

**ARTICLE VIII  
CAMP, CAMPGROUND AND RECREATIONAL  
VEHICLE PARK LAND DEVELOPMENTS**

**SECTION 801                      SUBMISSION & REVIEW PROCEDURE**

The developer shall apply for approval of a camp and/or campground in accordance with the procedure established in Article III of this ordinance. Camp, Campground and Recreational Vehicle Park Land Developments shall be considered a Major Plan.

**SECTION 802                      PLAN REQUIREMENTS**

The plan requirements shall be the same as those established in Article IV of this ordinance.

**SECTION 803                      DESIGN STANDARDS**

- A. General Standard: Any camp or campground shall comply with any applicable provisions of state laws regulating camps or campgrounds, and all applicable design standards, improvement specifications and regulations set forth in this ordinance, except as modified below:
- B. Streets:
  - 1. The street system and all proposed parking and loading/unloading areas shall be designed in compatible relationship with the general layout of all buildings and camping spaces, with loading and maneuvering areas and with pedestrian ways and parking areas so as to minimize potential conflicts of movement between the various types of traffic, including pedestrian, and further to reduce congestion and avoid hazardous intersections;
  - 2. The street system shall be adequate to accommodate the type and volume of traffic anticipated to be generated by this land development;
  - 3. The street system shall be privately owned, constructed and maintained, and shall be designated as such on the Plan. The street system shall be designed for safe and convenient access to all camping spaces and facilities;
  - 4. The street system shall be constructed to provide a sound, all-weather driving surface. It shall be in a mud-free condition and drained to avoid standing surface water. Maintenance and upkeep of the street system shall be provided for as a covenant of the plan.
- C. Lots:
  - 1. Individual camping spaces shall be no less than two thousand four hundred (2,400) square feet with a minimum lot width of thirty (30) feet;
  - 2. Each camping space shall be directly accessible from an internal street or pedestrian way.
- D. Setbacks, Buffer Strips, & Screening Requirements:

1. Every effort shall be made to protect adjacent land areas from the potential effects or nuisances from the proposed land development, including the provision of appropriate building setbacks and/or permanently landscaped buffer strips;
  2. Individual camping spaces shall not be located within twenty-five (25) feet of the edge of the cart-way of an interior street. Recreational vehicles shall not be located closer than ten (10') feet from the edge of the cart-way of an interior street.
- E. Water & Sewer Systems: Water and sewer disposal system connections shall be provided to each camping space as set forth in Article V and Article VI or shall have provided an adequate central water and sewer system;
- F. Storm water facilities: (see Section 506 or local Act 167 Storm Water Regulations)

## **SECTION 804                      IMPROVEMENT SPECIFICATIONS**

The camp or campground land development shall be completed pursuant to applicable standards established in Article VI, except as specifically provided for in Section 803 and including any improvements required under this article.

Monuments and markers will not be required for camps and campgrounds.

**ARTICLE IX  
RESIDENTIAL CLUSTER SUBDIVISION OR LAND DEVELOPMENT**

**SECTION 901                      PURPOSE**

The cluster method of subdivision for construction of only residential properties is designed to permit flexibility and variety of housing types in residential communities and to allow creative design and planning in constructing residential communities at increased densities. The residential cluster development is intended to encourage the preservation of existing topography while providing community open spaces in a somewhat different manner than typical subdivisions otherwise contemplated under this ordinance. The residential cluster development includes: townhouse, condominium, zero-lot line development, duplexes, apartment buildings, plus such other development types as may be approved by the Commission for treatment hereunder.

**SECTION 902                      PLAN REQUIREMENTS**

The plan requirements shall be the same as those established in Article IV of this ordinance. Residential Cluster Subdivision or Land Developments shall be considered a Major Plan.

**SECTION 903                      DESIGN STANDARDS**

- A. General Standards: Any residential cluster subdivision shall generally comply with the applicable provisions of this ordinance and all standards and regulations set forth in this ordinance except as specifically modified in this section.
- B. Parking: Parking shall be provided in residential cluster subdivisions at a minimum of one and one-half (1-1/2) parking spaces per residential unit and at a minimum size of nine (9) feet by eighteen (18) feet.
- C. Streets:
  - 1. The internal street system within the residential cluster subdivision shall be adequate to accommodate the type and volume of traffic anticipated to be generated within and through the subdivision;
  - 2. The internal street system shall provide a minimum cart-way width of eighteen (18) feet and shall be designed for safe and convenient access to all residential units;
  - 3. The internal street system shall be constructed in a manner that will provide a sound, all weather, and mud free driving surface; Maintenance and upkeep of the street system and parking areas shall be provided for as a covenant of the plan.
  - 4. The internal street system will be provided with adequate drainage facilities that will avoid standing surface water;
  - 5. The internal street system shall be and remain a private street, not subject to dedication or transfer to the appropriate municipality unless so designated on the final subdivision plan. If a street is to be dedicated to the municipality, the street construction standards of that municipality shall be used in the construction of the street.



**ARTICLE X  
NON-RESIDENTIAL LAND DEVELOPMENT**

**SECTION 1001      DEFINITION**

For the purpose of this Ordinance, Non-Residential Land Developments shall be developments where the principal proposed use is non-residential such as, but not limited to, industrial parks, shopping centers, malls, office complexes, and other commercial and industrial uses. Agricultural uses shall be exempted.

**SECTION 1002      PLAN REQUIREMENTS**

- A. All non-residential land developments shall follow the regulations as set forth for Major Plans except that Minor Land Sketches shall be addressed as outlined in Section 1005.
- B. The preparation of a non-residential land development plan and the procedures for submission, review and approval of that plan shall be the same as those used for a subdivision, as defined in this Ordinance, except as specifically modified by this Ordinance.

**SECTION 1003      NON-RESIDENTIAL LAND DEVELOPMENT DESIGN STANDARDS**

- A. Relationship to Adjoining Properties:
  - 1. A permanently landscaped ten (10') foot visual buffer strip shall be provided between all non-residential land developments and any adjacent residential development, in order to help protect the residential development from potential adverse effects from the proposed non-residential land development;
  - 2. Factors such as drainage, lighting, noise, odor, and surrounding land uses shall be considered during design of the site. Any adverse impacts to adjacent properties shall be addressed, so as to minimize those adverse impacts.

The efforts used to address adverse impacts shall be identified in a report prepared by the owner/developer of the property.
- B. Streets:
  - 1. The internal street system within the non-residential development shall be sized so as to adequately handle the proposed type and volume of traffic anticipated to be generated within and through the development.
  - 2. The internal street system shall provide a minimum cart-way width of twenty (20) feet;
  - 3. The internal street system shall be designed for safe and convenient access to all units;
  - 4. The internal street system, including truck loading and maneuvering areas, shall be constructed in a manner that will provide a sound, all-weather driving surface that is in a mud-free condition, with adequate drainage facilities so as to avoid standing surface water. Maintenance and upkeep of the street system and parking areas shall be provided for as a covenant of the plan.

5. The internal street system shall be and remain a private street, not subject to dedication or transfer to the appropriate municipality, unless so designated on the plan. If a street is to be dedicated to the municipality, the street construction standards of that municipality shall be used in the construction of the street.
  6. All streets and access roads shall be designed so they are compatible with the layout of the structures within the proposed development;
  7. Truck loading and maneuvering areas shall be designed to reduce congestion, avoid hazardous intersections, and to minimize potential conflicts between the movement of various types of traffic, including pedestrian;
  8. Intersections with existing public streets shall be designed to avoid hazardous intersections and congestion, including the installation of traffic control devices. Coordination with the Municipality affected or the Pennsylvania Department of Transportation, during the design of the intersection, is advisable.
- C. Parking areas: Areas for off-street parking shall be provided and located to adequately serve the intended use(s) of the proposed development. The spaces shall be designed in order to provide safe and easy ingress and egress and shall be constructed in a manner that will provide a sound, all-weather driving surface that is in a mud-free condition, with adequate drainage facilities so as to avoid standing surface water.

Loading and Unloading Areas: Areas that are provided for the loading or unloading of delivery trucks, or for the servicing of buildings by refuse trucks, shall be adequate in size and shall be located so as not to interfere with the use of streets, pedestrian ways, parking areas, and access roads within the development. The areas shall be constructed in a manner that will provide a sound, all-weather driving surface that is in a mud-free condition, with adequate drainage facilities so as to avoid standing surface water.

#### **SECTION 1004 IMPROVEMENT SPECIFICATIONS**

The non-residential land development shall be completed pursuant to the standards established in Article VI and including any improvements required under this article. Monuments will not be required for non-residential land developments.

#### **SECTION 1005 MINOR LAND DEVELOPMENT SKETCH**

- A. Sketch requirements will include:
1. Building location within the property boundary,
  2. Municipality,
  3. Intended use of the building or addition,
  4. Tax map and parcel number of the parcel (s),
  5. Size of the building and /or addition,
  6. Property owner's name, current address and telephone number,
  7. A statement, signed by the property owner(s), verifying the accuracy of the information provided on the sketch.

8. If the submission is for an addition to a building that was built before May 28, 1991, the statement verifying the accuracy of the plan information must also include the date of construction of the existing building,
  9. The sketch does not need to be professionally prepared.
  10. In areas covered by an adopted Act 167 Storm Water Management Plan, the requirements of the municipal ordinance shall be followed. A copy of said approval or exemption shall be submitted along with the proposed plan.
  11. If the proposed minor land development falls within a zoned area, the requirements found in the zoning regulation must also be addressed.
- B. A complete submission will include a completed application, a sketch prepared as shown above and an application fee. Multiple submissions of a sketch will require a new application fee for each submission.
  - C. A decision will be made by the staff, within ten (10) working days, as to whether the request for an exemption will be granted. The property owner will be notified either by mail or phone.

## **SECTION 1006 WIND ENERGY TOWER(S)**

- A. No wind energy tower(s) shall be located where the center of the tower(s) is a distance of five (5) times the height of the tower from the base to the hub of the rotor from any off-site occupied residence or occupied commercial structure existing at the time of the filing of a nonresidential subdivision plan, unless the owner of such existing residential or commercial structure shall have executed a non-disturbance easement, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Somerset County, Pennsylvania. Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind energy tower(s) within the established setback distance of an existing residential or commercial structure on the property of the owner executing same. Such easement, covenant or consent before recording shall be submitted to the Planning Commission for approval at the same time the nonresidential land development plan is submitted for approval. Such easement, covenant or consent shall meet such requirements as to form and content consistent with this Ordinance as may be required by the Commission.

Unless satisfactory evidence is furnished to the Planning Commission that the developer has included in a lease agreement or other agreement with landowner a provision for sufficient security for the decommissioning and removal of wind energy tower(s) and restoration of the site at the time when the wind energy tower(s) no longer have a useful life, which provisions are at least as stringent as the requirement herein imposed, and unless satisfactory evidence has been furnished to the Commission that such security has in fact been provided, the developer shall meet the following requirement:

The developer shall immediately following the first year of operation and every fifth year thereafter, at its own expense, retain an independent engineer acceptable to the County Planning Commission to estimate the cost of decommissioning and removal of the wind energy tower(s) and restoration of the site, net of any expected salvage value of the tower(s) and its components and the developer shall submit such report to the Planning Commission and landowner upon receipt. If the independent engineer concludes that such decommissioning, removal and restoration will cost in excess of the estimated

salvage value, the developer shall set aside funds ("required decommissioning funds") sufficient for decommissioning and restoration by either providing a performance bond, a surety bond, a letter of credit or by depositing required decommissioning funds sufficient to off-set any shortfall in salvage value into an escrow account to be held by an escrow agent acceptable to the Developer and the property owner for the benefit of the property owner, as well as the Developer, subject to claims of the landowners.

The escrow agent shall provide those funds to the party removing such tower(s) and restoring the property in the event the cost of disassembling and removal thereof from the premises and restoration of the premises exceeds the salvage value of the improvement.

The submission of a nonresidential land development plan shall constitute the agreement and consent of the developer and owner of the property, their respective heirs, successors and assigns that (i) the salvage value of the tower(s) and its components may be utilized to off-set the cost of decommissioning, removal and site restoration; and, (ii) if the developer or then owner fails to remove the tower(s) and restore the site within a reasonable time, after said tower(s) has ceased to be in operation for a period of twelve (12) months, then the County may dispose of the tower(s) and its related components and apply the salvage value to the costs of decommissioning, removal and restoration.

The estimated cost of decommissioning will be updated every fifth year, to take into account inflation or other factors deemed relevant by the independent engineer including, but not limited to, any increase or decrease of the market value of the structure and its related components being decommissioned and the cost of labor to perform the decommissioning. The deposit, bonds or letters of credit shall be adjusted accordingly to the current required decommissioning funds and any sum necessary to make prior contribution equal to the Required Decommissioning Funds necessary to perform the decommissioning removal and restoration. Any funds in excess of the Required Decommissioning Funds will be returned to the developer after decommissioning, removal and restoration. Any costs of decommissioning, removal and restoration in excess of the decommissioning shall be promptly paid by the developer or then owner of the tower(s) to the contractor retained for the removal and restoration.

Any performance bond, surety bond or letter of credit, if used, in lieu of a deposit of cash, shall contain such terms and provisions as shall be acceptable to the County.

## **SECTION 1007 TOWER FACILITIES**

- A. No tower facility shall be located within a setback determined by adding the height of the tower plus one hundred feet (100') measured from the center of the tower to any off-site occupied residence or occupied commercial structure existing at the time of the filing of a nonresidential subdivision plan, unless the owner of such existing residential or commercial structure shall have executed a non-disturbance easement, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Somerset County, Pennsylvania. Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or shadows which may arise as a result of the location of the tower facilities within the established setback distance of an existing residential or commercial structure on the property of the owner executing same. Such easement, covenant or consent before recording shall be submitted to the Planning Commission for approval at the same time the nonresidential land development plan is submitted for approval. Such easement, covenant or consent**

shall meet such requirements as to form and content consistent with this Ordinance as may be required by the Commission.

- B. Unless satisfactory evidence is furnished to the Planning Commission that the developer has included in a lease agreement or other agreement with landowner a provision for sufficient security for the decommissioning and removal of tower facilities and restoration of the site at the time when the tower facilities no longer have a useful life, which provisions are at least as stringent as the requirement herein imposed, and unless satisfactory evidence has been furnished to the Commission that such security has in fact been provided, the developer shall meet the following requirement:**

The developer shall immediately following the first year of operation and every fifth year thereafter, at its own expense, retain an independent engineer acceptable to the County Planning Commission to estimate the cost of decommissioning and removal of the tower facilities and restoration of the site, net of any expected salvage value of the tower(s) and its components and the developer shall submit such report to the Planning Commission and landowner upon receipt. If the independent engineer concludes that such decommissioning, removal and restoration will cost in excess of the estimated salvage value, the developer shall set aside funds (“required decommissioning funds”) sufficient for decommissioning and restoration by either providing a performance bond, a surety bond, a letter of credit or by depositing required decommissioning funds sufficient to off-set any shortfall in salvage value into an escrow account to be held by an escrow agent acceptable to the Developer and the property owner for the benefit of the property owner, as well as the Developer, subject to claims of the landowners.

The escrow agent shall provide those funds to the party removing such tower(s) and restoring the property in the event the cost of disassembling and removal thereof from the premises and restoration of the premises exceeds the salvage value of the improvement.

The submission of a nonresidential land development plan shall constitute the agreement and consent of the developer and owner of the property, their respective heirs, successors and assigns that (i) the salvage value of the tower(s) and its components may be utilized to off-set the cost of decommissioning, removal and site restoration; and, (ii) if the developer or then owner fails to remove the tower(s) and restore the site within a reasonable time, after said tower(s) has ceased to be in operation for a period of twelve (12) months, then the County may dispose of the tower(s) and its related components and apply the salvage value to the costs of decommissioning, removal and restoration.

The estimated cost of decommissioning will be updated every fifth year, to take into account inflation or other factors deemed relevant by the independent engineer including, but not limited to, any increase or decrease of the market value of the structure and its related components being decommissioned and the cost of labor to perform the decommissioning. The deposit, bonds or letters of credit shall be adjusted accordingly to the current required decommissioning funds and any sum necessary to make prior contribution equal to the Required Decommissioning Funds necessary to perform the decommissioning removal and restoration. Any funds in excess of the Required Decommissioning Funds will be returned to the developer after decommissioning, removal and restoration. Any costs of decommissioning, removal and restoration in excess of the decommissioning shall be promptly paid by the developer or then owner of

the tower(s) to the contractor retained for the removal and restoration.

Any performance bond, surety bond or letter of credit, if used, in lieu of a deposit of cash, shall contain such terms and provisions as shall be acceptable to the County.

## **ARTICLE XI LANDSCAPING STANDARDS**

### **SECTION 1101      PURPOSE**

- A. A Landscaping Plan shall be submitted as part of all Major land development plans. The Landscaping Plan shall be designed in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasant site character.
- B. Major Subdivision plans will only be required to address Section 1103.
- C. The Landscaping Plan may include plant materials such as trees, shrubs, ground covers, perennials and annuals, and other material such as rocks, water, sculpture, art, walls, fences, paving material, and street furniture. The plan may also include existing site materials.

### **SECTION 1102      LANDSCAPE PLAN**

**The Landscape Plan may be in sketch or drawing form and a written narrative if desired by the developer. The plan need not be prepared or certified by a registered landscape architect.**

**The plan shall show the location and type of any landscaping materials, which are to be added to the site and how the materials will be located. Information of species, heights, and calipers of plantings to be added shall be included. Where existing plantings are to be retained, the applicant shall include in the plan methods for protecting them during construction.**

### **SECTION 1103      SITE PROTECTION AND GENERAL PLANTING REQUIREMENTS**

- A. Topsoil preservation: Any topsoil located on the existing site that is moved during the course of construction, by the developer, shall be redistributed on all re-graded surfaces so as to a depth of at least four (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting. The developer shall not be required to add topsoil to the site, but shall be required to redistribute existing topsoil. Any topsoil in excess of the amount needed to comply with the provisions hereof may be removed from the site.

- B. Removal of debris: All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be disposed of in accordance with the law. No tree stumps, or portions of tree trunks or limbs shall be buried on the site.
- C. Protection of existing plantings: Every reasonable effort shall be made by the developer to save existing trees and shrubbery.
- D. Slope plantings: Landscaping of all cuts and fills and/or terraces shall be done to prevent erosion.
- E. Additional landscaping: In non-residential developments, all areas of the site not occupied by buildings or improvements shall be landscaped.
- F. Planting specifications: Deciduous trees proposed to be added to the site should have at least a one (1") inch caliper at planting. Only nursery grown plant materials should be used.  
  
The developer shall replace dead or dying plants during the following planting season.
- G. Maintenance: The owner or occupants of all lots or area within the land development or subdivision shall be jointly and severally responsible for maintaining all required landscaping in good condition.

**SECTION 1104      BUFFERING**

- A. All land developments shall provide buffering when topographical or other barriers do not provide reasonable screening and there is a need to shield abutting properties from any adverse external effects of development or to shield the proposed development from negative impacts of adjacent uses.
- B. In high-density land developments, when building design and siting do not provide privacy, the Planning Commission may require landscaping, fences or walls to screen dwelling units for privacy.
- C. Where intensive land uses abut dissimilar uses, a buffer strip a minimum of ten (10') feet in width shall be provided.
- D. Garbage collection areas shall be screened on three sides by a visual buffer strip a minimum of five (5') feet in width or by the installation of some other type of acceptable screening.
- E. Buffers shall provide maximum visual screening to adjacent properties.
- F. If planted berms are used, the minimum top width shall be four (4') feet, and the maximum side slope shall be two (2) to one (1).
- G. Plant materials, used in buffer areas, shall be sufficiently large and planted in such a fashion that a year round visual screen at least eight (8') feet in height is produced, within 5 years.
- H. Buffers shall be measured from side and rear property lines.

**SECTION 1105      PARKING LOT LANDSCAPING**

- A. Within a land development, parking lots shall be provided with a landscaped strip a minimum of five (5') feet wide along three sides of the parking area.
- B. Parking lot street frontage and perimeter landscaping shall be a minimum of five (5) feet

wide and contain a minimum of one tree for each two hundred (200) square feet of required landscape area. To determine the number of required trees to be placed in street frontage and parking lot perimeter landscape areas the lineal distance of those areas is multiplied by 5 feet and then divided by 200. The resulting number will equal the total number of trees to be provided in the perimeter landscape buffer. Any decimal amount will require the additional tree.

Care shall be taken to provide salt hardy plants in the areas abutting streets.

All landscaping on the street frontage shall be placed so that it will not obstruct sight distance.

## **SECTION 1106      WALLS AND FENCES**

- A. Walls and fences shall be erected in conformance with any zoning regulations where required for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions.
- B. The design and materials used should be functional and compatible with existing and proposed site architecture.
- C. No fence or wall shall be so constructed or installed as to constitute a hazard to traffic or safety.

### **THESE LANDSCAPING STANDARDS SHALL APPLY TO THE FOLLOWING:**

- 1. ALL RESIDENTIAL MAJOR SUBDIVISIONS;
- 2. ARTICLE VII - MOBILE HOME SUBDIVISION LAND DEVELOPMENT;
- 3. ARTICLE VIII - CAMPS & CAMPGROUNDS LAND DEVELOPMENTS;
- 4. ARTICLE IX - RESIDENTIAL CLUSTER SUBDIVISION / LAND DEVELOPMENTS;
- 5. ARTICLE X - NON-RESIDENTIAL LAND DEVELOPMENTS, EXCEPT SECTIONS 1005, 1006 AND 1007.

**ARTICLE XII  
ADMINISTRATION, AMENDMENT, SEVERABILITY**

**SECTION 1201      REVISION & AMENDMENT**

- A. Any revisions, modifications or amendments to these regulations shall be made in accordance with the procedure established by law, after a public hearing on the proposed revisions, modifications, or amendments.
- B. In addition, in the case of amendment other than that prepared by the Somerset County Planning Commission, the Somerset County Board of Commissioners shall submit each amendment to the Somerset County Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

**SECTION 1202      VARIANCES**

- A. The provisions of these regulations are intended as minimum standards for the protection of the public health, safety, and welfare of the residents and inhabitants of Somerset County.
- B. The Somerset County Planning Commission shall have the right, in unusual situations; to vary these regulations conditionally in individual cases as may be necessary:

1. In the public interest;
  2. To encourage and promote flexibility, economy, and ingenuity in the layout and design of subdivisions and land development;
  3. To encourage practices which are in accordance with modern and evolving principles of site planning and development;
  4. To encourage the use of renewable energy systems and energy-conserving building design.
- C. No such variance shall nullify the intent and purpose of these regulations. A variance requested by the subdivider/developer shall be reviewed as a request for treatment as a "hardship" as defined in Act 247, the Pennsylvania Municipalities Planning Code, as amended.
- D. Any requested variance shall be submitted on the Request for Variance Form (see Appendix).
- E. The list of any variances and the reasons for them shall be entered into the minutes of the Somerset County Planning Commission.
- F. Modifications to variances shall be clearly defined and entered on the Final Plan and signed by the Chairman of the Somerset County Planning Commission.

## **SECTION 1203 RECONSIDERATION, APPEALS, & CHALLENGES**

**Reconsideration, appeals, and/or challenges to a decision of the Somerset County Planning Commission shall be made pursuant to Act 247, as amended, the Pennsylvania Municipalities Planning Code.**

## **SECTION 1204 FEES**

- A. The Somerset County Commissioners shall establish by resolution a collection procedure and Schedule of Fees to be paid by the subdivider at the time of filing a Plan.
- B. The Schedule of Fees shall be posted in the Somerset County Planning Commission Office or in such other place as they may designate.
- C. There shall be no refund or credit of any portion of the fee should the subdivider fail to apply for a Certificate of Completion.
- D. If a Plan is not submitted to the Commission in a complete form as required by this ordinance, a new application and filing fee will be required. The Commission will return the incomplete plan but retain the initial filing fee.

**SECTION 1205      PREVENTATIVE REMEDIES**

- A. In addition to other remedies, the municipality 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.
- B. A municipality 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 this article. 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 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.
  - 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 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.
- C. 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 municipality 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.

**SECTION 1206      ENFORCEMENT REMEDIES**

- A. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under the Pennsylvania Municipalities Planning Code, shall upon being found liable therefore in a civil enforcement proceeding commenced by the Commission, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Commission 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 municipality 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 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.

- B. 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.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Commission the right to commence any action for enforcement pursuant to this section.
- D. Statute of Limitations - If no action is taken by the Commission, against a violator of these regulations, within a period of ten (10) years following a violation, no action will be pursued by the Commission.

**SECTION 1207      KEEPING OF RECORDS**

**The Somerset County Planning Commission shall keep a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. All records shall be available for public review and inspection.**

**SECTION 1208      RESPONSIBILITY**

**The subdivider shall be responsible for observing the procedures established in this ordinance and for submitting all plans and documents as may be required.**

**SECTION 1209      CONFLICTS**

**All existing ordinances or regulations or parts thereof, which are contrary to the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. Any entity regulated by the Pennsylvania Public Utility Commission shall be exempted from the provisions of this Ordinance to the extent provided by applicable law.**

**SECTION 1210      SEVERABILITY**

**Should any article, section, subsection, paragraph, clause, phrase, or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such judgment shall not effect the validity of the regulation as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.**