

PART 8

ADMINISTRATION

SECTION 801 **FEES**

- A. The Township may impose fees and charges to recover all costs incurred in the administration of this Ordinance. All fees and charges shall be adopted by resolution. These fees shall include, but not be limited to, an application fee; fees for the review of the plans, studies, financial security, and associated documentation by the Township Engineer, Township Solicitor or other professional consultant; fees for the inspection of improvements installed in connection with development authorized by a plan; and fees for the acceptance of dedication of improvements.
- B. Filing fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer, Township Solicitor, or consultant for similar service in the community. In no event will these fees exceed the rate or cost charged by the Township Engineer, Township Solicitor or consultant to the municipality when fees are not reimbursed or otherwise imposed on applicants.
- C. The Schedule of Fees shall be obtainable in the office of the Township Secretary.
- D. No plan shall be deemed to have been submitted until the fee and escrow deposit, as set forth below, shall have been paid.
 1. A subdivision or land development application fee (nonrefundable) and an escrow deposit shall be submitted with any application for preliminary (or sketch plan when required) or final plan approval to cover the costs of the plan review and processing. Township Board of Supervisors shall fix amounts of the application fee and escrow deposit by resolution. The escrowed funds shall be used to reimburse the Township for actual expenditures incident to these processes, including but not limited to fees of the Township Engineer and legal fees in excess of the fee for review of the Township's standard forms. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant prior to the issuance of any permits. Any unexpended balance in the escrow deposit shall become a part of the second deposit required in Subsection 2 below.
 2. As a condition of final plan approval and recording and establishment of any required performance guarantee, a second escrow deposit shall be established to cover the cost of inspections of improvements construction;

materials or site testing; or maintenance costs (e.g., snow removal prior to the acceptance of improvements by the Township). Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant. Any unexpended balance in the escrow deposit following acceptance of dedication of improvements by the Township shall be returned to the applicant. Township Board of Supervisors shall fix the amount of the escrow deposit by resolution.

SECTION 802 NOTICE OF PLANNING COMMISSION MEETING

- A. Notice of the first Clay Township Planning Commission meeting on a filed Plan shall be given at least ten (10) days in advance to any property owner who owns land within one hundred (100) feet of the affected property and to any person who has made a timely prior request.
- B. The Notice shall be mailed first class mail and shall state (at a minimum) the location of the property, the general nature of the proposed subdivision / land development plan, and the time, date and place for the first proposed meeting of the Planning Commission to review the same.
- C. The Notice shall also be posted at a prominent location on the property (readily visible from a public right-of-way) at least ten (10) days in advance of such meeting.
- D. No subsequent notice will need to be given for alterations and amended plans, unless a new Plan is filed by or on behalf of the Applicant or relating to the property sought to be subdivided or improved.
- E. It is understood that it is the intent of this Ordinance to direct notice as a convenience to those named, but not to establish any prerequisite to a valid Hearing, such prerequisites being limited as mandated by the Pennsylvania Municipalities Planning Code or a decision of a Court of record.

SECTION 803 CHANGES TO APPROVED PLANS

No changes, erasures, modifications, or revisions shall be made in any plan of a subdivision or land development after approval has been made by the Supervisors and endorses on the plan, unless said plan is first resubmitted to and approved by the Township Supervisors and submitted to the Lancaster County Planning Commission for review.

SECTION 804 REMEDIES

Whenever a duly authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant there to, said duly authorized Township representative may initiate enforcement proceedings in accordance with the procedures defined in the MPC.

SECTION 805 PENALTIES

- A. Any person violating any provisions hereof shall be subject to and shall pay a civil enforcement penalty not to exceed Five Hundred Dollars (\$500.00) for each violation, together with costs and attorneys' fees incurred by the Township. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and for each section of the Ordinance which is found to have been violated.
- B. In addition to all of the foregoing, any violation of the terms and conditions of this Ordinance may be enforced by the Township through an action in equity brought in the Court of Common Pleas of Lancaster County and upon the Township being successful therein, the Township shall additionally be entitled to all of its attorneys fees and costs therein.
- C. The Board of Supervisors may delegate any initial determination of Ordinance violation, service of notice of violation, and/or enforcement thereof, to such officers or agents of the Township as the Board of Supervisors shall deem, from time to time, qualified for that purpose.

SECTION 806 RESPONSIBILITY

- A. The subdivider shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.
- B. The failure of a property owner (equitable, lessee or fee) or their successors or assigns to fully maintain and otherwise comply with the provisions of any recorded plan or other document respecting that property's approval shall be a violation of this Ordinance and shall subject such property owner to the penalties described in Section 805 hereof. Additionally, each said property owner shall be subject to, in addition to the penalties described herein, the right, but no duty, of the Township to enter upon the property owner's property and provide such maintenance and bill the property owner for said maintenance, together with a 10% penalty and all attorney's fees and costs for collection thereof.

SECTION 807 RIGHT-OF-ENTRY

Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance.

SECTION 808 SEVERABILITY

The provisions of this Ordinance are severable and if any of its provisions shall be held to be illegal, such illegality shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had any such illegal provisions not been included herein.

SECTION 809 REPEALS AND CONTINUATION OF PRIOR REGULATIONS

Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Township, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of Board of Supervisors that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. All subdivision and land development ordinances or parts of subdivision and land development ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior subdivision and land development ordinance or regulation. In the event any violation has occurred under any prior subdivision and land development ordinance or regulation of Clay Township, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior subdivision and land development ordinance or regulation, and the provisions and penalties provided in said prior subdivision and land development ordinance or regulation shall remain effective as to said violation.

SECTION 810 EFFECTIVE DATE

- A. The provisions of this Ordinance shall take effect thirty (30) days after the date of its adoption as to all permit applications for building permits or other applicable permits and for circumstances where there should have been such applications, occurring after that date, but subject to the following limitations.

- B. Provisions of this Ordinance are not intended to change the grandfathering of plats set forth in Section 508 of the Pennsylvania Municipalities Planning Code. Accordingly, the provisions of this Ordinance shall be considered as a “change or amendment in Zoning, Subdivision or other governing ordinance or plan” thereby invoking the protections set forth as to such plans in Section 508 of the Pennsylvania Municipalities Planning Code.

- C. Additionally, the provisions of the Ordinance shall not apply to a single family residential dwelling in a subdivision where the final subdivision plan has been recorded prior to the effective date of this Ordinance until the expiration of five (5) years from the date of recording of said final subdivision plan applicable to that lot or to any facilities previously properly improved and installed pursuant to prior Ordinances of the Township, unless there is a change in proposed impervious surface.

ENACTED AND ORDAINED by The Board of Supervisors of The Township of Clay on this 14th day of June, 2010.

**BOARD OF SUPERVISORS
TOWNSHIP OF CLAY:**

