

ORDINANCE NO. \_\_\_\_\_

DONEGAL TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING SECTION 310 OF THE DONEGAL TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY ADDING CERTAIN ENFORCEMENT PROVISIONS THERETO.

THE TOWNSHIP OF DONEGAL HEREBY ORDAINS AS FOLLOWS:

The Donegal Township Subdivision and Land Development Ordinance, Section 310 (dealing with enforcement of the Ordinance) is amended as follows:

1. Section 310 of the Donegal Township Subdivision and Land Development Ordinance is deleted in its entirety and replaces as herein set forth.

2. Section 310 of the Donegal Township Subdivision and Land Development Ordinance is amended as follows:

SECTION 310        ENFORCEMENT

310.1   Unlawful recording and sale of lots.

310.1.1        No plan of a subdivision or land development proposed in the Township shall be recorded in any public office unless or until that plan shall bear the certified approval of the Board of Supervisors.

310.1.2.        It shall be unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land as part of or in conformity with any plan, plat or re-plat of any subdivision or land development unless and until said plan, plat or re-plat shall have been first recorded in the Office of the County Recorder of Deeds.

310.2   Preventive remedies.

310.2.1.        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 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.

310.2.2.        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 this chapter. The authority to deny such a permit or approval shall apply to any of the following applicants:

310.2.2.1 The owner of record at the time of such violation.

310.2.2.2 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.

310.2.2.3 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.

310.2.2.4 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.

310.2.3 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.

### 310.3 Enforcement Remedies

310.3.1 Any person, partnership or corporation who or which has violated the provisions of this Ordinance 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 be payable until the date of the determination of a violation by the District Magistrate. 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 Magistrate determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter 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 Magistrate, and thereafter each day that a violation continues shall constitute a separate violation.

310.3.2 The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

310.3.3 Nothing contained 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.

### 310.4 Enforcement

310.4.1 The Code Enforcement Officer or his authorized representative shall be responsible for the administration and enforcement of this chapter and shall have all the powers and duties conferred upon zoning officers by the Pennsylvania Municipalities Planning Code (53 P.S. § 10101 et seq.).

310.4.2 The Code Enforcement Officer or his authorized representative shall review proposals for subdivision and land development plans upon request of the Planning Commission or Board of Supervisors; shall issue or revoke permits; shall enter upon, at his discretion, subdivision and land development plans in the process of construction to evaluate compliance with the terms of approved applications; shall notify the developer, in writing, regarding any aspect of the development not in compliance and demand remedial action to guarantee compliance and avoid revocation of the permit; and shall otherwise act as the Township's agent in the enforcement of these regulations.

310.4.3 No developer, owner or agent or employee of them shall block entrance of the Code Enforcement Officer or his authorized representative to any subdivision, land development or mobile home park plan in the process of development.

Duly presented and ENACTED AND ORDAINED into law at a regular meeting of the Board of Supervisors of Donegal Township, Butler County, Pennsylvania held this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

DONEGAL TOWNSHIP BOARD OF  
SUPERVISORS

\_\_\_\_\_  
Ryan Ritzert, Chairman

\_\_\_\_\_  
Michael Haid

\_\_\_\_\_  
Dalton Geibel

ATTEST:

\_\_\_\_\_  
Leslie Stewart, Secretary