**CHAPTER 22**

**SUBDIVISION AND LAND DEVELOPMENT**

**Part 8**

**Administration**

**§801. Waivers or Modifications.** The Township Supervisors may grant a waiver or modification to the minimum standards of the Subdivision and Land Development Ordinance when the literal compliance with mandatory provisions is shown to the satisfaction of the Supervisors to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results. Furthermore, the Supervisors may grant a modification of the requirements of one or more provision if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

1. Procedures.

(a) All requests for a modification shall be in writing and shall accompany the application for subdivision or land development. The request shall state 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) The request for the modification shall be referred to the Planning Commission for advisory comments.

(c) The Township Supervisors shall keep a written record of all action on the modification request.

**§802. Records.** The Township Supervisors shall keep for the public record all plans upon which it takes action. The Supervisors shall also keep a record of all decisions and actions related thereto.

**§803. Required Fees.** The Board of Supervisors shall by Resolution establish the required subdivision plan application and review fees. All fees shall be payable to White Deer Township.

(1) Subdivision Plan Application Fee. The purpose of the subdivision plan application fee shall be to cover a portion of the plan processing cost incurred by the township.

(2) Review fees. The Township may charge review fees to cover the actual cost of retaining the municipal engineer or consultant to evaluate subdivision plans or to inspect required improvements.

(3) Disputed Review Fees.

(a) In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the municipality that such fees are disputed, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the applicant’s request over disputed fees.

(b) In the event that the municipality and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the municipality shall follow the procedure for dispute resolution set forth in section 510(g) of Act 170 of 1988, as amended, the Pennsylvania Municipalities Planning Code.

**§804. Amendment. T**he Township Supervisors may, from time to time, revise, modify and amend this Chapter.

**§805. Preventive Remedies.**

(1) 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 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) 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 Article V of Act 170 of 1988. This authority to deny such a permit or approval shall apply to any of the following applicant:

1. 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 or 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 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.

**§806. Enforcement Remedies.**

 (1) Any person, partnership, corporation, firm, entity or joint venture who or which has violated or shall violate or permitted or permits the violation of the provisions of this Part shall upon being found liable therefor in a civil enforcement proceeding pay a judgment of not more than ONE THOUSAND AND 00/100 DOLLARS ($1,000.00), plus all court costs and reasonable attorney fees incurred by the Township as a result thereof.

 Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the Township. Nothing in this section shall be construed or interpreted to grant to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its duly designated agent the authority to commence or prosecute any action pursuant to this section.

 (Ordinance No. 96-4, adopted June 25, 1996)

**§807. Severability.** Should any section, subsection, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of Ordinance as a whole, or of any other part thereof.

**§808. Effective Date.** The White Deer Township Subdivision Regulations of 1967 became effective February 24, 1967. The White Deer Township Subdivision and Land Development Ordinance shall become effective to all preliminary and final plans submitted to the Township on or after February 29, 1967, except those final plans for which a preliminary plan had previously been approved. In such case, the White Deer Township Subdivision Regulations of 1967 shall remain effective.

(Ordinance No. 90-2, adopted October 23, 1990)