

DECLARED AS A LEGISLATIVE INTENT THAT IF SUCH PROVISIONS WERE ADOPTED HAD SUCH PROVISIONS BEEN UNCONSTITUTIONAL, INVALID OR ILLEGAL PROVISIONS NOT BEEN INCLUDED HEREIN.

DELAWARE TOWNSHIP

ORDINANCE # 11-2003

SECTION 1
AN ORDINANCE ESTABLISHING MINIMUM SET BACK LINES

Any land owner violating this ordinance shall pay a penalty of \$25 per day to the Township of Delaware Township, Mercer County, Pennsylvania, of regulating the construction of buildings within a certain distance from the right of way line of public highways and providing penalties for violation thereof.

PURPOSE

Whereas it has been determined that for the purpose of maintaining roads and expanding roads that buildings not be located too close to the edge of the current right of way; and

Whereas it has been determined that providing for access to property to prevent the spread of fire and the provision of fire-fighting services that a certain distance be maintained between buildings; and

Whereas it has been determined that to provide for the minimization of flood damage roads and ditches related thereto can and should be used as drainage areas to carry away rain and snow, which might otherwise damage the structure of the roads; and

Whereas buildings in close proximity to roads, and the debris which might result from flood damage to those buildings, create a hazardous condition to those using said roads as well as damaging the road itself;

SECTION 1

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of Delaware Township, Mercer County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same that all buildings to be constructed, reconstructed or to which major renovations are to be made shall be located beyond a line located seventy-five (75) feet from the center line of any public road, to be known as the building set back line..

SECTION 2

No building permit shall be issued for any construction which is not in compliance with the building set back lines.

SECTION 3

The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby

declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, invalid or illegal provisions not been included herein.

SECTION 4

Any land owner violating this ordinance shall pay a penalty of \$25 per day to the Township which penalty shall become a lien against the property upon filing with the Prothonotary of Mercer County, Pennsylvania. Failure to pay any penalty imposed hereby shall also be considered a Summary Offense and subject to the imposition of a fine which may become a lien against the property upon which such non-conforming structure is located. The fine shall be in the amount of \$25 plus costs and reasonable attorney's fees incurred in the proceeding by the Township. Each day during which such non-conforming structure is in violation of the building set back line shall be considered an additional violation and the Township may enforce a combined penalty or the Courts may impose a combined fine based upon the total number of days of violation beginning the day after notice of violation has been given in writing either by first class mail to the property owner or by posting the premises with the notice of violation. Failure to abate the violation or pay the assessed penalty in excess of 30 days may warrant a Court to impose a jail sentence not to exceed thirty (30) days.

ENACTED AND ORDAINED INTO AN ORDINANCE THIS 5th day of

November, 2003.

BY: Arden Saul

Carl & Susan Ak

Donald J. Kemm

Attest:

Melissa Osborne, Sec.

