

ORDINANCE NO. 89-5

AN ORDINANCE AMENDING THE HILLTOWN TOWNSHIP SUB-DIVISION AND LAND DEVELOPMENT ORDINANCE OF 1981, AS AMENDED, AMENDING THE DEFINITION OF LAND DEVELOPMENT AND PROVIDING NEW PENALTIES FOR VIOLATIONS

Preamble

The Hilltown Township Board of Supervisors, upon review by the Hilltown Township Planning Commission and the Bucks County Planning Commission, hereby adopts the following Ordinance amending the Subdivision and Land Development Ordinance of the Township of Hilltown, as amended.

ARTICLE I

Section 233 - Land Development is hereby revised and amended to read as follows:

Section 233 Land Development

(a) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving: (1) a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or (2) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(b) A subdivision of land.

(c) Development in accordance with Section 503(1.1) of the Municipalities Planning Code, as amended, shall not be considered a land development.

ARTICLE II

Sections 302.7, 303.7 and 304.7 each titled Requirements for, Effects and Limits of Action are hereby amended, adding the following new Sections:

Section 302.7

(d) If the preliminary plan is approved subject to conditions, the Applicant must accept or reject in writing such conditions five (5) days prior to the expiration of the ninety (90) day review procedure required by Section 300.2 of this Ordinance and Section 508 of the Municipalities Planning Code, or five (5) days prior to any extension of the ninety (90) day review procedure. Failure to accept or reject such conditions within the above time limit operates to automatically rescind the preliminary plan approval.

Section 303.7

(f) If the final plan is approved subject to conditions, the Applicant must accept or reject in writing such conditions five (5) days prior to the expiration of the ninety (90) day review procedure required by Section 300.2 of this Ordinance and Section 508 of the Municipalities Planning Code, or five (5) days prior to any extension of the ninety (90) day review procedure. Failure to accept or reject such conditions within the above time limit operates to automatically rescind the final plan approval.

Section 304.7

(c) If the minor subdivision plan is approved subject to conditions, the Applicant must accept or reject in writing such conditions five (5) days prior to the expiration of the ninety (90) day review procedure required by Section 300.2 of this Ordinance and Section 508 of the Municipalities Planning Code, or five (5) days prior to any extension of the ninety (90) day review procedure. Failure to accept or reject such conditions within the above time limit operates to automatically rescind the minor subdivision plan.

ARTICLE III

Article VI - Administration of the Hilltown Township Subdivision and Land Development Ordinance of 1981, as amended by Ordinance No. 88-7, is hereby amended and revised to read as follows:

Section 604 Penalties

604.1 Preventative Remedies

In addition to the right of the Township to enforce a Subdivision or Land Development Ordinance violation by means of an action in equity in the Court of Common Pleas of Bucks County, and other rights that the Township may have at law, including action to recover damages and to prevent illegal occupancy of a building, structure, or premises, the Township may:

(a) 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 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 leasee of the owner of record at the time of such violation without regard as to whether such vendee or leasee 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 leasee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or leasee had actual or constructive knowledge of the violation.

(b) As an additional condition for issuance of a permit or the granting of approval to any such owner, current owner, vendee, or leasee for the development of real property which was subdivided in violation of this Ordinance, the 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 property.

Section 601.2 Enforcement Remedies

Any person, partnership or corporation who or which has violated the provisions of the Subdivision and Land Development Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality in District Justice Court, shall pay a judgment of Five Hundred (\$500.00) Dollars plus all court costs, including reasonable attorneys fees incurred by the municipality as a result thereof. 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 not such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) 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.

ARTICLE IV

Section 702 - Initiation of Amendments is hereby amended to read as follows:

Section 702 Initiation of Amendments

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Board of Supervisors on its own motion, or by the Planning Commission.

(a) In case of an amendment other than that prepared by the Planning Commission, the governing body shall submit each such amendment to the planning agency for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment. At least thirty (30) days prior to the hearing on the amendment, the

municipality shall also submit the proposed amendment to the Bucks County Planning Commission for recommendation.

(b) Within thirty (30) days after adoption, the governing body shall forward a certified copy of any amendment to the Subdivision and Land Development Ordinance to the Bucks County Planning Commission.

ARTICLE V

Section 703 - Hearings is hereby amended and revised to read as follows:

Section 703 Hearings

(a) Before voting on the enactment of an amendment, the governing body shall hold a public hearing thereon. No amendment shall become effective until after such hearing at which parties in interest and citizens shall have an opportunity to be heard.

(b) Notice shall be given once (1) each week for two (2) successive weeks, the first notice being not more than thirty (30) days, and not less than seven (7) days, in advance of such hearings and shall be published in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and shall include either the full text of the proposed amendment, or the title and a brief summary, prepared by the municipal solicitor and setting forth all of the provisions in reasonable detail. If the full text is not included; (1) a copy shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; (2) an attested copy of the proposed amendment shall be filed in the County Law Library.

ARTICLE VI

All ordinances or parts of ordinances which are inconsistent herewith are repealed to the extent of such inconsistency.

ARTICLE VII

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, such infirmity shall not affect or impair the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.

SO ORDAINED AND ENACTED this *31st* day of *July*,
A.D., 1989.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

Robert H. G.
Betty J. Kelly
John J. Bond