

ARTICLE 9

ADMINISTRATION

- 901 Administrator
- 902 Resubdivision of Land
- 903 Modifications
- 904 Mediation Option
- 905 Planning Commission Records
- 906 Preventive Remedies
- 907 Jurisdiction
- 908 Enforcement Remedies
- 909 Appeals to Court
- 910 Payment of Fees

## Article 9

### ADMINISTRATION

901 Administrator: An Administrator to the Planning Commission shall be appointed by the Board of Supervisors and shall receive such compensation as the Board by Resolution shall provide. The Administrator shall not hold any elective office in the Township. The duties of the Administrator may include:

1. Providing prospective developers and subdividers with the Subdivision and Land Development Ordinance at a fee to be established by the Board of Supervisors.
2. Providing prospective subdividers and developers with other documents and information as they may require.
3. Supplying application forms and collecting fees with regard to the preliminary plan and final plan phases of subdivision and land development and supplying forms for Subdivision and Land Development Ordinance amendments.
4. Accepting fees, applications, reviewing applications for completeness, and preparing reports on those applications for the Planning Commission.
5. Inspecting subdivision and land developments for compliance with the regulations and reporting to the Planning Commission on such inspections.

902 Resubdivision of Land: For any change in a map or an approved or recorded subdivision plan, if such change affects any street layout shown on such map, or any reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by Briar Creek Township by the same procedures, rules, and regulations as for a subdivision.

903 Modifications

1. General Requirements: The Planning Commission, may grant a modification of the requirements of one or more provisions of the Subdivision and Land Development Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
2. Procedures
  - a. Filing: All requests for a modification shall be in writing and shall accompany and be part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
  - b. Record of Decisions: The Township Planning Commission shall keep a written record of all action on all requests for modifications.

904 Mediation Option: The Township may offer a mediation option as an aid in completing proceedings of Article 3 Procedural Requirements. In exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in the Pennsylvania Municipalities Planning Code (Act 247 as amended) Article 9, Section 908.1

## Section 904 (cont'd)

Mediation Option.

- 905 Planning Commission Records: The Planning Commission shall keep records of its findings and decisions relative to all subdivision and land development plans filed for review and approval. Such records shall be open to the public for review.

906 Preventive Remedies

1. Actions to Restrain, Correct or Abate Violations: 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. 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 transferor from such penalties or from the remedies herein provided.
2. Authority to Refuse to Issue Permits or Grant Approvals: 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 any ordinance adopted pursuant to this Ordinance.

This 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 violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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 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.

- 907 Jurisdiction: District Justices shall have initial jurisdiction in proceedings brought under Section 908, below.

908 Enforcement Remedies

1. Any person, partnership or corporation who or which has violated the provisions of the Subdivision and Land Development Ordinance enacted by the Township of Briar Creek

## Section 908 (cont'd)

shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$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 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.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending the final adjudication of the violation and judgment.
3. Nothing in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

909 Appeals to Court: All appeals from approval or disapproval of a subdivision or land development shall be governed by Article X-A Appeals to Court, Pennsylvania Municipalities Planning Code, Act 247 as amended by Act 170.

910 Payment of Fees: The following fees shall be paid by the developer, subdivider, or his agent to the Township of Briar Creek by check or money order:

1. An application fee for preliminary plan review when such plan is required. The fee shall be Seventy-Five Dollars (\$75.00) plus Twenty-Five Dollars (\$25.00) per lot or building.  
*ADDITIONAL FEE \$25.00 PER LOT*
2. An application fee for final plan review, which fee shall be Seventy-Five Dollars (\$75.00).
3. A fee for review of the plan by the Columbia County Planning Commission, if such fee is required.
4. A fee for review of the plan by the Township Engineer or Consultant and any other local, County, State, or Federal agency, if such fee is required.
5. A financial security in the amount of 110% of the cost of proposed required improvements if the completion of such improvements is to be delayed as a condition of final approval. (See Section 402.5.)
6. A financial security for the maintenance of improvements for no more than eighteen (18) months from the date of their acceptance of dedication and not to exceed 15% of their

## Section 910 (cont'd)

actual cost of installation. (See Section 402.13.)

7. An inspection fee based on the actual cost of inspection by the Township Engineer of required improvements. (See Section 404.)