

SIMPLE SUBDIVISION APPLICATION

Property Tax  
Number

Proposed Name

Zoning  
District

Location - Street

Between

Cross Street

and

Cross Street

Subdivider(s)

Name & Seal Registered Engineer or Licensed Surveyor

Legal Discription of Property Lines

Owners of Abutting Properties

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Location, Size, and Material of Monuments

- |          |          |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

Attach Plot Plan Showing:

1. Layout and Dimension of Lots with Lot Area to Right of Way Line of Street
2. Building Set Back Lines with Distances from Right of Way Lines
3. Registered Engineer or Surveyor Certification that the Simple Subdivision Plan represents a Survey made by him

**§ 190-35. Inspection fees.**

The subdivider shall pay to the borough all other fees required by law for the opening of roads, connecting to borough sewers and water mains, construction and occupancy of buildings, etc.

ARTICLE VIII  
**Simple Subdivision**  
[Added 12-4-1990 by Ord. No. 90-656]

**§ 190-36. Application.**

- A. Whenever a simple subdivision of land is proposed, the subdivider shall submit to the Zoning Officer an application in writing which consists of 11 copies of the simple subdivision plan having the following elements:
- (1) The proposed name, location and area of the subdivision.
  - (2) The names of the subdivider or subdividers.
  - (3) The name and seal of the registered engineer or licensed surveyor designing the subdivision plan.
  - (4) Courses and distances sufficient for a legal description of all property lines shown on the plan.
  - (5) Names of the owners of abutting property.
  - (6) Location, size and material of all monuments.
  - (7) Layout and dimensions of lots with lot area to right-of-way line of street.
  - (8) Building setback lines with distances from the right-of-way line.
  - (9) Certification by registered engineer or surveyor that the simple subdivision plan represents a survey made by him.
- B. Upon receipt of the simple subdivision plan, the Zoning Officer will contact the Chairman of the Planning Commission and place the plan on the agenda of the next monthly meeting of the Planning Commission; provided, however, that all advertising requirements are met.

**§ 190-37. Approval of simple subdivision plan by Planning Commission.**

The Planning Commission, in consultation with the Borough Engineer or other interested officials, shall approve or disapprove the simple subdivision plan. If the plan is disapproved, the subdivider shall be so notified, in writing, and the reasons so specified, in writing. If approved, the Chairman and Secretary of the Planning Commission will sign and date an official file copy of the plan.

**§ 190-38. Approval by Borough Council.**

- A. After a decision by the Planning Commission is rendered, the subdivider shall submit the simple subdivision plan to the Zoning Officer, who will place the plan on the next Council Agenda; provided, however, that all advertising requirements are met. Also, the Zoning Officer shall send by regular U.S. Mail a notification to all owners of property which abut or are directly across the street from a proposed simple subdivision. The notice shall advise the property owners of when and where Council will act upon the simple subdivision.
- B. Before acting on a simple subdivision plan, Council may arrange for a public hearing, giving such notice as it may deem advisable in each case.
- C. If Borough Council approves the simple subdivision plan, the Council President will so signify on the Planning Commission's official file copy, an official file copy and developer's copy for borough records with the approval date.
- D. If disapproved, Council shall return the plan to the subdivider and specify in writing the reasons for the denial.
- E. If approved, the simple subdivision plan shall be filed with the Recorder of Deeds within 30 days of the date of approval by Borough Council.

**§ 190-39. Violations and penalties.**

- A. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by Borough Council, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Borough Council as a result thereof. No judgment shall commence or be levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, Borough Council 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 this chapter 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.
  - (1) 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.
  - (2) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Borough Council the right to commence any action for enforcement pursuant to this section.
- B. Additional remedies.
  - (1) In addition to other remedies, Borough Council 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.

- (2) Borough Council or their authorized agents 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 chapter. The 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 violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (3) 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, Borough Council or their authorized agents 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.

#### **§ 190-40. Appeals.**

Any person aggrieved by refusal of Council to approve a simple subdivision plan has the same recourse as those available to major subdivider.

#### **§ 190-41. Waivers.**

Where the strict application of the standards and specifications contained in this chapter would present an undue hardship on the subdivider, upon recommendation of the Planning Commission and in the interest of the community, the Borough Council may waive certain of the standards and specifications, which waiver shall be clearly defined approved on the simple subdivision plan signed by the President of the Borough Council.

#### **§ 190-42. Filing fees.**

At the time of filing the preliminary simple subdivision plan, the subdivider shall pay to the borough a fee as set from time to time by resolution of the Borough Council.

ARTICLE IX  
**General Provisions**

**§ 190-43. Notice to Borough Engineer.**

The Borough Engineer shall be notified at least 72 hours in advance of any construction operation, such as sewer installation paving etc., which requires inspection by the borough.