

MILFORD TOWNSHIP
SUBDIVISION ORDINANCE
ARTICLE VII
ADMINISTRATION

701 General

This section outlines the procedures for enforcement and amendment of this Ordinance.

702 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

703 Waivers/Modifications

703.1 Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Township, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Township may grant a waiver from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

703.2 Conditions

In granting waivers/modifications the Township may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

703.3 Procedure

All requests for waivers/modifications shall be in writing and shall include:

- A. The specific Section of this Ordinance in question.

B. Provisions prepared as an alternate to the requirements.

C. Justification for the waiver/modification.

803.4 Action

If the Township denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Township grants the request, the final record plan shall include a note which identifies the waiver/modification as granted.

804 Penalties for Violations

Any person, partnership, or corporation who or which being the owner or agent of any lot, tract, or parcel of land shall not lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon; and shall not sell, transfer or agree or enter into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and this Ordinance, and said final plan has been recorded as provided in this Ordinance. Any violation of the provisions herein shall be a misdemeanor and upon conviction thereof, such person or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation shall pay a fine not exceeding one thousand dollars (\$1,000.00) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the Township and deposited in the general fund of the Township.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

704.1 In addition to the criminal penalties, in the event of violations, the Township may also initiate appropriate legal proceedings in law or in equity before any Court of competent jurisdiction to enjoin the transfer, sale, conveyance or entering into any agreement of sale for any lots, and for the additional purposes, including but not limited to, requiring

compliance with all applicable provisions of this Ordinance, including the requirement of submitting the plans in compliance with the provisions of this Ordinance.

704.2 No applicant shall proceed with any site grading or construction of improvements prior to recordation of a Final Plan, unless such grading or construction is undertaken in accordance with Article V. No deeds shall be executed or recorded for lots, nor shall the construction of any structure be initiated, before the Township has approved the Final Plan and such Plan is filed with the Pike County Recorder of Deeds.

705 Records

The Township shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.

706 Validity

Should any section, subsection or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

707 Conflicts

Whenever there is a difference between the minimum applicable standard specified herein and those included in other applicable municipal regulations, the more stringent requirement shall apply.

The Milford Township Subdivision Ordinance of 1976 enacted on December 22, 1976, as amended, is hereby repealed in total; provided however that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceedings, pertaining to any act done which would have constituted a violation of the Milford Township Subdivision Ordinance of 1976, or its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full effect and force, and not be repealed hereby, as they pertain to said acts.

708 Adoption

This Ordinance ordained and enacted this _____ day of _____, _____, by the Board of Supervisors of Milford Township, to be effective the _____ day of _____, _____.

Certification

I, VIOLA K. CANOUSE Secretary of the Township of Milford, do hereby certify that the foregoing Milford Township Subdivision Ordinance was duly adopted at a properly convened meeting of the Board of Supervisors of Milford Township held on November 2, 1987 at which meeting a quorum was present and voted in favor thereof. I furthermore certify that adoption of said Ordinance was preceded by a public hearing as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, which hearing was advertised in accordance with the provisions of said Act.

Viola K. Canouse

Secretary of the Township of Milford

James Inzels
Fred W. Cron

[Signature]