

ARTICLE VIII

ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 801 Fees

A. Fee Resolution

1. The Council shall establish by resolution a collection procedure and schedule of fees to be paid by the applicant at the time of submission of all plans.
2. Fees for all other permits required for and by the Borough shall be established by the resolution.
3. Said schedule of fees shall be posted in the Borough Office.

B. Engineering Fees

1. Engineering fees required to be paid in accordance with this Ordinance shall be paid to the Borough by the applicant for the below listed services:

- a. Reviewing all information submitted in conformance with provisions of this Ordinance. This includes all originally submitted and revised plans, reports and specification.
- b. Inspecting the layout of the site for conformance to the submitted survey, plan and specifications.
- c. Reviewing planning modules for land development.
- d. Reviewing cost estimates of required improvements as submitted by the developer.
- e. Inspecting required improvements during construction.
- f. Final inspections of completion of installation of the required improvements.
- a. Such other technical services as deemed necessary or required by the Borough.

A. Soliticor Fees

1. The applicant shall pay all attorney's fees incurred by the Borough as a result of an application, project, or any other matter arising under this Ordinance, at the rates charged to the Borough or as may be modified from time to time by the Borough via resolution or amendment to this Ordinance.

Section 802 Modifications

- A. The provisions of these regulations are intended as a minimum standard for the protection of the public health, safety and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant to the satisfaction of the Council present at a public meeting to be unreasonable and to cause undue hardship as it applies to the particular property, the Council may grant a modification from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a modification shall not have the effect of making null and void the intent and purpose of this Ordinance.
- B. **Application Requirements**
1. All requests for modifications shall be made in accordance with the provisions of Section 309 of this Ordinance.
 2. Should a revision to a submitted plan require a modification which was not apparent at the time of the initial plan submission, the request for a modification shall be submitted in accordance with Section 309 of this Ordinance.
- C. **Action On Modification Requests**
1. At a public meeting, and after review and recommendation by the Planning Commission, the Council shall review the request to determine if the literal compliance with any mandatory provision of this Ordinance is demonstrated by the applicant to 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 this Ordinance is observed.
 2. The applicant shall demonstrate that an alternative proposal will allow for equal or better results and represents the minimum modification necessary. If the Council determines that the applicant has met his burden, it may grant a modification from the literal compliance with the terms of this Ordinance.
 3. In granting modifications, the Council may impose such conditions as will, in its judgement, secure the objectives and purposes of this Ordinance.
 4. When a modification is granted with conditions, a statement of the approved modification including the imposed condition(s) shall be provided on the final plan.

Section 803 Enforcement

It shall be the duty of the Zoning Officer and/or other such duly authorized representative of the Borough, and they are hereby given the power and authority to enforce the provisions of this Ordinance.

The Zoning Officer shall require that the application for a zoning permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved subdivision or land development. No zoning permit shall be issued until the Zoning Officer has determined

that the site for the proposed building, alteration or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded final plan.

Section 804 Penalties and Preventive Remedies

- A. Any person, partnership, corporation or the members of such partnership or the officers of such 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 and/or dedicate any street, sanitary sewer, storm sewer, water main, or other improvement for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon; or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by use of a plan of such subdivision or land development or otherwise; or who erects any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Ordinance and has been recorded as provided herein; or who in any other way be in violation of any of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than six hundred dollars (\$600.00) plus all court costs, including reasonable attorney's 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 District Justice. 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 day that a violation continues shall constitute a separate violation unless the District Justice 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 determination of a violation of the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.
- B. In addition to other remedies, the Borough may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations of this Ordinance, to prevent unlawful construction, to recover damages and/or to prevent illegal occupancy of a building, structure or premises.
- C. 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.
- D. The Borough may further 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 Ordinance. The authority to deny such permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - 3. The current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

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 constructive knowledge of the violation.
- E. As an additional condition for the 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 Borough 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 estate.