, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to retain the integrity, stability, and beauty of the municipality and the value of the land.
11. To retain the natural beauty and topography of the Township and to insure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance.

- 104 Authority: The Briar Creek Township Board of Supervisors is empowered to regulate subdivisions and land developments within the Township limits as provided for under the Pennsylvania Municipalities Planning Code, Act 247, as amended.

The Board of Supervisors hereby designates the Township Planning Commission as the official agency for review and decisions on preliminary and final plan approval and disapproval of all subdivision and land development as set forth in this Ordinance.

105 Jurisdiction

1. The provisions contained herein shall apply to all subdivision of land and development of any lot, tract or parcel of land including street, sanitary or storm sewer, water main or other improvements in connection therewith intended to be dedicated for public use or intended for the common use of occupants or tenants of buildings abutting thereon, located within the corporate boundaries of the Township.
2. No land shall be subdivided or developed within the corporate boundaries of the Township until:
  - a. the subdivider, developer, or his agent shall submit a preliminary or final plan of the parcel to the Township Planning Commission through its administrator for review and recommendation;
  - b. obtain approval of the preliminary and final plans by the Township Planning Commission; and
  - c. file the approved final plan with the Columbia County Recorder of Deeds.
3. No zoning permit or certificate of zoning compliance shall be issued for any parcel or plat of land which was created by subdivision or land development after the effective date

## Section 105 (cont'd)

of, and not in conformity with, the provisions of these subdivision and land development regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

106 Interpretation, Conflict and Separability

1. Interpretation: In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare of the residents of the Township.
  2. Conflict with Public and Private Provisions
    - a. Public Provisions: The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
    - b. Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the Planning Commission in approving a subdivision or land development or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.
  3. Separability: If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Township Board of Supervisors hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.
- 107 Municipal Liability: The grant of a permit or approval of a subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by an official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.
- 108 Savings Provision: These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating,

## Section 108 (cont'd)

modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Township under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Township except as shall be expressly provided for in these regulations.

- 109 Repeals: The enactment of this Ordinance shall act as a repeal protanto of the Briar Creek Township Subdivision and Land Development Ordinance of 1958, as amended. A certified copy of this Ordinance shall be filed with the County Planning Commission and with the County Law Library.
- 110 County Review: All applications for subdivision and land development submitted to the Township shall be forwarded upon receipt to the County Planning Commission for review and report. Such action shall occur at the preliminary and final plan stages, and the Township shall not take action on said plans until the County report is received or until the expiration of thirty (30) days from the date the plans were forwarded to the County.
- 111 Enactment: In order that land may be subdivided and developed in accordance with these purposes and policies, this Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Briar Creek, Columbia County, Pennsylvania, this 12th day of November, 19 90.

Briar Creek Township Board of Supervisors

By /s/ Bob Phillips  
~~Chairman~~ Supervisor

/s/ Carl J. Strauss  
Supervisor

/s/ [Signature]  
Supervisor/Chairman

Attest:  
[Signature]  
Secretary