

ARTICLE IX - ADMINISTRATION AND AMENDMENT

SECTION 9:00 FEES

- 9:001 The Township Board of Supervisors shall establish by resolution a collection procedure and Schedule of Fees to be paid by the applicant at the time of filing a Preliminary Plan (or a Final Plan where a preliminary plan is not required). The Schedule of Fees may be modified periodically by the Township Board of Supervisors.
- 9:002 The schedule of fees shall be obtained from the Township office, and shall be posted therein and in such other places as the Township Board of Supervisors may designate.
- 9:003 The applicant is also required to pay any review fees required by the County Planning Commission, the County Conservation District and any other reviewing agency.
- 9:004 Plans shall not be considered filed until all fees are paid and the applications are properly signed as required.
- 9:005 If the Township expenses associated with reviewing a subdivision or land development exceed the total fees that have been paid by an applicant, the applicant shall pay such excess expenses prior to approval of the Final Plans by the Township.

SECTION 9:10 MODIFICATIONS

- 9:101 The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare. The Township Supervisors may modify or extend said provisions conditionally in individual cases as may be deemed necessary in the public interest provided, however, that such variation shall not have the effect of nullifying the intent and purpose of this Ordinance. The list of such modifications and the reasons therefore shall be entered in the minutes of the meeting of the Township Board of Supervisors pertaining thereto, and shall be clearly defined and entered on the Final Plan.

9:102 The Township Board of Supervisors, after receiving a written request for a modification, including the grounds for such modification, and after providing the Planning Commission with an opportunity to provide a recommendation, shall have the power to grant a waiver or modifications to the specific requirement of this Ordinance, where the applicant proves to the satisfaction of the Township Board of Supervisors that, owing to special conditions, a waiver or modification is needed to:

- A. Avoid an undue hardship that was not self-created and that would result because of the peculiar and uncommon conditions pertaining to the land in question, or
- B. Avoid the imposition of a clearly unreasonable requirement that would not serve any valid public purpose, or
- C. Allow an alternative standard that is clearly proven by the applicant to provide equal or better results, or
- D. Allow a layout or improvements that would clearly be more in the public interest than what would occur if the modifications were not granted.

9:103 No changes, erasures, modifications or revisions shall be made in any plan of a subdivision or land development plan after approval has been made by the Township Board of Supervisors and endorsed on the plan, unless the said plan is resubmitted to and approved by the Township Board of Supervisors.

SECTION 9:20 CHALLENGES

A landowner desiring to challenge the validity of any provision of this Ordinance, or any amendment thereof, shall make such challenge in accordance with the provisions of Article VIII of the Act of the General Assembly No. 247 of 1968, as amended by Act 170 of 1988.

SECTION 9:30 RECONSIDERATION APPEAL

9:301 Any applicant aggrieved by a finding, decision or recommendation of the Township Planning Commission may request and shall receive an opportunity to appear before the Township Planning Commission to present additional relevant information and request, in writing, reconsideration of the original finding, decision or recommendation.

9:302 Any person aggrieved by a finding, decision or recommendation of the Township Planning Commission may present to the Township Board of

Supervisors any relevant information at the time the Township Board of Supervisors considers action on the subject plans.

9:303 Affirmative actions by the Township Board of Supervisors shall authorize the applicant to continue the application process from the point at which it was interrupted.

9:304 Appeals from the actions of the Township Board of Supervisors with respect to any application for subdivision or land development approval shall be governed by the provisions of the Municipalities Planning Code as they may be amended from time to time, or any successor legislation thereto.

SECTION 9:40 PENALTIES

9:401 Preventive Remedies

- A. In addition to other remedies, Rockland 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 the remedies herein provided.
- B. Rockland Township may refuse to issue a 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 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 regarding 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, Rockland 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.

9:402 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Rockland Township, pay a judgment of not more than \$2,000.00 plus all court costs, including reasonable attorney fees incurred by Rockland Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Rockland 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 be considered 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 any person or entity other than Rockland Township the right to commence any action for enforcement pursuant to this section.

9:403 In addition to the penalties above, the Township Board of Supervisors may initiate and maintain civil action:

- A. To obtain a writ of injunction against the owner or agent who attempts the improper sale or conveyance of land.
- B. To set aside and invalidate any conveyances of land made prior to Final Plan approval of any subdivision.

9:404 Nothing herein shall prevent the Township from taking such other action necessary to prevent or remedy any violation.

SECTION 9:50 KEEPING OF RECORD

The Township Planning Commission and the Township Board of Supervisors shall keep a record of their findings, decisions and recommendations relative to all subdivision and land development plans filed for review. Such records shall be made available to the public for review.

SECTION 9:60 RESPONSIBILITY

The applicant shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.

SECTION 9:70 CONFLICTS

9:701 Whenever there is a difference between the minimum standards specified herein and those included in other official Township regulations the most stringent requirements shall apply.

9:702 All existing ordinances or parts of Ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 9:80 REVISION AND AMENDMENT

9:801 The Board of Supervisors may, from time to time, review, modify, or amend the terms of this Ordinance. Except for an amendment proposed by the Township Planning Commission, the Board of Supervisors shall submit any proposed amendment to the Township Planning Commission for review and recommendation. At least 30 days prior to the hearing on the proposed amendment, the Board of Supervisors shall submit any proposed amendment to the Berks County Planning Commission for review and recommendation. The Board of Supervisors shall take no action to approve or deny any proposed amendment until it has received a report on the proposed amendment from the County Planning

Commission, or until 30 days have been allowed for the receipt of such a report. The Township shall notify all adjacent Municipalities of the proposed amendment.

9:802 Notice of the date, time, and place of the public hearing on the proposed amendment, and the content of such notice, shall be in accordance with Section 506 of the Municipalities Planning Code.

9:803 In the event substantial changes are made in the proposed ordinance or amendment, before voting on enactment, the Board of Supervisors, at least 10 days prior to enactment, shall re-advertise a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

9:804 Within 30 days following adoption, the Township shall forward a certified copy of any amendment to this Ordinance to the appropriate agencies required by ordinance or statute, including, but not limited to, the Berks County Planning Commission.

SECTION 9:90 SEVERABILITY

It is hereby declared to be the legislative intent that:

9:901 If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

9:902 The Township Board of Supervisors hereby declares that they would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

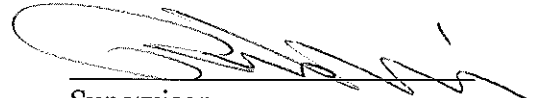
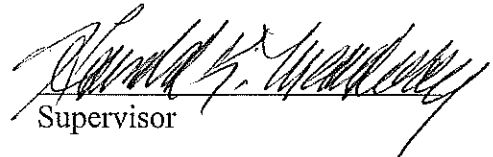
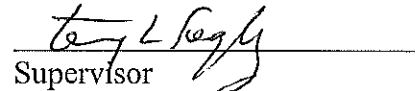
SECTION 9:91 STATE PLANNING CODE AMENDMENTS

The provisions of this Ordinance that only repeat, summarize, or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to the Pennsylvania Municipalities Planning Code.

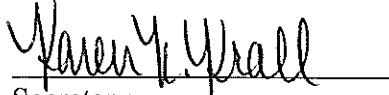
SECTION 9:92 ENACTMENT

Duly enacted by the Board of Supervisors of Rockland Township, Berks County, Pennsylvania, this 1<sup>st</sup> day of November, 2011.

BOARD OF SUPERVISORS  
OF ROCKLAND TOWNSHIP

  
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Supervisor  
\_\_\_\_\_  
Supervisor  
\_\_\_\_\_  
Supervisor

ATTEST:

  
\_\_\_\_\_  
Secretary