

**ARTICLE XI
ADMINISTRATION**

1101 Purpose

This Article XI establishes the procedures for the administration, amendment and enforcement of this Ordinance.

1102 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.

1103 Waivers/Modifications

1103.1 Intent; Hardship; Alternative Methods; Public Interest

A. Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare.

B. Hardship

If compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Planning Commission, to be unreasonable, or to cause undue hardship as it applies to a particular property, the Planning Commission may grant a waiver or modification from such mandatory provision to permit the reasonable use of the property. Hardship shall be determined by applying the following criteria:

1. An unnecessary hardship should be established upon a finding of fact.
2. The particular hardship must stem from this Ordinance.
3. The situation must be unique, not one shared similarly by other properties in the neighborhood.
4. The hardship cannot be self-created.
5. Hardship is not to be construed to mean that less profit will be made under the existing ordinance than might be realized with the granting of a variance.
6. The hardship must be suffered by the parcel of land under question and not by other parcels owned by the applicant or suffered by the community as a whole.
7. And finally, if this Ordinance was in effect at the time of the purchase of the parcel of land under question, the condition of the parcel itself or the neighborhood must have changed since the time of purchase. The changed condition must have a unique bearing on the parcel under question.

C. Alternative Methods

If the applicant shows to the satisfaction of the Planning Commission that an alternative proposal will allow for equal or better results, a modification of a particular standard may be granted.

D. Public Interest; Effect

The granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance or otherwise compromise the public interest.

1103.2 Conditions

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

1103.3 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 sections of this Ordinance that relate to the waiver request.
- 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.

1103.4 Action

If the Planning Commission denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Planning Commission grants the request, the final record plan shall include a note that identifies the waiver/modification as granted. In any case, the Planning Commission shall keep a written record of all actions on all requests for waivers/modifications.

1104 Penalties for Violations

1104.1 Preventive Remedies

- A. In addition to other remedies, the County 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 County and/or the local municipality 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 Ordinance. 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, or 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 Planning Commission 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.

1104.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the County, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the County 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 County 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 County the right to commence any action for enforcement pursuant to this section.

1104.3 Jurisdiction

Magisterial District Judges shall have initial jurisdiction in proceedings brought under §1104.2.

1104.4 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.

1104.5 Construction

In the case of subdivisions, 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. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §306.9 of this Ordinance. No deeds shall be executed or recorded for the transfer of any lots or units which are subject to the provisions of this ordinance before the Planning Commission has approved the Final Plan and such Plan is filed with the Susquehanna County Recorder of Deeds.

1105 Fees**1105.1 Establishment of Fees**

Fees to be paid by the Applicant shall be established by resolution of the Planning Commission to cover all costs incurred by the Planning Commission associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, administrative costs and the reasonable and necessary charges by the County's professional consultants as defined and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.

1105.2 Application Fees

At the time of the filing of any application, the Applicant shall pay to the Planning Commission, made payable to "Susquehanna County", a fee sufficient to cover the administrative costs associated with the review of the application.

1105.3 Review and Inspection Fees

At the time of the filing of any application, the Applicant shall pay to the Planning Commission a fee deemed sufficient to cover the cost of:

- A. Reviewing compliance with ordinance and 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 consulting services.
- G. Any other review costs incurred by the Planning Commission.

1105.4 Supplemental Fees and Adjustment

The Planning Commission may require an escrow or other security for review fees by professional consultants as defined in the Municipalities Planning Code, as amended. If the review fees collected at the time of application are not sufficient to cover the cost of engineering services and other related professional consulting services incurred by the Planning Commission, an additional fee shall be collected from the Applicant prior to any action on the plan. If after Planning Commission action on the plan, any review fees remain, there shall be a refund made to the Applicant of the balance within thirty (30) days of action on the plan.

1105.5 Disputes

Disputes between the Applicant and the Planning Commission regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.

1105.6 Failure to Pay Fees

Any failure by the Applicant to pay any required fees shall be deemed a violation of this Ordinance and shall make null and void any approval granted by the Planning Commission.

1106 Records

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