

ARTICLE IX

ADMINISTRATION, AMENDMENT, AND ENFORCEMENT

SECTION 901: Revision and Amendment

The Township of Jackson Board of Supervisors 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 902: Modification of Requirements

Section 902.1 Modified Standards

The provisions of this Ordinance are the minimum standards for the protection of the public welfare. The Township of Jackson Board of Supervisors reserve the right to modify or to extend these regulations as may be necessary in the public interest.

Section 902.2 Waiver

If a majority of the Township of Jackson Board of Supervisors feel 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 Township Board of Supervisors 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 Township of Jackson Board of Supervisors 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 Township of Jackson Board of Supervisors 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 Jackson Township.

SECTION 903: Reconsideration and Appeal

Section 903.1 Request for Reconsideration

Any subdivider aggrieved by a finding, decision, or recommendation of the Township of Jackson Board of Supervisors may request and shall receive another opportunity to appear before the Township of Jackson Board of Supervisors to present additional relevant information. This request shall be in writing within thirty (30) days after the original date of action by the Township of Jackson Board of Supervisors.

Section 903.2 Hearing

Upon receipt of such appeal, the Township of Jackson Board of Supervisors shall hold a hearing after proper notification of all parties concerned and in a manner prescribed by law.

Section 903.3 Findings

After such hearing, the Township of Jackson Board of Supervisors may affirm or reverse the original action of the Township Board of Supervisors 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 Township of Jackson Board of Supervisors. Affirmative action shall authorize the subdivider to continue application from the point at which it was interrupted.

Section 903.4 Appeal

Any person aggrieved by action of the Township of Jackson Board of Supervisors may appeal within thirty (30) days directly to the Court of Common Pleas of Cambria County in accordance with and in a manner prescribed by law.

SECTION 904: Keeping of Records

The Township of Jackson Board of Supervisors 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 905: 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 therefore 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 judgment, 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 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 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 906: 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 judgment 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 907: Effective Date

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

Duly elected and ordained by the Township of Jackson Board of Township, Cambria County, Pennsylvania, this ___ day of _____, 2007.

ATTEST:

Township of Jackson Board of Supervisors

Secretary

Chairman

(SEAL)

_____, 2007

I, _____, do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Township Board of Supervisors of Jackson Township, Cambria County, Pennsylvania, on _____, 2007.