PART 10

ENFORCEMENT, AMENDMENTS, VIOLATIONS, APPEALS, PENALTIES, SEVERABILITY, AND REPEALER

Section 1001. ADMINISTRATION AND ENFORCEMENT

1. The Miller Township Board of Supervisors and the Planning Commission shall have the duty and authority for the administration and general enforcement of the provisions of this Ordinance, as specified or implied herein. Township officials having regulatory duties and authorities connected with or appurtenant to the subdivision, use, or development of land shall have the duty and authority for the controlling enforcement of the provisions of this Ordinance, as specified or implied herein or in other Ordinances of Miller Township.

2. The approval of a subdivision and/ or land development plat or of any improvement installed, shall not constitute a representation, guarantee or warranty of any kind or nature by the Township or any official, employee, or appointee thereof, of the safety of any land, improvement, property or use from any cause whatsoever, and shall create no liability upon, or a cause of action against the Township or such official, employee or appointee for any damage that may result pursuant thereto.

Section 1002. AMENDMENTS

1. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice as defined, and in accordance with the Pennsylvania Municipalities Code, Act 247, Article V, §505(a), as reenacted and amended.

2. All amendments to the Ordinance after their enactment shall be affixed to the Miller Township Subdivision and Land Development Ordinance and all Ordinance copies offered to the public and all municipalities.

Section 1003. VIOLATIONS

1. If any person being the owner or agent of the owner of any lot, tract or parcel of land lays out, constructs, opens or dedicates any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes, they shall be held in violation of this ordinance. Moreover the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters 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 shall also be held in violation. This unless and until a final plat has been prepared in full compliance with the provisions of this Ordinance and of the regulations adopted hereunder and has been recorded as provided herein.

Section 1004. APPEALS

1. Any Applicant aggrieved by a finding, decision or recommendation of either the Miller Township Board of Supervisors or the Planning Commission, may within thirty (30) days, request and receive opportunity to appear before either the Board or Commission, present additional relevant information and request reconsideration of the original finding, decision or recommendation, provided an appropriate extension of time is granted by the Applicant, to the Board of Supervisors, to insure adequate time is available for the Board to act on the application.

2. Any individual aggrieved by a finding, decision or recommendation of the Commission, may appeal to the Court of Common Pleas. All appeals shall be filed not later than thirty (30) days after the issuance of a finding, decision or recommendation by either the Board of Supervisors or the Planning Commission.

Section 1005. PENALTIES

1. Any person, partnership, or corporation who or which has violated the provisions of this ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by Miller Township, shall pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorneys fees incurred by the Township as a result thereof.

2. 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 Township 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 (5^{th}) day following the date of the determination of the violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

3. 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. The Commission may also enjoin such transfer, sale, or agreement by action for injunction brought in any court of equity jurisdiction in addition to the penalty herein provided.

Section 1006. SEVERABILITY

1. If any section, clause, provision, or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision

shall not affect any other section, clause, provision, or portion of these regulations. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such invalid or unconstitutional section, clause, provision or portion had not been included herein.

Section 1007. REPEALER

1. Any Ordinance or part thereof inconsistent herewith is hereby repealed to the extent of such inconsistency.

2. Subdivision and Land Development Ordinance (Ordinance # 2002-1) of March 27, 2002, as amended, is hereby repealed.

3. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or legal proceeding now pending in any court, or any rights accrued or liability incurred, or any cause of action accrued or existing under any Ordinance hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected.

Section 1008. RIGHT-OF-ENTRY

1. Upon presentation of proper credentials, duly authorized representatives of the Township of Miller may enter at reasonable times upon property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance. The landowner shall grant the Township, or its agents, access to the site of the work at all times, while under construction, for the purposes of inspecting the work.

In the event of a situation requiring immediate action which threatens the health and safety of residents of Miller Township, the right of entry shall include the right to make improvements to avert a potential health or safety hazard. Upon completion of the remedial activity, the Township or its authorized agent shall return the property to its former condition as soon as possible provided no further maintenance is required.

The Township or its authorized agents shall provide a written notice, seventy-two hours in advance, by certified mail to the property owner prior to entry onto the property for inspections. Upon arrival, the Township agent shall present identification and request that the owner, manager, lessee, or occupant legally in control of the property sign a release granting the inspection. The inspection shall be completed in a courteous and timely manner, and the signatory of the release shall be given a copy of the inspection report.

A. In the event that a release to inspect the property is denied, the following steps shall be taken.

1). The matter will be officially referred to the Board of Supervisors for action.

2). The Board may schedule a review at the next scheduled meeting of the Board of Supervisors, or, if the situation threatens the health or safety of the residents of Miller Township, the Board may commence a procedure to obtain a search warrant from the District Justice.

3). The provisions of this Section for obtaining a search warrant may be waived only when the Township Board of Supervisors and its authorized agents have good cause that the situation poses an immediate and substantial safety, water pollution, or health hazard.

4). The Township may require the correction or altercation of a use or structure in the event that the inspection reveals a code deficiency or violation. The agent of the Township shall provide a written notification requiring specific remedial action to be completed within a reasonable period of time as is deemed necessary according to the severity of the deficiency or violation.