

**ORDINANCE NO. 09-2008**

**AN ORDINANCE OF THE TOWNSHIP OF LONDONDERRY,  
CHESTER COUNTY, PENNSYLVANIA, ESTABLISHING AND ADOPTING  
THE OFFICIAL MAP OF LONDONDERRY TOWNSHIP**

WHEREAS, Article IV of the Pennsylvania Municipalities Planning Code (Act 170, as amended) empowers the Township to enact an ordinance adopting an Official Map and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of Supervisors deems it necessary, for the purpose of promoting the health, safety, and general welfare of the Township to enact such an ordinance; and

WHEREAS, the Londonderry Township Planning Commission has assessed present conditions and future needs relating to streets and street intersections; and

WHEREAS, the Planning Commission has prepared and recommended to the Board of Supervisors an Official Map Ordinance, consisting of text and map, to reserve land for certain of these needs; and

WHEREAS, the Board of Supervisors has given due public notice of hearing on the proposed ordinance and has held such public hearing; and

WHEREAS, all requirements of Article IV of the Municipalities Planning Code, as amended, have been met with regard to obtaining review and soliciting comment from the Londonderry Township Planning Commission, Chester County Planning Commission, and adjacent municipalities, and preparation of the report of the Planning Commission and subsequent action of the Board of Supervisors;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Londonderry Township, as follows:

1. The Township hereby adopts as the Official Map of Londonderry Township the map as attached hereto, dated February 20, 2008.
2. This ordinance is enacted and ordained under grant of powers by the General Assembly of the Commonwealth of Pennsylvania as contained in the Pennsylvania Municipalities Planning Code, Act 170 of 1988, P.L. No. 170, as amended.
3. This ordinance is enacted for the purpose of serving and promoting the public health, safety, convenience, and general welfare, and assuring adequate and suitably located lands for the provision of streets and street intersections in support of the land use planning objectives of the Township.

4. The Official Map includes the following locations and types of facilities, as authorized by Article IV of the Municipalities Planning Code
  - A. Land to be use for community connector road improvements; and
  - B. Land to be used for road intersection improvements.
5. The properties depicted as proposed for Township ownership shall be reserved for future acquisition for public use until actually acquired by the Township, or until one year after an owner of such property has submitted a written notice to the Board of Supervisors announcing his intentions to build on, subdivide, or otherwise develop the land covered by the reservation, or has made formal application for an official permit to build a structure for private use, unless the Board of Supervisors shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year.
6. The Township may initiate surveys of property locations for the purpose of taking action to acquire the said property(s).
7. For the purpose of initially reserving land on the Official Map, property records, aerial photography, photogrammetric mapping, or other method (including GIS mapping) sufficient for the identification, description, and publication of areas for reservation on the Official Map will be sufficient. Whenever lands or easements are to be acquired pursuant to the Official Map, boundary descriptions by metes and bounds description shall be made by a licensed surveyor.
8. The Board of Supervisors, by amending ordinances, may make additions or modifications to the Official Map or part thereof, and may also vacate any existing or proposed property contained on the Official Map or part thereof.
9. The Township directs that upon adoption of the ordinance, a copy of the Official Map, verified by the Board of Supervisors, shall be submitted to the Recorder of Deeds of Chester County to be recorded within sixty (60) days of the effective date thereof.
10. Violations, Penalties, and Appeals

A. Causes of Action

Where any building or structure is erected, reconstructed, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, the Zoning Officer may in the name of Londonderry Township:

- [1] Institute any appropriate action or proceedings to prevent such unlawful activity, including informal notification to the property

owner of the existence of a violation and the opportunity for the property owner to remedy the violation within 60 days of said notification;

- [2] Restrain or abate such violation;
- [3] Prevent the occupancy of such building, structure, or land or prevent any illegal act, conduct, business, or use in or about such premises.

**B. Notice of Violations**

Where it appears to Londonderry Township that a violation of any provision of this ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

- [1] The enforcement notice shall be sent to the owner of record of the property on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that property, and to any other person requested in writing by the owner of record.
- [2] The enforcement notice shall state the following:
  - a. The name of the owner of record and any other person against whom Londonderry Township intends to take action.
  - b. The location of the property in violation.
  - c. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this ordinance.
  - d. The date before which the steps for compliance must be commenced and the date before which steps must be completed.
  - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this ordinance.
  - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**C. Discontinuance**

Where the notice of violation is not complied with in the time period set forth in the notice, the Zoning Officer shall order the discontinuance of such unlawful use of building, structure, or land involved in said violation.

**D. Enforcement Remedies**

Any person who shall violate the provisions of this ordinance shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by Londonderry Township as a result thereof. If the defendant neither pays nor timely appeals the judgment, Londonderry Township may enforce the judgment pursuant to applicable rules of civil procedure. Each day a violation continues constitutes 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 violating the ordinance to have believed 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. All judgments, costs, and reasonable attorney fees collected for the violation of this ordinance shall be paid over to Londonderry Township.

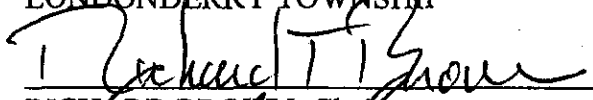
E. Appeals

Any appeal from a decision or action of the Board of Supervisors or of any officer of Londonderry Township in matters pertaining to this ordinance shall be made in the same manner and within the same time limitations as is provided for zoning appeals in Article X of the Pennsylvania Municipalities Code, as amended.

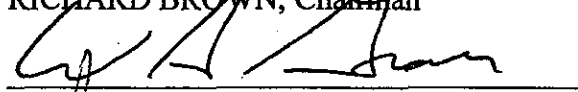
11. Any appeal from a decision or action of the Board of Supervisors or of any officer or agency of the Township in matters pertaining to this ordinance shall be made in the same manner and within the same time limitation as is provided for zoning appeals in the Municipalities Planning Code, as amended.
12. Should any section or provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of the ordinance.
13. This ordinance shall become effective in accordance with the provisions of the Second Class Township Code of the Commonwealth of Pennsylvania.

ENACTED AND ORDAINED this 27<sup>th</sup> day of October, 2008.

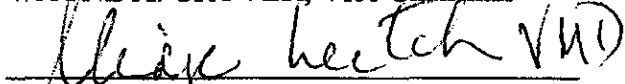
BOARD OF SUPERVISORS  
LONDONDERRY TOWNSHIP



RICHARD BROWN, Chairman

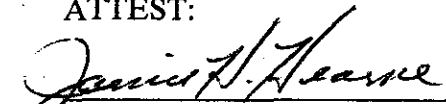


WAYNE A. GROVER, Vice Chairman



MIDGE LEITCH, Member

ATTEST:

  
Janice Hearne, Secretary