

ARTICLE XIII

ARTICLE XIII
ENFORCEMENT, PENALTIES, INJUNCTIONS,
AMENDMENTS, SEVERABILITY AND ENACTMENT

1301. Enforcement

The Centre County Planning Commission and Staff shall have the duty and authority to enforce the provisions of this Ordinance, as specified or implied herein.

1302. Penalties

Any 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 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 Plan 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 this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of 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 pay a fine not exceeding one thousand dollars (\$1,000) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the County. 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.

1303. Injunctions

The Centre County Planning Commission and Staff, as authorized by the Centre County Board of Commissioners, shall have the power and authority to seek legal redress by an "action for injunction" brought before the appropriate court of equity jurisdiction to enjoin such transfer, sale or agreement to transfer or sell and/or to

enjoin any type of construction or improvement by a subdivider or landowner where the provisions of this Ordinance have been violated, and to enjoin the Recorder of Deeds from recordation of any unapproved Subdivision or Land Development Plan, deed or agreement of sale made in violation of the provisions of this Ordinance.

1304. Amendments

Amendments to this Ordinance shall be made pursuant to the provisions of the Pennsylvania Municipalities Planning Code or other applicable law in effect at the time of said amendment. Provided, however, in the event that the amendments to the Planning Code require changes in the provisions of this Ordinance (i.e., definitions, approval requirements, guarantee for completion of improvements, etc.) said amendments shall automatically become a part of this Ordinance and the staff shall be authorized to attach to this Ordinance and to copies hereof (by addendum) written memoranda setting forth such Planning Code amendments and the sections of this Ordinance thereby affected.

Note: Subject to the above and consistent with the intent of this Ordinance, included as an attachment (see Appendix No. 11) is the latest version of Article V, Subdivision and Land Development, of the Planning Code, in its entirety.

1305. Severability

If any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, sentence, clause, provision or portion of this Ordinance, it being the intent of the Board of County Commissioners that the terms of this Ordinance shall be severable.

1306. Repeals

All ordinances or resolutions or parts of ordinances or resolutions inconsistent with this Ordinance shall be and the same expressly are repealed. Repeal of said ordinances or resolutions shall not relieve landowners or developers of liability for or prosecution for violations of said ordinances or resolutions repealed hereby.

ENACTED AND ORDAINED THIS 28th day of June, 1983.

(COUNTY SEAL)

By:

Jeffrey M. Bowen
Chairman

By:

John Glatz
Member

ATTEST:

Vicki L. Bumbarger

By:

John T. Saylor
Member