

Chapter 22

Subdivision and Land Development

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Part 1**Short Title, Purpose, Jurisdiction****§22-101. Short Title.**

This Chapter shall be known and may be cited as the “Wilmore Borough Subdivision and Land Development Ordinance.”

(*Ord. 46, 12/10/1984, §101*)

§22-102. Purpose.

The purpose of this Chapter is to protect and promote the safety, health, morals and general welfare of the residents of Wilmore Borough, conservation, protection and proper use of land, the provision of proper and adequate sites for human habitation and the adequate provision of open space, circulation, utilities and service.

(*Ord. 46, 12/10/1984, §102*)

§22-103. Jurisdiction.

1. No subdivision or land development of any lot/tract or parcel of land shall be made or mobile home park shall be constructed, maintained or operated, no street, sanitary sewer, storm sewer water main or other improvements in connection therewith, shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon within Wilmore Borough except in accordance with the provisions of this Chapter.

2. A subdivision for the purposes of this Chapter shall be defined as the division or redivision of a lot, tract or parcel of land by any means, into two or more lots, tracts, parcels or other divisions of land: including changes in existing lot lines for the purpose, whether immediate or future, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres not involving any new street or easement of access or residential dwellings shall be exempted. (This definition will be interpreted to include a division or redivision of a lot, tract or parcel of land done over a period of time and in a piecemeal or continuing manner.)

3. Land development for the purposes of this Chapter shall be defined as (A) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (1) a group of two or more buildings, (including mobile homes) or (2) the division or allocation of land or space between or among two 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. (This definition will be interpreted to include land development-improvement done over a period of time and in a piecemeal or continuing manner.)

4. “Mobile home park,” for purposes of this Chapter, shall be defined as a parcel of land under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

(*Ord. 46, 12/10/1984, §103*)

§22-104. Definitions.

The terms and words herein containing shall be interpreted as defined in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 46, 12/10/1984, §104*)

§22-105. Affirmative Duty of Compliance.

No person, partnership or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall 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 or mobile homes abutting thereon; nor shall any 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 otherwise, or erect any building or mobile home thereon unless and until a final plat has been prepared, submitted to and approved by the Borough Council and recorded in full compliance with the provisions of this Chapter as set forth herein.

(*Ord. 46, 12/10/1984, §105*)

Part 2**Procedures****§22-201. Submission of Plats.**

Applications for approval of plans shall be in the form specified by Part 3 of this Chapter. Applications shall be submitted to the Borough Manager no less than 10 days prior to a regularly scheduled meeting of the Borough Council if the application is to be considered at that meeting.

(*Ord. 46, 12/10/1984, §201*)

§22-202. Review of Plats.

Before acting upon the application, the Borough Council may in its discretion arrange for a public hearing thereon after giving such notice as the Borough Council may deem desirable in each case. The cost of such notice shall be borne by the applicant. The Borough Council may require alteration of any subdivision plan and may refuse approval of a plan until such alterations, changes or modifications have been made. All applications shall be forwarded to the County Planning Commission for review and comment. Costs of such review, comment and recommendation shall be borne by the applicant as a part of the application fee. The Borough Council may not take action upon any application until the County Planning Commission review has been received or until 45 days from mailing to the County Planning Commission. Any or all comments issued relative thereto shall be considered, but not binding on the Borough Council.

(*Ord. 46, 12/10/1984, §202*)

§22-203. Approval of Plats.

1. The Borough Council shall render their decision not later than 90 days following the date of the regular meeting of the Borough Council next following the date the application is filed, provided that should the next said regular meeting occur more than 30 days following the filing of the application, the said 90-day period shall be measured from the thirtieth day following the day the application has been filed.

A. The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.

B. If an application is denied approval by the Borough Council, a letter shall be sent to the applicant as set forth in paragraph .A, said letter to state specifically the reasons for such denial.

2. If the application for approval of a subdivision plan has been approved by the Board of Borough Council, the Borough Manager upon satisfactory proof that all the requirements of this Chapter has been complied with, shall, together with a majority of the Supervisors of the Borough, sign the plans on behalf of the Borough.

3. Failure on the part of the Borough Council to comply with these requirements shall constitute approval of the application, unless an extension of time has been

mutually agreed upon by the applicant and the Borough Council.

(*Ord. 46, 12/10/1984, §203*)

§22-204. Recording of Plats.

The action of Borough Council or of the court of appeal in approving any subdivision plan and an approved duplicate copy of such plan shall within 90 days of the date of approval, be recorded by the owner in the office of the Recorder of Deeds of Cambria County, Pennsylvania. Failure to record within the prescribed time period shall render the approval void.

(*Ord. 46, 12/10/1984, §204*)

Part 3**Contents of Application****§22-301. Contents of Application.**

An application form, original plus four copies containing the following information, shall accompany all applications for plat approval:

- A. Name and signature of applicant.
- B. Block and/or parcel number of tract.
- C. Acreage of tract.
- D. Acreage of land and number of lots proposed for:
 - (1) Residential lots.
 - (2) Commercial lots.
 - (3) Industrial lots.
 - (4) Other land use (specify).
 - (5) Streets.
 - (6) Easements.
 - (7) Open space.
- E. Date of filing of application (to be filled in by Borough Manager).
- F. Other information as may be required by the Borough Council.
- G. Statement of intent and tentative timetable.
- H. An application fee shall accompany in an amount to be set by the Supervisors equal to advertising costs and the fee for the County Planning Commission's review.

(Ord. 46, 12/10/1984, §301)

§22-302. Plat Details.

1. Plats shall be clearly and legibly drawn by a registered professional engineer or land surveyor, whose name and seal shall appear on the drawing, at a scale no less than 1 inch equals 100 feet.
2. A plat showing for the tract to be subdivided or developed and within 200 feet therefrom:
 - A. All existing roads, streets, lanes and alleys.
 - B. All existing waterways, drain courses and drainage ways.
 - C. All existing sewer lines, water lines, utility lines, easements and rights-of-ways.
 - D. All existing and proposed final wooded areas.
 - E. Topography with 1-foot contour intervals for slopes of 5 percent or less and 5-foot contour intervals for slopes over 5 percent.
 - F. All existing property lines and names of property owners of the tract and

abutting parcels.

G. North point, scale, date.

3. A plat showing the proposed subdivision of land development to include:

A. Proposed roads, streets, lanes, alleys including right-of-way lines and cartway lines.

B. Proposed lot lines, showing dimensions.

C. Proposed land use for each lot or parcel of land pedestrian walkways or other use.

D. Proposed grading plan at a contour interval no greater than 5 feet.

E. North point, scale, date.

4. Where the proposed subdivision of land development does not cover all contiguous lands owned by the applicant, a plan at a scale of 1 inch equals 200 feet shall be prepared to show how the proposals will relate to the development of the entire tract.

5. Plats shall be accompanied by profiles of all proposed roadways, sewer lines and water lines, and by typical roadway cross-sections.

6. Plats shall also be accompanied by the following documentation:

A. Affidavit of ownership of the tract to be subdivided by the applicant.

B. A description keyed to the plat of all roads, streets, parks or other improvements to be offered for dedication to the Borough.

C. Permits from the Pennsylvania Department of Environmental Protection under the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, as amended, as to both water supply and sewage disposal. [*Ord. 2014-1*]

D. Copies of proposed deed restrictions, if any.

E. Affidavit from all utility companies that the utility easements as provided satisfy their requirements.

7. Prior to final approval, it shall be the applicant's responsibility to obtain and submit the following documentation:

A. Certification by the Engineer authorized by the Borough Council that the design of proposed improvements is consistent with the design and construction standards of this Chapter.

B. An estimated cost for the required improvements as prepared by the Borough Engineer.

C. A performance bond to cover the estimated cost of the required improvements.

D. Certificate of dedication of streets or other improvements.

E. Certification by the Borough Solicitor that a performance bond adequate to protect the interests of the Borough has been filed with the Borough Manager.

F. Certification from the Cambria County Conservation Service as to conservation measures proposed.

G. A sewage disposal permit for each proposed lot or building site, said permit to be issued by the Wilmore Borough Sewage Enforcement Officer, or a permit from

the Pennsylvania Department of Environmental Protection, indicating its approval of the sewage system or systems to be utilized. [Ord. 2014-1]

H. A fee to cover the Borough's costs for legal engineering services required during the review of the application.

(Ord. 46, 12/10/1984, §302; as amended by Ord. 2014-1, 10/13/2014)

§22-303. Exceptions for Minor Subdivisions.

1. *Definition of Minor Subdivision.* In the case of any proposed subdivision, land site or other division of land, the plat detail requirements of this Chapter may be waived and the proposal deemed to be a minor subdivision; provided, that the following criteria are met:

A. The proposal does not involve the extension of any public facilities including:

- (1) New streets.
- (2) Paving or other improvements.
- (3) New or improved water lines, sewer lines or storm drainage.
- (4) New or improved public facilities or services.

B. The proposal does not adversely affect the natural resources of the community or have the potential to adversely affect the health or safety of the community.

C. The proposal does not adversely affect the development of the remainder of the parcel.

D. The proposal does not adversely affect adjoining property.

E. The proposal does not adversely affect the present or future development of the community.

F. The proposal does not constitute a subdivision, resubdivision or development of any lot, tract, parcel, site or other division of land or portion thereof which had received previous approval as a subdivision or land development within the 2 years prior to the submission of the application. If such prior approval has taken place, all applications shall be considered a single application for purposes of classification.

If a subdivision or land development (A) contains not more than four lots, sites or other divisions of land, and (B) such subdivision or land development meets at least three of the first five criteria as stated, above, then the Supervisors shall have the authority, at their discretion, to classify such subdivision or land development as "minor" provided that the Supervisors have received documents, guarantee or proof of improvements installation as they may require.

2. Plat details for minor subdivision or land development.

A. Plats shall be clearly and legibly drawn on a print of the County tax maps, showing all properties and names of property owners of abutting properties.

B. Plats shall be accompanied by the most current USGS quadrangle covering the property and by an aerial photograph at a scale of 600 feet to the inch covering the property. (Such photographs are obtainable from the USGS office).

C. All information or accompanying documentation required by §22-302.7.C, .D, .E, .F and .G shall be submitted as part of the application, only if applicable, or if the Borough Council deem in their sole discretion the need for same. [*Ord. 2014-1*]

D. A survey prepared by a surveyor registered to practice in the Commonwealth of Pennsylvania.

(*Ord. 46, 12/10/1984, §303; as amended by Ord. 2014-1, 10/13/2014*)

Part 4**Design Standards and Improvements****§22-401. Conformance with Borough Plans.**

All applications shall conform to the Comprehensive Plan of Cambria County, if any, and to any regulations or maps adopted in furtherance thereof.

(*Ord. 46, 12/10/1984, §401*)

§22-402. General Design Standards.

1. The application shall be so designed that streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.

2. Adequate easements or rights-of-way shall be provided for drainage and utilities.

3. Reservations, if any, by the developer of any area designed for use as public grounds shall be suitable size and location for their designated uses.

4. Land which is subject to flooding, subsidence or underground fires either shall be made safe for the purpose for which such land is proposed to be used, and such use shall be according to and in accordance with any other ordinance of the Borough or laws of the Commonwealth applicable to land development in such area, or that such land shall be set aside for use which shall not endanger life or property or further aggravate or increase the existing menace.

5. The developer is responsible for the planning, construction and upkeep of said roads until approved and accepted by the Borough. This developer shall work closely with the Borough so that mutual aid can be established as well as Borough participation when the Borough Council feels it is justified.

(*Ord. 46, 12/10/1984, §402*)

§22-403. Design of Lots.

1. Where public water supply and public sewerage do exist, each lot shall have a minimum width of 100 feet at the building line and at least 15,000 square feet of area per single-family dwelling; not less than 10,000 square feet of area per family for duplex or multi-family dwellings, and/or width of not less than 90 feet at the building line per family.

2. Where public water supply and/or public sewerage do not exist, each lot shall have a minimum width of 150 feet, and at least 43,560 square feet per family.

3. Minimum building setback from any right-of-way shall be 40 feet.

4. Minimum building setback from any property line shall be 15 feet.

5. Lots in a subdivision shall be designed and arranged so that:

A. No building construction by the developer will take place within the bed or floodplain of any water course or drainage way.

B. No building construction will take place upon slopes in excess of 20 percent.

C. All lots shall front upon a public street, or upon a private street built to the standards required by this Chapter for a public street, and for which a maintenance bond or other proof of maintenance acceptable to the Borough Council has been provided.

D. Side lot lines shall be substantially at right angles to street lines.

E. Double frontage lots shall be avoided.

F. Each lot shall provide off street parking at the rate of two spaces for each dwelling unit and/or one space for each 300 square feet on nonresidential floor space.

(Ord. 46, 12/10/1984, §403)

§22-404. Required Improvements.

1. All subdivision or land development proposals shall include provisions adequate to the Borough Council for the following improvements:

A. Streets.

B. Water.

C. Sewage collection and disposal.

D. Grading and storm drainage.

E. Monuments and markers.

F. Street name signs.

G. Traffic control signs.

H. Private utility easements for gas, electricity and telephone lines.

2. It shall be at the discretion of the Borough Council to determine the need for and require the reservation for and/or installation of the following improvements; based upon the size and expected occupancy of the subdivision, the location, the character of adjacent land and land development. The Borough Council shall consult with the Borough Engineer in determining the need for and the design of the following:

A. Street paving.

B. Curbs, gutters, sidewalks and walkways.

C. Street lights.

D. Parks or other public or common open space on easements.

E. Fire hydrants.

(Ord. 46, 12/10/1984, §404)

§22-405. Improvements Design Standards.

1. *Streets.*

A. All roads and streets shall, whenever possible, connect with existing highways so as to form continuance or extension thereof, and shall not be less in width than such existing highways, unless an exception shall be granted by the Borough Council. All roads, streets, lanes and alleys and all culverts, bridges and

storm sewers shall be constructed for the full width of the base of the roadway.

B. Each street shall have a minimum right-of-way of 40 feet. Each street shall have a minimum cartway of 18 feet and minimum shoulders of 4 feet in width on each side. All street surface will be constructed of a minimum of 6 inches of select stabilized material subject to approval of the Borough Council. All slopes and embankments shall be of sufficient slope to insure stabilization. All streets shall also have a minimum of 2-inch bituminous binder course and bituminous seal coat. All material shall be as per PennDOT specifications.

C. All streets shall be graded and drained to the specifications of the Borough Council. Side slopes shall be a maximum of 1½ feet to 1 foot. Cross slopes shall be ¼ inch to 1 foot. The minimum pipe size shall be 15 inches in diameter. Manholes shall be provided for changes in site or alignment of storm sewer pipes.

D. All streets shall have a minimum grade of 0.5 percent and a maximum grade of 10 percent.

E. There shall be no “dead-end” streets constructed. All streets not connected to other roads, streets or thoroughfares shall have constructed at their terminus a cul-de-sac, or “turn-around” area, not less than 100 feet in diameter, and the proposed subdivider shall provide in his plat for access of land immediately adjoining the terminal area of any street or road.

2. *Water and Sewage.* The provision of water and sewage disposal facilities shall meet the requirements of the State of Pennsylvania under the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and other pertinent legislation. No outhouses or privies shall be permitted.

3. *Grading and Storm Drainage.* Proposals for disposing with surface water shall meet the standards of the Cambria County Conservation District.

4. *Monuments and Markers.* All property corners are to be marked with a permanent monument or marker. Existing property monuments or markers shall not be disturbed.

5. *Street Signs.* Signs for street names and traffic control shall meet the requirements of the Borough and the Commonwealth.

6. *Utility Easements.* Utility easements shall meet the requirements of the utility companies. All utility lines serving five or more lots, buildings or dwelling units shall be placed underground.

7. *Environmental Protection.* Specific measures for the protection of the environment, health and safety of the community, as determined by the Borough Council and the Commonwealth of Pennsylvania, Department of Environmental Protection. [Ord. 2014-1]

(Ord. 46, 12/10/1984, §405; as amended by Ord. 2014-1, 10/13/2014)

Part 5**Construction of Improvements****§22-501. Dedication of Improvements.**

1. All improvements shall be deemed to be private improvements until such time as the same has been offered for dedication to the Borough and accepted, by resolution or ordinance or until it has been condemned for use as a public street, park or other improvement. The Borough shall have no responsibility of any kind with respect to streets, parks or other improvements shown on subdivision plans notwithstanding any use of the same by the public unless the said streets, parks or other improvements are accepted by deed or ordinance of the Borough Council. The approval of any subdivision plan shall not impose on the Borough any obligation to take over and make public any of the streets, parks or other improvements covered thereby for any purpose whatsoever.

2. Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the Borough by formal notation thereof on the plan or the owner may note on the plan that such improvements have not been offered for dedication to the Borough.

(*Ord. 46, 12/10/1984, §501*)

§22-502. Timing for Improvements.

All improvements must be installed prior to the erection of buildings or mobile homes on land which the improvements are designed to serve.

(*Ord. 46, 12/10/1984, §502*)

§22-503. Completion of Improvements or Guarantee Thereof.

No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition or improved as may be required by this Chapter, and any walkways, curbs, gutters, street lights, fire hydrants, water mains, sanitary sewers, storm drains and other improvements as may be required by this Chapter have been installed in accordance with such Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, this Chapter shall provide for the deposit with the Borough a corporate bond or other financial security acceptable to the Borough Council in an amount sufficient to cover the costs of any improvements which may be required, which financial security may include among others, a lending institution letter of credit or a restrictive or escrow account in a lending institution. Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required within 1 year of the date fixed in the subdivision plat for completion of such improvements. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or states of development as the Borough Council find essential for the protection of any finally approved section of the development.

(*Ord. 46, 12/10/1984, §503*)

§22-504. Release from Improvement Bond.

1. When the developer has completed all the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer thereupon shall file a report in writing with the Borough Council and shall promptly mail a copy of the same to the developer by certified mail within 30 days after receipt by the Engineer of the aforesaid authorization from the Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

2. The Borough Council shall notify the developer, in writing, by certified or registered mail, of their action with relation thereto.

3. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond.

4. If any portion of the improvements shall be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same, and upon completion, the same procedure of notification, as outlined herein, shall be followed.

(*Ord. 46, 12/10/1984, §504*)

Part 6**Special Purpose Developments****§22-601. Mobile Home Park Regulations.**

No person, firm or corporation shall construct, maintain or operate a mobile home park within Wilmore Borough without obtaining a mobile home park permit from the Board of Supervisors of Wilmore Borough and the home park plans shall be the same for subdivision and land development plans in accordance with the provisions of this Chapter. Unless specified in this Part, the design standards and improvement requirements for mobile home parks shall be the same as for subdivision and land development projects in accordance with the provisions of this Chapter.

A. *Plan Requirements.* Prior to the issuance of a mobile home park permit, plans shall be submitted to and approved by the Borough Council in accordance with the requirements and procedures of this Chapter regarding plans. In addition to the plan information required elsewhere in this Chapter, the following information shall be provided on the plans:

(1) The location and use of proposed buildings or improvements.

(2) The location and design of all uses not requiring structures such as recreation areas and landscaping. Recreation and open space shall be required.

B. *Renewable Mobile Home Park Permit.*

(1) The Borough Council may grant a mobile home park permit for a period not to exceed 1 year from the date of approval of such permit which shall be renewable on an annual basis. The Borough Council or their duly authorized representative shall inspect each mobile home park prior to granting an annual permit for conformance with the provisions of this Chapter and any other applicable regulations.

(2) It shall be incumbent upon the proprietor of a mobile home park to keep a register and to report therein the name of person or head of family occupying each said mobile home, showing date of entry on said land, make and size of the mobile home and the names of all persons living in said mobile home.

C. *Density.*

(1) The minimum tract area for mobile home parks shall be 5 acres.

(2) The gross density per park shall not exceed four units per acre.

D. *Lot Requirements.*

(1) Individual mobile home lots located in a mobile home park shall contain at least 8,000 square feet of lot area and shall not be less than 50 feet wide at the building setback line exclusive of easements or rights-of-way.

(2) All mobile home lots shall be given street numbers and all park streets shall be given names.

E. *Setback Requirements.*

(1) All mobile homes shall be located at least 35 feet from any street right-

of-way which abuts a mobile home park boundary and at least 25 feet from any other boundary of the park.

(2) There shall be a minimum distance of 25 feet between an individual mobile home and adjoining pavement of a park street or common parking area or other common areas.

(3) All mobile homes and patios on a mobile home lot shall not be located closer than 10 feet to a lot line.

(4) Minimum park frontage shall be 100 feet.

F. *Park Street System.*

(1) *Streets.* All streets within any mobile home park shall be designed in accordance with the design specifications of this Chapter.

(2) *Intersections.* Not more than two streets shall intersect at any point and a distance of at least 150 feet shall be maintained between center lines of offset intersecting streets.

G. *Required Off-Street Parking.*

(1) Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two vehicular parking spaces for each mobile home lot.

(2) Each off-street parking space shall contain at least 200 square feet and shall not exceed a distance of 300 feet from the mobile home lot that it is intended to serve.

(Ord. 46, 12/10/1984, §601)

Part 7**Variations, Penalties, Appeals****§22-701. Variations.**

The Borough Council may grant variations to the requirements of this Chapter, provided that such variations are in the spirit and intent of the Chapter, and may require additional improvements or impose additional commitments or conditions upon the applicant in order to protect the public interest where variations are granted.

(*Ord. 46, 12/10/1984, §701*)

§22-702. Preventive Remedies.

1. 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 herein provided.

2. 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 this Chapter. 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 current owner had actual or constructive knowledge of the violation.

D. The vendee or lessee of 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.

3. 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 any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(*Ord. 46, 12/10/1984; as added by Ord. 2014-1, 10/13/2014*)

§22-703. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated 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 attorney 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 magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this 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 magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

2. 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.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

4. Magisterial district judge shall have initial jurisdiction in proceedings brought under this Section.

(*Ord. 46, 12/10/1984; as added by Ord. 2014-1, 10/13/2014*)

§22-704. Abatement of Nuisances.

In addition to any other remedies provided in this Chapter, any violation of §22-702 above shall constitute a nuisance and may be abated by the Supervisors by seeking either appropriate equitable or legal relief from a court of competent jurisdiction. Nothing contained in this Chapter or §22-702 hereof is to be construed as limiting the right of the Borough to seek appropriate equitable or legal relief in addition to the other remedies set forth in this Chapter.

(*Ord. 46, 12/10/1984, §703*)

§22-705. Appeals.

Any person aggrieved by any action of the Borough Council taken under the provisions of this Chapter may appeal such action to the Court of Common Pleas of Cambria County, Pennsylvania.

(*Ord. 46, 12/10/1984, §704*)