

PART 8

PREVENTIVE AND ENFORCEMENT REMEDIES

§22-801. Preventive and Enforcement Remedies.

1. Preventive Remedies.

- A. In addition to other remedies, the Borough 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 provided herein.
- B. The Borough 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 any ordinance adopted pursuant to the Pennsylvania Municipalities Planning Code, Act 247, as amended.⁸
 - (1) This authority to deny such a permit or approval shall apply to any of the following applicants:
 - (a) The owner of record at the time of such violation.
 - (b) 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.
 - (c) 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.
 - (d) The vendee or lessee or 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.
 - (2) 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 such real property, the Borough may require compli-

⁸ Editor's Note: See 53 P.S. §10101 et seq.

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ance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such property.

2. Enforcement Remedies. Any person, partnership or corporation who shall violate any of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorneys' fees incurred by the Borough 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 Borough 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 chapter 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. Nothing contained in this subsection shall be construed or interpreted to grant any persons or entity other than the Borough the right to commence any action for enforcement pursuant to the section. District Justices shall have initial jurisdiction in proceedings brought under this section.

(Ord. 359, 11/14/2006)

PART 9
AMENDMENTS

§22-901. Procedure.

1. The Borough Council may, from time to time, amend, supplement, change, modify or repeal this chapter by proceeding in the following manner. The Borough Council, by resolution adopted at a regular meeting, shall fix the time and place of a public hearing on the proposed amendment, and the public notice thereof is to be given as follows:
 - A. Notice shall be published once each week for two consecutive weeks in a newspaper of general circulation in the Borough. Such notice shall state the date and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. A copy of the amendment shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
 - B. The notice shall state that full opportunity shall be given to any citizen and all parties in interest to be heard at such hearing. The notice shall state where in the Borough copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
2. An attested copy of the proposed amendment shall be filed in the Bucks County Law Library.
3. All proposed amendments not originating with the Borough Planning Commission before adoption shall be referred to the Borough Planning Commission. All proposed amendments shall be forwarded to the Bucks County Planning Commission at least 45 days prior to the public hearing for its written recommendations.
4. In the event substantial amendments are made in the proposed ordinance amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail, together with a summary of the amendments.

(Ord. 359, 11/14/2006)

