

ARTICLE 16
PLANNED RESIDENTIAL DEVELOPMENTS

SECTION 1601 PURPOSE

The provisions of this Article are intended to permit and encourage innovations in residential development through permitting a greater variety, type, design, and layout of dwellings; and by allowing the development of well-planned, higher density, residential neighborhoods or groups of residences on sites larger than normal building lots. To give the site planner maximum freedom, more intensive use of land may be permitted, and the coverage, height, setback and other requirements may be varied under circumstances which will ensure more imaginative use of a building site than can be achieved under the standard regulations of this Ordinance. This provision is intended to encourage a more efficient use of open space, and public services. This development may contain individual single-family to multi-family dwellings, and common property which is planned and developed as a unit.

SECTION 1602 REGULATORY AUTHORITY

Pursuant to Section 702 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, the authority to approve or disapprove applications and plans for a planned residential development is vested with the governing body. The Bear Creek Township Board of Supervisors hereby retains such authority. The Board of Supervisors grants Bear Creek Township Planning Commission to act in an advisory capacity to review and to provide comment to the Board of Supervisors when considering a Planned Residential Development. Review and comment shall also be required by the Luzerne County Planning Commission under the same procedures applicable to a subdivision and/or land development.

SECTION 1602 USE REGULATIONS

The principal permitted uses shall include:

- A. Single-family Detached Dwellings
- B. Two-family Dwellings
- C. Townhouses
- E. Accessory Uses: Customary accessory uses and buildings to the above shall be permitted in accordance with the applicable provisions of this Ordinance.

SECTION 1603 DENSITY REGULATIONS

The following methodology shall be applicable to determine area requirements within this Article:

A Gross Area:

All land within a parcel proposed to be developed as a PRD.

B. Net Area Available for Development:

The Gross Area minus the sum of all environmentally constrained land or other areas as listed below:

- flood plains
- wetlands that cannot be reasonably incorporated into usable common open space.
- natural bodies of water including ponds, creeks, streams or, lakes,
- existing public or private street
- utility right-of ways, both subsurface and overhead, that cannot be reasonably incorporated into usable common open space.
- rock outcrops
- slopes which equal or exceed twenty-five (25%) percent,
- any other area which contain critical areas (as defined in Article 2) and/or environmental sensitive features that may not be suitable for development.

C. Net Residential Area:

The “Net Area Available for Development” minus required open space. ,

D. Common Open Space:

Not less than twenty (20%) percent of “Net Area Available for Development” shall be designated, designed and devoted to common open space for the use and enjoyment of the residents therein.

E. Residential Density:

The permitted maximum residential density for the Net Residential Area of a PRD shall be as follows:

Zoning District	Minimum Lot Area of District	Maximum Density for PRD ¹
C-1	3 acres	one unit per each 60,000 sq .ft
A-1	2 acres	one unit per each 40,000 sq. ft

¹ Maximum density based upon public sewer and water, otherwise the maximum density shall be increased to that of the underlying District.

SECTION 1604 DIMENSIONAL REGULATIONS

All planned residential developments shall be subject to the following:

- A. Minimum Tract Area: A planned residential development shall have a gross land area of not less than twenty-five (25) acres.
- B. Distance Between Buildings: No buildings or structure, including porches, decks or balconies shall be less than thirty (30') feet to any other

building or structure.

- C. Setback Requirements: The minimum front, side and rear setbacks for a Planned Residential Development shall each be not less than fifty (50) feet to the property lines of adjoining properties. A planting strip of not less than twenty (20) feet in width shall be along all property lines at the periphery of the development where necessary to preserve the privacy of neighboring residents.

Land adjacent to a lake, pond, stream, wetlands, or watercourse shall remain as permanent open space for a distance of not less than one hundred (100') feet from the water's edge, unless superseded by more restrictive standards.

- D. Maximum Building Height: No structures within a PRD shall exceed 2¹/₂ stories, with a maximum height not to exceed forty-five (45) feet.

SECTION 1605 SPECIAL PROVISIONS

OWNERSHIP OF PROPERTY

The tract of land for a PRD may be owned, leased or controlled either by a single person, or corporation or a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in the project. In the case of multiple ownership, the approved plan shall be binding on all owners.

When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of common property and facilities including private streets, drives, service and parking areas and recreational and open space areas.

MAINTENANCE OF COMMON PROPERTY

In the event that the organization established to own and maintain the common property, or any successor organization, fails to maintain such property in reasonable order, the Township Supervisors may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.

At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the development and to prevent the common property from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and

maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice to such organization, or to the residents and owners of the development to be held by the Township, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the Town shall not, at the election of the Township, continue for a succeeding year.

If the Township shall determine that such organization is ready and able to maintain said common property in a reasonable condition, it shall cease to maintain said common property at the end of said year. If the Township shall determine such organization is not ready and able to maintain said common property in a reasonable condition, the Township may at its discretion, continue to maintain said common property during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The municipality at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the office of the prothonotary of the County, upon the properties affected by the lien within the planned residential development.

The decision of the Board of Supervisors shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals as provided for under the Pennsylvania Municipalities Planning Code, Act 247, as amended

SECTION 1606 DEVELOPMENT REGULATIONS

A Planned Residential Development shall be subject to the following standards and regulations:

- A. Requirements For Improvements and Design: All improvements, including but not limited to, streets, curbing, sidewalks, stormwater detention facilities, drainage facilities, water supply facilities, sewage disposal, street lighting, tree lawns, etc., unless otherwise exempted, shall be designed and constructed in conformance with the standards and requirements of the Bear Creek Township Subdivision and Land Development Ordinance.

- B. Sewage Disposal: Disposal of sanitary sewage shall be by means of centralized sewers and shall conform to the design standards of the Bear Creek Township Subdivision and Land Development Ordinance. The proposed sewage collection system and treatment facility shall require DEP approval as a prerequisite and/or condition to tentative approval of a development plan.

- C. Water Supply: The water supply shall be off-site system supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the planned residential development in question shall be required. Whichever form is appropriate, shall be considered as acceptable evidence.

SECTION 1607 PHASING OF DEVELOPMENT

A planned residential development may be constructed in phases subject to the following:

- A. The application for tentative approval shall cover the entire area to be developed with a schedule delineating all proposed phases, as well as the dates by which applications for final approval of each phase shall be filed. Such schedule shall be updated annually by the applicant on or before the anniversary date of the approval of the development plan, until all phases are completed and granted final approval by the Board of Supervisors. Any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.
- B. Not less than fifteen (15%) percent of the total number of dwelling units to be constructed shall be included in the first phase.
- C. The second and any subsequent phases shall be completed in accordance with the tentatively approved plan, with each phase containing not less than fifteen (15%) of the total number of dwelling units.
- D. The Board of Supervisors may impose further conditions upon the filing of any phase of a development plan, as it may deem necessary to assure the orderly development of the plan and/or to protect the public health, safety and welfare.

SECTION 1608 ENFORCEMENT AND MODIFICATION OF PROVISIONS OF PLAN

To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modifications of the provisions of the development as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following:

- A. Provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open space, except as otherwise provided herein; and the intensity of use or

the density of residential units shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law.

- B. All provisions of the development plan shall run in favor of the residents of the planned residential development, but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.
- C. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed or released by the Township, except grants of easements relating to the service or equipment of a public utility, subject to the following conditions:
 - (1) No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or in equity, as provided in this Section.
 - (2) No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Board of Supervisors, following a public hearing pursuant to public notice, called and held in accordance with the provisions of this Section, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or public interest, and is not granted solely to confer a special benefit upon any person.
- D. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

SECTION 1609 APPLICATION FOR TENTATIVE APPROVAL

The application for approval, tentative and final, of a planned residential development as provided for by this Ordinance, shall be in lieu of all other procedures or approvals otherwise required by the Zoning Ordinance and Subdivision and Land Development Ordinance of the Township, except where specifically indicated. The procedures herein described for approval or disapproval of a development plan for a planned residential development and the continuing administration thereof are established in the public interests in order to provide an expeditious method for processing a development plan for a planned residential development and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property. An application for tentative approval shall be consistent with the following:

A. Informal Consultation:

The landowner and Board of Supervisors may consult informally at a public meeting or work session concerning the proposed planned residential development prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the Board of Supervisors shall be binding upon the Board of Supervisors as a whole. The informal consultation is intended to allow the landowner and Township officials to exchange comments and discuss issues which may be of particular significance to the site.

B. Application and Fee:

An application for tentative approval shall be filed by or on behalf of the landowner with the Zoning Officer. An application fee of five hundred (\$500.00) dollars, plus seventy-five (\$75.00) dollars per housing unit, based upon total number of proposed housing units, shall be paid upon filing the required application.

C. Relationship to Planning, Zoning and Subdivision:

All planning, zoning and subdivision matters relating to the platting, use and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the Township Board of Supervisors.

D. Required Documentation:

The application for tentative approval shall include documentation illustrating compliance with all of the standards for a planned residential development and, where necessary, the Township shall order such documentation to aid them in their review.

An original and fifteen (15) copies of the application shall be submitted

along with twenty (20) copies of each of the following:

1. Any required study and/or report, prepared as an Impact Analysis, which may be required at the discretion of the Board of Supervisors. A determination of the need for any such study and/or report may be made at the time of the informal consultation or during the public hearing for consideration of tentative approval of the development plan.
2. The development plan for the entire site, in addition to all other requirements shall include information and documentation noted herein:
 - (a) The location, size and topography of the site and the legal nature of the landowner's interest in the land proposed to be developed.
 - (b) The density of land use to be allocated to parts and/or phases of the site to be developed.
 - (c) The location and size of common open space and the form of organization proposed to own and maintain the common open space.
 - (d) The use and height, bulk and location of buildings and other structures.
 - (e) The means and feasibility of proposals for the disposition of sanitary waste and storm water.
 - (f) The substance of covenants, grants or easement or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
 - (g) Provisions for parking of vehicles and the location and width of proposed streets and any other form of public right-of-ways, excluding common open space.
 - (h) The required modifications in the Township land use regulations as contained within the Township's Zoning Ordinance and Subdivision and Land Development Ordinance, otherwise applicable to the subject property.
 - (i) The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.

- (j) In the case of development plans, which call for development over a period of years, a schedule showing the proposed timetable within which applications for final approval of all phases of the planned residential development are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
- (k) A plan map at a scale of not greater than one (1") inch equals fifty (50') feet, with contours for each two (2') feet change in elevation. A location map shall also be provided at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township. The drafting standards applicable for a major subdivision and/or land development, as provided for within the Bear Creek Township Subdivision and Land Development Ordinance, shall apply.

E. Statement of Landowner:

The application shall also include a written statement by the landowner setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and consistent with the Comprehensive Plan of the Bear Creek Township, including any subject amendments to said Plan.

F. Application and Approval Procedures in Lieu of Others:

The application for tentative and final approval of a development plan for a planned residential development prescribed herein shall be in lieu of all other procedures and approvals required by the Zoning Ordinance and Subdivision and Land Development Ordinance of the Township, unless otherwise expressly stated.

G. Referrals and Review of Plan:

The application for tentative approval shall be filed with the Zoning Officer, who shall be authorized to accept such applications under the Zoning Ordinance. Copies of the application and tentative plan shall be referred to the agencies and officials as required by the Township's Subdivision and Land Development Ordinance for their review and comment. Said reports shall be available prior the public hearing.

SECTION 1610 PUBLIC HEARINGS

Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Article, a public hearing pursuant to

public notice on said application shall be held by the Township Board of Supervisors in the manner prescribed in the Ordinance for the enactment of an amendment to the Zoning Ordinance.

The chairman or in his absence, the acting chairman, of the Township Board of Supervisors, may administer oaths and compel the attendants of witnesses. All testimony by witnesses shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

A verbatim record of the hearing shall be provided by the Township Board of Supervisors whenever such records are requested by any party to the proceedings, with the cost of making and transcribing such a record shall be paid by those parties wishing to obtain such copies. All exhibits accepted as evidence shall be properly identified and the reason for any exclusion shall be clearly noted in the record.

The Township Board of Supervisors may continue the public hearing as required provided that in any event, the public hearing or hearings shall be concluded within sixty (60) days following the date of the first public hearing.

SECTION 1611 FINDINGS

The Township Board of Supervisors, within sixty (60) days following the conclusion of the public hearing, or within one hundred eighty (180) days after the date of filing the application, whichever occurs first, shall by official written communication to the landowner, either:

- A. Grant tentative approval to the development plan as submitted.
- B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.
- C. Deny the tentative approval to the development plan.

Failure to act within the prescribed time period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Township Board of Supervisors, notify said Board of his refusal to accept all said conditions, in which case the Township Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not notify the Township Board of Supervisors of his refusal to accept all said conditions within thirty (30) days after receiving a copy of the official written communication of the Township Board of Supervisors, tentative approval of the development plan, with all said conditions, shall stand as granted.

The grant or denial of tentative approval by official written communication shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the denial, and said communication shall set forth particulars in what respect the development plan would or would not be in the public interest including but not limited to findings of facts and conclusions based upon the

following:

- A. Those respects in which the development plan is or is not consistent with the Comprehensive Plan, including any amendments thereto, for the development of the Township.
- B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use and the reasons why such departures are or are not deemed to be in the public interest.
- C. The purpose, locations and amount of common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
- D. The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public services, (including but not limited to sewage, water and stormwater runoff) provide adequate control for vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
- E. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood or area of the Township in which it is proposed to be established.
- F. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents of the planned residential development in the integrity of the development plan.

In the event a development plan is granted tentative approval, with or without conditions, the Township Board of Supervisors may set forth in the official written communication, the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part or phase thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than ninety (90) days. In the case of development plans which extend over a period of years, the time between applications for final approval of each part of the plan shall not be less than one (1) year.

SECTION 1612 STATUS OF PLAN AFTER TENTATIVE APPROVAL

The official written communication provided for in this Article shall be certified by the Township Secretary and filed in his/her office; a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed as an amendment to the Zoning Map, effective and so noted upon the Zoning Map upon

final approval.

Tentative approval of a development plan shall not qualify a plan of the planned residential development for recording nor authorize development or the issuance of any zoning permit. A development plan, which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending the application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the official written communication granting tentative approval.

In the event that a development plan is given tentative approval and thereafter, but prior to the final approval, the landowner shall elect to abandon said development plan and shall so notify the Township Board of Supervisors in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development for which final approval has not been given shall be subject to those Township land use ordinances otherwise applicable thereto. The same shall be noted on the Zoning Map and in the records of the Township Secretary.

SECTION 1613 APPLICATION FOR FINAL APPROVAL

An application for final approval may be for all of the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made through the Zoning Officer for review by the Township Board of Supervisors and subject to approval by the Township Board of Supervisors within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing shall not be required.

The application shall include all drawings, specifications for required improvements, covenants, easements, a financial guarantee and all other such requirements as specified within the Bear Creek Township Subdivision and Land Development Ordinance, as well as any conditions set forth in the official written communication granting tentative approval.

In the event that the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, the Township Board of Supervisors shall, within forty-five (45) days of such filing, grant such development plan final approval.

In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal,

setting forth in said notice the reasons why one (1) or more said variations are objectionable and not in the public interest.

In the event of such refusal the landowner may either:

- A. Refile his application for final approval without the variations to which the Township Board of Supervisors deemed objectionable and not in the public interest.
- B. File a written request with the Township Board of Supervisors that it hold a public hearing on his/her application for final approval.

If the landowner wishes to take either of such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he/she shall be deemed to have abandoned the development plan.

Any such public hearing shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made in writing by the landowner. The hearing shall be conducted in the manner prescribed in this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the public hearing, the Township Board of Supervisors shall, by official written communication, either grant final approval to the development plan or deny final approval.

The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain findings required for an application for tentative approval as set forth in this Article.

A development plan, or any part thereof, which has been given final approval, shall be so signed and certified without delay by the Township Board of Supervisors. Said development plan shall be filed of record forthwith in the Office of the Recorder of Deeds of Luzerne County before any development shall take place in accordance therewith. Upon filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion in accordance with the time provisions as provided for within the Bear Creek Township Subdivision and Land Development Ordinance, said planned residential development or part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat the developer shall record the plat within ninety (90) days from the date of approval and post a financial security in accordance with the Bear Creek Township Subdivision and Land Development Ordinance.

In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall abandon such plan or section thereof that has been finally approved, and shall so notify the Township Board of Supervisors in writing; or

in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions as provided within the Bear Creek Township Subdivision and Land Development Ordinance, after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the Township Zoning Ordinance in the manner prescribed for such amendments by this Ordinance.

SECTION 1614 JURISDICTION AND LEGAL REMEDIES

A. JURISDICTION

District Justices shall have initial jurisdiction over proceedings brought under B., LEGAL REMEDIES

B. LEGAL REMEDIES

. Any person, partnership or corporation who or which has violated the planned residential development provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceedings commenced by Bear Creek Township or the Zoning Officer, shall pay a judgment of not more than five-hundred (\$500.00) dollars, plus all court costs, including reasonable attorney fees incurred Bear Creek Township as a result of said proceedings. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, Bear Creek Township 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 has been a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. In such cases, 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 Bear Creek Township.

. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than Bear Creek Township the right to commence any action for enforcement pursuant to this Section.