

## ARTICLE IX

### APPEALS, INTERPRETATION AND EFFECTIVE DATE

#### **SECTION 901            APPEALS**

All appeals from decisions of the Board in the administration of this Ordinance shall be made in accordance with the provisions of the Municipalities Planning Code.

#### **SECTION 902            INTERPRETATION AND APPLICATION OF PROVISIONS**

In the interpretation and application of the provisions of this Ordinance, said provisions shall be deemed to be the minimum requirements necessary for the promotion and protection of the public health, safety and welfare. Where the provisions of this Ordinance and all standards and specifications implementing it impose greater restrictions upon subdivision or land development than those of any other Township Ordinance or any regulation or any applicable land development agreement, the provisions of this Ordinance and its standards and specifications shall be controlling. Where the provisions of any statute, regulation, other Township Ordinance or applicable land development agreement impose greater restrictions upon subdivision or land development than this Ordinance, the provisions of such statute, regulation, other Ordinance, or applicable land development agreement shall be controlling.

#### **SECTION 903            APPLICATION OF ORDINANCE**

With the exception of Sections 903.A and 903.B, the provisions of this Ordinance shall apply to and control all subdivisions and/or land developments whose plans have not been recorded in the Office of the Recorder of Deeds prior to the effective date of these regulations.

- A.     The provisions of this Ordinance shall not adversely affect an application for approval of a preliminary or final plan which was duly filed with the Township and is pending action at the time of the effective date of this Ordinance, and in which case the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application had been duly filed. When a preliminary plan has been duly approved, the applicant shall be entitled to final plan approval in accordance with the terms of the approved preliminary plan. However, if an application is properly and finally denied, any subsequent application shall be subject to the provisions of this Ordinance.
  
- B.     If an applicant has received approval of a preliminary or final plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from the date of such approval. When approval of the final plan has been preceded by approval of a preliminary plan, the five (5) year period shall be counted from the date of preliminary plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
  
- C.     Failure of the landowner to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval shall subject such development to any and all changes in zoning, subdivision and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission, as permitted by law.

**SECTION 904 CONSTRUCTION**

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights or liability incurred, or any permit issued, or any approval granted, or any cause or causes of action existing prior to the enactment of this Ordinance.

**SECTION 905 SEVERABILITY**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**SECTION 906 EFFECTIVE DATE**

This Ordinance shall take effect and be in force in five (5) days as provided by law.

**DULY ORDAINED AND ENACTED** by the Board of Supervisors of the Township of District, Berks County, Pennsylvania, on the \_\_\_\_ day of \_\_\_\_\_, 1999, in lawful session duly assembled.

**DISTRICT TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA**

Attest: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman, Board of Supervisors

(TOWNSHIP SEAL)