

ARTICLE X. PENALTIES AND REMEDIES; APPEALS

SECTION 1001. VIOLATIONS AND PENALTIES; ADDITIONAL REMEDIES

1. Any person who shall violate any of the provisions of this ORDINANCE shall, upon being found liable therefor in a civil enforcement proceeding commenced by the TOWNSHIP, pay a judgement of not more than \$500.00 plus all court costs, including reasonable attorneys' fees incurred by the TOWNSHIP as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by a district justice. If the defendant neither pays nor timely appeals the judgement, the TOWNSHIP may enforce the judgement 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 this ORDINANCE to have believed that there was no such violation. If the district justice makes a determination of good faith, there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute separate violation.
2. The TOWNSHIP may institute and maintain actions at law or in equity to restrain, correct or abate violations of this ORDINANCE, to prevent unlawful CONSTRUCTION, to recover damages and/or to prevent illegal occupancy of a BUILDING, STRUCTURE or premises.
3. The TOWNSHIP 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 or a LAND DEVELOPMENT of real property in violation of this ORDINANCE. The AUTHORITY to deny such 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 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 the 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.

4. As an additional condition for the issuance of a permit or the granting of an approval to any owner, current owner, vendee or lessee for the DEVELOPMENT of any such real property, the TOWNSHIP 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 1002. APPEALS

1. Any person, partnership, corporation or organization aggrieved by any action of a qualified representative of the TOWNSHIP, may appeal to the Board of COMMISSIONERS within thirty (30) days of that action.
2. Any person, partnership, corporation or organization aggrieved by any action of the Board of COMMISSIONERS, may appeal to Lancaster County Court of Common Pleas within thirty (30) days of that action.

SECTION 1003. VALIDITY

Should any section, subsection, provision, sentence or part of this ORDINANCE be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ORDINANCE as a whole or any remaining section, subsection, provision, sentence or part thereof.

SECTION 1004. EFFECTIVE DATE

This ORDINANCE shall become effective immediately following its adoption by the Board of COMMISSIONERS of Manheim TOWNSHIP, Lancaster County, Pennsylvania.

Duly Ordained this ____ day of _____, 2014.

ATTEST:

MANHEIMTOWNSHIP COMMISSIONERS

Sean P. Molchany, Secretary

President (Vice)