

ARTICLE VIII

ADMINISTRATION AND ENACTMENT

SECTION 800 **ENFORCEMENT**

It shall be the duty of the Building Inspector, Zoning Officer, or other such duly authorized representative of the Borough Council and is hereby given the power and authority to enforce the provisions of this Ordinance. The Enforcement Officer shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No building permit shall be issued until the Enforcement Officer has certified that the site for the proposed building, alteration, or use complies with the site description as indicated on the approved and recorded Final Plan.

SECTION 801 **MODIFICATIONS**

- A. The regulations embodied in this Ordinance are the minimum standards for the protection of the public welfare. When special circumstances warrant, the Borough may impose stricter standards.

- B. Where a provision of this Ordinance would cause unique and undue hardship as it applies to property, the Borough Council may grant a modification from the strict application of the terms of this Ordinance only if the variation will not be detrimental to the general welfare or nullify the purposes of these regulations. In granting the modification the Borough Council may impose conditions, which will substantially secure compliance with the purpose of this Ordinance.

- C. The Planning Commission shall have the right to recommend to the Council modifications to the regulations in individual cases as may be necessary in the public interest, provided, however, that such modifications shall not have the effect of nullifying the intent and purposes of these regulations. The list of suggested modifications and the specific reasons for such change shall be entered in the minutes of the Planning Commission and a copy of this entry shall be transmitted to the Council. The Council may then alter the land development plans and specify changes or modifications therein, which it deems necessary and make its approval subject to such alterations, changes or modification. Upon approval by the Council, said modification shall be clearly defined and entered on the Final Plan and signed by the Council.

SECTION 802 **AMENDMENTS**

The Borough Council may on its own motion, or upon recommendation of the Planning Commission, if applicable, amend, supplement or repeal any portion of this Ordinance. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice. In addition, in case of an amendment other than that prepared by the Planning Commission, Borough Council shall submit each amendment to the Planning Commission, if applicable for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

SECTION 803 **PENALTIES**

No lot in a land development shall be sold, rented, leased or conveyed in any manner; no permit to erect, alter or repair any building upon land in a land development shall be issued; and no buildings shall be created in a land development until the Final Plan of such land development has been approved and properly recorded and until improvements have been either constructed or guaranteed.

Any person, co-partnership or corporation who shall develop any lot, tract or parcel of land, layout, construct, open or dedicate any street, sanitary sewer, storm sewer or water mains, for public use or travel, or for the common use of occupants of buildings abutting thereon, sell, rent, lease, or convey in any manner any lot or erect any building in a land development without first having complied with the provisions of this Ordinance shall be guilty of violating the provisions of this Ordinance.

Any person, partnership or corporation who or which has violated the provisions of the Mont Alto Borough Subdivision and Land Development Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by a Mont Alto Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney 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 applicant 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. The court of common pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be constructed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

SECTION 804 APPEALS

The procedures for securing review of any ordinance, decision, or determination is set forth in Article X of the Pennsylvania Municipalities Planning Code, Act 170 of December 21, 1988, P.L. 170, as amended.

SECTION 805 REPEALER

All ordinances or portions of ordinances inconsistent herewith are hereby repealed. These Ordinances include, but are not limited to:

- Ordinance No. 159, as amended and enacted on December 9, 1974.

SECTION 806 INTERPRETATION

The provisions of this ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

SECTION 807 SEVERABILITY CLAUSE

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

SECTION 808 EFFECTIVE DATE

This Ordinance shall take effect upon its enactment as provided by law.

SECTION 809 ENACTMENT

Enacted and Ordained this 7th Day of July, 2008.

BOROUGH COUNCIL
MONT ALTO BOROUGH
FRANKLIN COUNTY, PENNSYLVANIA

BY: Mr. John Esser
MAYOR

SIGNATURE

BY: Mr. Michael W. Gossard
PRESIDENT, BOROUGH COUNCIL

SIGNATURE

ATTEST: Ms. Patricia A. Kocek
BOROUGH SECRETARY

SIGNATURE