

ARTICLE X

ADMINISTRATION, AMENDMENT, AND ENFORCEMENT

Section 1001 Revision and Amendment

The Everett Borough Council may revise or amend in whole or in part these regulations, provided however, that the amendment thereof shall be accomplished in accordance with the provisions of Section 355 of the Act of July 31, 1968 P.L. 247 (53 P.S. 10505) as supplemented and amended.

Section 1002 Modification of Requirements

1002.1 Modified Standards: The provisions of these regulations are the minimum standards for the protection of the public welfare. The Everett Borough Council reserves the right to modify or to extend these regulations as may be necessary in the public interest.

1002.2 Waiver: If a majority of the Everett Borough Council feels that this ordinance causes undue hardship upon a particular subdivision, they may grant a waiver providing it does not nullify the intent and purpose of this ordinance. In granting waivers, the Borough Council may impose such conditions as will, in its judgement, advance the achievement of the intent of this ordinance. The standards and requirements of these regulations may be modified by the Borough Council in the case of a plan or program for complete community, new town, neighborhood, cluster subdivision, or mobile home park which in the judgement of the Everett Borough Council provides adequate open and public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions which will assure conformity to and achievement of the development goals of the Borough.

Section 1003 Reconsideration and Appeal

1003.1 Request for Reconsideration: Any subdivider aggrieved by a finding, decision, or recommendation of the Everett Borough Council may request and shall receive another opportunity to appear before the Borough Council to present additional relevant information. This request shall be in writing within thirty (30) days after the original date of action by the Borough Council.

1003.2 Hearing: Upon receipt of such appeal, the Borough Council shall hold a hearing after proper notification of all parties concerned and in a manner prescribed by law.

1003.3 Findings: After such hearing, the Borough Council may affirm or reverse the original action of the Borough Council by a recorded vote and in the manner prescribed by law. The findings and reasons for the disposition of the appeal shall be stated on the records of the Borough Council. Affirmative action shall authorize the subdivider to continue application from the point at which it was interrupted.

1003.4 Appeal: Any person aggrieved by action of the Borough Council may appeal within thirty (30) days directly to the Court of Common Pleas of Bedford County in accordance with and in a manner prescribed by law.

Section 1004 Keeping of Records

The Borough Council shall maintain a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public.

Section 1005 Penalties

Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality 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 judgement, the municipality 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 inly 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 of 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 construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

Section 1006 Severability

Should any article, section, subsection, paragraph, sentence, clause, phrase, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such judgement shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so declared invalid or unconstitutional.

Section 1007 Effective Date

This ordinance shall become effective five (5) days after the date of final passage.

Duly elected and ordained by the Everett Borough Council, Bedford County, Pennsylvania, this 12th day of June, 2000.

EVERETT BOROUGH COUNCIL

ATTEST:

Council President

Borough Secretary

(SEAL)

June 12, 2000

I, Gwen S. Douglas, do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Borough Council of Everett, Bedford County, Pennsylvania, on June 12, 2000.

Borough Secretary