

Article VIII– ADMINISTRATION, ENFORCEMENT, AND PENALTIES

SECTION 801 – Administration and Enforcement

1. The Somerset Planning Commission and Borough Council shall have the duty and authority for the administration and general enforcement of the provisions of this ordinance, as specified or implied herein.
2. Permits required by the Borough for the erection or alteration of buildings in a development, the installation of sewer or sewage disposal systems, or for other appurtenances to or use of the land shall not be used by any Borough official until he has ascertained that the site for such building, alteration, improvement, or use is located in a development approved and publicly recorded in accordance with the provisions of this ordinance.
3. The Borough Building Permit Officer shall require that each application for a building permit contain all the necessary information and shall issue no permit until it is determined that the site and plan for the proposed building, alteration, or other improvement is acceptable in accordance with the provisions of this ordinance, the Zoning Ordinance, and other pertinent ordinances and laws.

SECTION 802 – Penalties

Any person, partnership, or corporation who or which being 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 improvement 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 plat of such subdivision or land development or otherwise, or erect any building thereon, 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, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or its officers, shall pay a fine not exceeding one thousand dollars (\$1,000) per lot or parcel or per dwelling unit within each lot or parcel.

The description of such lot or parcel 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. The county may also enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, in addition to the penalty herein provided.

SECTION 803 – Action for Relief by Borough

Borough Council may obtain a writ of injunction against the owner or agency who attempts the improper sale or conveyance of land made prior to final plan approval of any development.

SECTION 804 – Other Actions

Nothing herein shall prevent Borough Council from taking such other action necessary to prevent or remedy any violation.

SECTION 805 – Appeals

The landowner or any person aggrieved may appeal directly to court the decision of the governing body or Planning Commission respecting a subdivision or land development plan, preliminary or final. Such appeal shall be filed not later than thirty (30) days following the date of the decision being appealed.

SECTION 806 – Severability

If any section of this ordinance shall be determined to be invalid or unconstitutional by a recognized court of the Commonwealth, such determination shall not affect the legality of the remaining provisions of the ordinance.

SECTION 807 – Repeals

All Borough ordinances or portions thereof which are inconsistent herewith are hereby repealed.

SECTION 808 – Enactment

This subdivision and Land Development Ordinance shall become effective on February 13, 1978 and shall remain in force until modified, amended, or rescinded by the Borough Council of Somerset Borough, Somerset County, Pennsylvania, this 13th day of February, 1978.

Borough of Somerset
Borough Council

By: William C. James
Mayor
Attest: John J. Kane
Secretary

By: Barry S. Lichty
President of Council