

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
OF  
GREENE TOWNSHIP  
PIKE COUNTY, PENNSYLVANIA

ARTICLE VII  
ADMINISTRATION

701 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

702 Waivers/Modifications

702.1 Intent – The provisions of this Ordinance 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 Township, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the Applicant shows that an alternative proposal will allow for equal or better results, the Township may grant a waiver 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 waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

702.2 Conditions – In granting waivers/modifications the Township may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

702.3 Procedure – All requests for waivers/modifications shall be in writing, shall accompany and be a part of the development application, and shall include:

- A. The specific Section(s) of this Ordinance in question
- B. Provisions for the minimum modification necessary as an alternate to the requirements
- C. Justification for the waiver/modification including the full grounds and facts of unreasonableness or hardship

702.3.1 Public Notification – The Applicant shall be required to notify all owners of properties adjoining the tract proposed to be subdivided. Said notification shall be in writing not less than thirty (30) days from the “Official Date of the Minor Subdivision Plan Submission”. The Applicant shall submit proof of said notifications to the Township Secretary.

702.4 Action – If the Township denies the request, the Applicant shall be notified, in writing, of the reasons for denial. If the Township grants the request, the final record plan shall include a note which identifies the waiver/modification as granted. In any case, the Township shall keep a written record of all actions on all requests for waivers/modifications.

703 Penalties for Violations

703.1 Preventive Remedies

- A. 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.
- B. 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 article. This authority to deny such a 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 as 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 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 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.

703.2 Enforcement Remedies

- A. Any person, partnership, or corporation who or which has violated the provisions of this subdivision and land development ordinance or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment amount to be determined by the Board of Supervisors 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.
- B. 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.

- C. 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.

703.3 Jurisdiction – District Justices shall have initial jurisdiction in proceedings brought under Section.

703.4 Transfer – The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

703.5 Construction – No person shall proceed with any development site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. No deeds shall be executed or for the transfer of any lots or units, nor shall the construction of any structure be initiated, before the Township has approved the Final Plan and such Plan is filed with the Pike County Recorder of Deeds.

#### 704 Fees

704.1 Resolution – Fees shall be established by Resolution of the Board of Supervisors.

704.2 Supplemental Fees – Prior to approval of the Preliminary application, the Developer shall also pay to the Township a supplemental fee sufficient to cover the cost the professional consulting services incurred by the Township. The Township may engage the services of any professional consultant deemed necessary by the Board to review the proposal and advise the Township thereon; and, the costs of said professional services shall be paid by the Applicant. Such supplemental fees shall be based on actual costs incurred in excess of the basic fee.

704.3 Final Fees – At the time of filing, the Final Application shall be accompanied by a check payable to the Township in an amount determined by the Township sufficient to cover the cost of:

- A. Reviewing engineering details
- B. Inspecting the site for conformance
- C. Evaluating cost estimates of required improvements
- D. Inspection of required improvements during installation
- E. Final inspection or reinspection on completion of installation of required improvements
- F. Fees charged for other related professional consulting services

704.4 Adjustment – Prior to the final approval of any application, the Township Secretary will determine all costs incurred; and, to the extent that there has been an overpayment or an underpayment, there shall be a refund or a supplemental payment as indicated.

704.5 Disputes – Disputes between the Applicant and the Township regarding fees shall be settled pursuant to Section 503 (i) and 510 (g) of the Pennsylvania Municipal Planning Code.

#### 705 Records

The Township shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.

#### 706 Validity

Should any section, subsection, or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

707 Conflicts

Whenever there is a difference between the minimum applicable standard specified herein and those included in other applicable municipal regulations, the more stringent requirement shall apply.

The Greene Township Subdivision Ordinance of 1983 enacted on the 3<sup>rd</sup> day of January, 1983 as amended, is hereby repealed in total; provided however that the repeal shall in no manner be construed as a waiver, release, or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceedings, pertaining to any act done which would have constituted a violation of the Greene Township Subdivision Ordinance of 1983, or its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full effect and force, and not be repealed hereby, as they pertain to said acts.

708 Adoption

This Ordinance ordained and enacted this 7<sup>th</sup> day of October, 2015, by the Board of Supervisors off Greene Township, to be effective 30 days thereafter.

Edward W. Simon  
Chair

[Signature]  
Vice-Chair

Maryann Hulland  
Supervisor

Certification

I, Judy Kleeman, Secretary of the Township of Greene, do hereby certify that the foregoing Greene Township Subdivision and Land Development Ordinance was duly adopted at a properly convened meeting of the Board of Supervisors of Greene Township held on \_\_\_\_\_ at which meeting a quorum was present and voted in favor thereof. I furthermore certify that adoption of said Ordinance was preceded by a public hearing as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, which hearing was advertised in accordance with the provisions of said Act.

Judy Kleeman  
Secretary of Greene Township