ARTICLE 10
ENFORCEMENT, AMENDMENTS, VIOLATIONS, APPEALS, PREVENTIVE REMEDIES, PENALTIES, SEVERABILITY, AND REPEALER

Section 1001. ADMINISTRATION AND ENFORCEMENT

1. The Dauphin County Board of Commissioners 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. Officials of Dauphin County 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 Dauphin County.

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 Dauphin County 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 Dauphin County 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 this Ordinance after its enactment shall be affixed to the Dauphin County 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. All 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 the Planning Commission, may within thirty (30) days, request and receive opportunity to appear before the Planning 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 Planning Commission to insure adequate time is available for the Planning Commission to act on the application.

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

Section 1005. PREVENTIVE REMEDIES

1. In addition to other remedies, Dauphin County 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 transferred from such penalties or from the remedies herein provided.

2. Dauphin County 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 Ordinance. 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 the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. 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, Dauphin County 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 1006. 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 Dauphin County, shall pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorneys fees incurred by Dauphin County 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, Dauphin County 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 (5th) 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 Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending any final adjudication of the violation and judgement.

4. Nothing contained in this Article shall be construed or interpreted to grant any person or entity other than Dauphin County the right to commence any action for enforcement pursuant to this Ordinance.

Section 1007. SEVERABILITY

1. If any section, 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 affect any other section, clause, provision, or portion of this Ordinance. It is hereby declared to be the intent of the Dauphin County Board of Commissioners that this Ordinance would have been adopted if such invalid or
unconstitutional section, clause, provision or portion had not been included herein.

Section 1008. REPEALER

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

2. The Dauphin County Subdivision and Land Development Ordinance adopted in 1990 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.