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# Newtown Township Comprehensive Plan Ordinance

Newtown Township  
 Delaware County, Pennsylvania  
 Ordinance No. 2008-

AN ORDINANCE OF NEWTOWN TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA REQUIRING ALL MAJOR LAND DEVELOPMENT PROJECTS TO COMPLY WITH THE TOWNSHIP'S COMPREHENSIVE PLAN; RECOGNIZING AND PROVIDING FOR THE PROTECTION OF INDIVIDUAL AND COMMUNITY RIGHTS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE ORDINANCE.

### Section 1: Name

The name of this Ordinance shall be the "Newtown Township Comprehensive Plan Ordinance."

### Section 2: Authority

This Ordinance is adopted and enacted pursuant to the authority granted to the Township by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence, which declares that the people of Newtown Township are born with "certain unalienable rights" and that governments are instituted among people to secure those rights;

The Ninth Amendment to the United States Constitution, which declares, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people";

The Fourteenth Amendment to the United States Constitution, which declares in part, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States";

The Pennsylvania Constitution, Article 1, Section 1, (Inherent Rights of Mankind) which does not declare that corporations have any rights, but does declare that "All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness";

The Pennsylvania Constitution, Article 1, Section 2, (Political Powers) which does not declare that corporations have any authority to govern, but does declare that "All power is inherent in the people, and all free governments are founded on their

authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper”;

The Pennsylvania Constitution, Article 1, Section 17 (Ex Post Facto Laws; Impairment of Contracts), which does not declare that corporations shall be perpetuities or that incorporators shall enjoy special privileges and immunities which are irrevocable, but instead declares in part that “No law making irrevocable any grant of special privileges or immunities, shall be passed”;

The Pennsylvania Constitution, Article 1, Section 27 (Natural Resources and the Public Estate), which does not declare that the legislature may issue “permits” or other powers that protect corporations from litigation for harming or destroying the natural environment on which life depends, but instead declares that “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people”;

The Pennsylvania Constitution, Article 3, Section 31 (Delegation of Certain Powers Prohibited), which does not declare private corporations superior to the People, immune to their right to local self-government, or privileged to override the policies and laws of municipal governments, but instead declares that “The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever”;

The Pennsylvania Constitution, Article 10, Section 3 (Revocation, Amendment and Repeal of Charters and Corporation Laws), which does not declare private corporations to be above or equal to the People in their right to local self-government, but declares that “All charters of private corporations and all present and future common or statutory law with respect to the formation or regulation of private corporations or prescribing powers, rights, duties or liabilities of private corporations or their officers, directors or shareholders may be revoked, amended or repealed”;

The provisions of the Second Class Township Code Article XV, as codified in 53 P.S. §66501 et seq. to provide for the protection and preservation of natural resources and human resources, and to promote, protect, and facilitate public health, safety, and welfare;

Pennsylvania Statutes, Tit. 53, Municipal and Quasi-Municipal Corporations, §66506, which authorizes the people of Newtown Township to enact ordinances necessary for the proper management, care, and control of the Township and its finances and the maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce, and manufacturers;

The provisions of the Second Class Township Code, Article XV, as codified at 53 P.S. §66527, which empowers the Township to adopt ordinances to secure the safety of persons or property within the Township;

The provisions of the Second Class Township Code, Article XV, as codified at 53 P.S. §66529, which empowers the Township to prohibit the carrying on of any offensive manufacture or business;

The provisions of the Second Class Township Code, Article XVI, as codified at 53 P.S. § 66601 et seq. that authorizes the Township to enact ordinances dealing with the protection of township residents’ health, nuisances, and promotion of public safety.

### Section 3: Findings and Purpose

A general purpose of this Ordinance is to recognize the right of Newtown Township residents to decide the future of their Township by making the Comprehensive Plan - developed by the residents of the Township – legally binding. Through this Ordinance, the people of Newtown Township recognize that undemocratic departures from the Township’s Comprehensive Plan constitute a violation of the fundamental rights of people and ecosystems within Newtown Township.

It is a specific finding of the Township that certain development corporations, due to their size and capitalization, have less reason to cooperate with the community to achieve its vision as set forth within the Comprehensive Plan, and that the rights of people and ecosystems must override the claimed rights of corporations that are usually used to nullify community land development plans.

The Township further finds that strict compliance with the Township Comprehensive Plan by corporations and persons engaging in major land development projects will promote community cohesion and public accountability, and that allowing land development questions to be settled through law suits, threats of law suits, bartering away community rights, and disregarding express community policies, will degrade this community’s environment, aesthetic qualities, viability as a livable community, and do harm to the rights of present and future generations. The Township recognizes its responsibility to promote

the health, safety and welfare of the community, its residents and environment, and it finds certain types of land development to be antithetical to these ends. The purpose of this Ordinance is to eliminate land development projects which benefit the few by creating short-term profits, and replace it with land development which reflects the values and aspirations of the many residents of Newtown Township. This Ordinance furthers that goal by making those values and aspirations, formalized in the Newtown Township Comprehensive Plan, the legal basis for the approval of all major land use proposals.

Through this Ordinance, the people of Newtown Township declare that corporations' engaging in land development is deemed by the Township to be harmful to the natural environment, traditions, heritage, policies and quality of life in the Township, and that corporate land development is more likely to violate the rights of natural and human communities in the Township. The people of the Township further recognize and declare that a minority of people using corporations to engage in various types of land development increasingly determine development policy in the Commonwealth, and that the Township must take affirmative steps to subordinate the powers of those corporations to the will of the majority within Newtown Township.

#### Section 4: Interpretation.

Anyone interpreting, implementing, or applying this Ordinance, shall give priority to the findings and purposes stated in Section 3 over such accounting and business terms characterized as "economy," "efficiency," and "scheduling factors."

#### Section 5: Definitions

The following terms shall have the meanings defined in this section wherever they are used in this Ordinance.

**Cause damage to natural communities and ecosystems:** this term and equivalent terms shall include but not be limited to alteration, removal, destruction, eradication, or other actions inflicted upon natural communities and ecosystems, in whole or in part, that bring about the cessation of the ability of natural communities and ecosystems to exist and flourish independent of human intervention. The term and equivalent terms shall also include trespass by the deposition of toxic substances or potentially toxic substances, manufactured chemicals and toxins, genetically engineered life forms, and radioactive substances and their progeny, whether synthetic or of altered or engineered natural origin, within, upon, or adjacent to a human body, a natural community or an ecosystem in Newtown Township.

**Comprehensive Plan:** the 1999-2000 Newtown Township Comprehensive Plan, and future Comprehensive Plans that are developed by the residents and Township government within Newtown Township.

**Corporation:** any corporation organized under the laws of any state of the United States or under the laws of any country. The term shall also include any limited partnership, limited liability partnership, business trust, or limited liability company organized under the laws of any state of the United States or under the laws of any country, and any other business entity that possesses State-conferred limited liability attributes for its owners, directors, officers, and/or managers. The term shall also include any business entity in which one or more owners or partners is a corporation or other entity in which owners, directors, officers and/or managers possess limited liability attributes.

**DEP:** the Pennsylvania Department of Environmental Protection.

**Deposition:** the placement of a toxic substance or potentially toxic substance within the body of a person, a natural community or ecosystem. The act of deposition shall be assumed if a toxic substance or potentially toxic substance is detected within the body of a person, in a natural community or ecosystem.

**Ecosystem:** the term shall include, but not be limited to, wetlands, streams, rivers, aquifers, and other water systems, as well as all naturally occurring habitats that sustain wildlife, flora and fauna, soil-dwelling or aquatic organisms.

**Engage In Land Development:** shall include any actions taken to 1) alter landscape by cutting or removing trees or altering terrain for the purpose of constructing a group of two or more residential buildings, whether proposed initially or cumulatively, or for construction of a single nonresidential building or structure on a lot or lots regardless of the number of occupants or tenure; 2) take by eminent domain any land where the cutting or removing of trees or altering of terrain for the purpose of constructing a group of two or more residential buildings, whether proposed initially or cumulatively; or for construction of a single nonresidential building or structure on a lot or lots regardless of the number of occupants or tenure; 3) arrange by contract, sale or lease the altering of landscape by cutting or removing trees or altering terrain for the purpose of constructing a group of two or more residential buildings, whether proposed initially or cumulatively; or for construction of a single nonresidential building or structure on a lot or lots regardless of the number of occupants or tenure.

**Exist and flourish:** the term shall include, but not be limited to, the ability of natural communities and ecosystems to sustain and continue to exercise natural tendencies to promote life, reproduction, non-synthetic interactions and interdependencies among proliferating and diverse organisms; the term shall also include the ability of natural communities and ecosystems to establish and sustain indefinitely the natural processes and evolutionary tendencies that promote well-being among flora, fauna, aquatic life, and the ecosystems upon which their mutual benefit depends.

**Major Land Development Project:** any plan, proposal or application to engage in land development, and any actions based on

those plans, proposals or applications, involving land in excess of two acres or a total expenditure or indebtedness in excess of one million dollars. This term shall encompass any set of plans, proposals or applications, and any actions based on those plans, proposals or applications, to engage in land development by the same person or corporation over a seven year period, in which the cumulative affected area would exceed two acres or the total expenditure or indebtedness would exceed one million dollars. Cumulative affected areas and expenditure or indebtedness at any one time, or over a period of seven years, shall be calculated by including all plans, proposals or applications submitted for approval to the Township Planning Commission or Board of Supervisors by the same person, corporation, or other entity, or their parent, sister, and successor companies, subsidiaries, and alter egos; and any person, corporation, or other entity substantially owned or controlled by the person, corporation, or other entity (including its officers, directors, or owners) submitting any plan, proposal or application for approval to the Township Planning Commission or Board of Supervisors.

Natural Communities: wildlife, flora, fauna, soil-dwelling and aquatic organisms, as well as humans and human communities that have established sustainable interdependencies within a proliferating and diverse matrix of organisms, within a natural ecosystem.

Ordinance: the Newtown Township Comprehensive Plan Ordinance.

Person: a natural person or an association of natural persons that does not qualify as a corporation under this Ordinance.

Regulatory Agency, Commission or Board: for purposes of enforcement of this Ordinance, any licensing or permitting body created by federal, state or municipal governments.

Resident: a natural person residing in Newtown Township, Pennsylvania.

Substantially Owned or Controlled: a person, corporation, or other entity substantially owns or controls another person, corporation, or other entity if it has the ability to evade the intent of this Ordinance by using that person, corporation, or other entity to violate this Ordinance.

Sustainable Interdependencies: co-existence of human and non-human organisms and communities, where human health and survival can be maintained and where human activities do not cause damage to natural communities and ecosystems.

Township: Newtown Township, Delaware County Pennsylvania, its Board of Supervisors, or the Board's representatives or agents.

Township resident: a natural person who maintains a primary residence within the Township of Newtown.

Toxic substances and potentially toxic substances: The phrase shall include chemicals or chemical compounds, sludges and waste, radioactive ores, mine tailings, millings, waste liquors and radioactive progeny, particulate matter and gasses, that have been found to cause adverse effects to animals, humans, or ecosystems, including those chemicals, chemical compounds, sources of radiation, and all other substances deemed to be mutagenic, neurotoxic, carcinogenic, teratogenic, reproductive or developmental toxicants, or any other toxic chemical or hazardous substance identified by the Township Supervisors of the Township of Newtown by resolution as subject to this Ordinance. The phrase shall specifically include, but shall not be limited to, chlorinated solvents, polychlorinated biphenyls, organophosphate pesticides, organochlorine pesticides, carbamate insecticides, polybrominated diphenyl ethers (PBDEs), polychlorinated dioxins and dibenzofurans, pyrethroid pesticides, polynuclear aromatic hydrocarbons, cyanide, arsenic, cadmium, chromium, lead, mercury, asbestos, petroleum products, and industrial solvents.

#### Section 6: Statements of Law: Rights of Newtown Township Residents and Communities

Section 6.1: Right to Water. All residents, natural communities and ecosystems in Newtown Township possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the Township.

Section 6.2: Rights of Natural Communities. Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems, possess inalienable and fundamental rights to exist and flourish within the Township of Newtown.

Section 6.3: Right to Self-Government. All residents of Newtown Township possess the fundamental and inalienable right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent, and that corporate entities and their directors and managers shall not enjoy special privileges or powers under the law which make community majorities subordinate to them, nor shall any class of people enjoy such privileges or powers.

Section 6.4: Right to a Healthy Environment. All residents of Newtown Township possess a fundamental and inalienable right to a healthy environment, which includes the right to unpolluted air, water, soils, flora, and fauna, and to protect the rights of

natural communities and ecosystems, of which each resident is both intrinsically a part and extrinsically dependent.

Section 6.5: Right to Self. All residents of Newtown Township possess a fundamental and inalienable right to the integrity of their bodies, and to be free from unwanted invasions of their bodies by manufactured chemicals and toxins, including but not limited to toxic chemicals and potentially toxic chemicals as well as genetically engineered life forms, bacterial and viral pathogens, radioactive substances and their progeny, as well as a right to privacy of their bodies against involuntary surveillance, searches and inspections, or denial of medical treatment.

Section 6.6: Right to Livelihood and Home. All residents of Newtown Township possess a fundamental and inalienable right to their livelihood, homes and land, and a right to enjoy those homes and land.

Section 6.7: Right to Cultural Heritage All residents of Newtown Township possess a fundamental and inalienable right to their communities' cultural heritage within the Township. Residents' right to their own histories shall include a right to the preservation of historic buildings, unaltered rural historic districts and landscapes, and other structures, relationships, and lands that residents of Newtown Township consider important to the preservation of their cultural heritage.

Section 6.8: People as Sovereign. The Township of Newtown shall be the governing authority responsible to, and governed by, the residents of the County. Use of the "Newtown Township" municipal corporation by the sovereign people of the Township to make law shall not be construed to limit or surrender the sovereign authority or immunities of the people to a municipal corporation that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and infeasible right to self-governance in the community where they reside.

Section 6.9: Comprehensive Plan Codified as Law. The Newtown Township Comprehensive Plan is the formal statement of the community's right to assert self-governing authority to protect the health, safety, welfare and quality of life for the people and environment of the Township; it expresses the Township's vision for the present and the future and is the law of the Township. Permission to engage in land development within the Township shall be continuously conditional upon strict compliance, in all respects, with the Comprehensive Plan. Any permit, conditional use, zoning change, order or agreement of any description that violates the letter and intent of this provision shall be void as a matter of law.

Section 7: Statements of Law: Compliance with the Comprehensive Plan, Prohibitions, Corporate Powers and Township Duties

Section 7.1: Every major land development project shall comply fully with the provisions of the Newtown Township Comprehensive Plan.

Section 7.2: Compliance with the Newtown Township Comprehensive Plan shall be determined by both the Township Planning Commission and the Township Board of Supervisors, by a review of all plans, proposals, contracts, applications and any information either body shall require to make that determination. Compliance shall be deemed insufficient if either body shall rule in the negative, and shall be deemed sufficient only if both bodies shall so rule.

Section 7.3: It shall be unlawful for any major land development project to interfere with the rights of natural communities and ecosystems to exist and flourish, or to cause damage to those natural communities and ecosystems. The Township, along with any resident of the Township, shall have standing to seek declaratory, injunctive, compensatory, and punitive relief for damages caused to natural communities and ecosystems by a major land development project within the Township, regardless of the relation of those natural communities and ecosystems to Township residents or the Township itself. Township residents, natural communities, and ecosystems shall be considered to be "persons" for purposes of enforcing the federal civil rights of those residents, natural communities, and ecosystems.

Section 7.4: It shall be unlawful for any corporation - or the corporation's agents, directors, officers, owners, or managers operating in their corporate capacities - to transfer any monies, services, products, or any other thing of value, to persons serving as candidates for elected or appointed offices within the Township. It shall be unlawful for any corporation - or the corporation's agents, directors, officers, owners, or managers operating in their corporate capacities - to contact, or to communicate with, any resident of Newtown Township concerning any issue related to the substance or enforcement of this Ordinance.

Section 7.5: Within Newtown Township, corporations shall not be "persons" under the United States or Pennsylvania Constitutions, or under the laws of the United States, Pennsylvania, or Newtown Township, and so shall not have the rights of persons under those constitutions and laws. In addition, within the Township of Newtown, no corporation shall be afforded the privileges, powers, and protections of the Contracts Clause or Commerce Clause of the United States Constitution, or of similar provisions from the Pennsylvania Constitution.

Section 7.6: Within Newtown Township, corporate claims to "future lost profits" shall not be considered property interests under the law, and thus, shall not be recoverable by corporations seeking those damages.

Section 7.7: Any corporation engaging in, or planning to engage in land development in violation of this Ordinance shall not

possess limited liability attributes within the Township of Newtown for the purposes of the enforcement of this Ordinance. Directors, officers, owners, and/or managers of that corporation shall be personally liable for violations of this Ordinance.

Section 7.8: Persons using corporations to engage in land development in a neighboring municipality shall be strictly liable for all harms caused to the health, safety, and welfare of the residents of Newtown Township resulting from those activities, and for all harms caused to ecosystems and natural communities within Newtown Township.

Section 7.9: No permit, license, privilege or charter issued by any State or federal regulatory agency, commission or board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the provisions of this Ordinance or deprive any Township resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Ordinance, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be deemed valid within Newtown Township. Additionally, any employee, agent or representative of any State or federal regulatory agency, commission or board who issues a permit, license, privilege or charter to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the provisions of this Ordinance or deprive any Township resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Ordinance, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be liable to the party injured and shall be responsible for payment of compensatory and punitive damages and all costs of litigation, including, without limitation, expert and attorney's fees. Compensatory and punitive damages paid to remedy the violation of the rights of natural communities and ecosystems shall be paid to the Township of Newtown for restoration of those natural communities and ecosystems.

Section 7.10: The Comprehensive Plan shall not be materially altered or amended in the absence of the approval of a majority of electors within Newtown Township of those alterations or amendments. Following the vote of the Newtown Township Supervisors to approve such alterations or amendments, the alterations or amendments shall be placed on the ballot as a referendum at the next available municipal election, and electors shall be asked to approve or disapprove the alterations or amendments. Approval by a majority vote shall make the alterations or amendments effective.

#### Section 8: Administration

The Newtown Township Board of Supervisors shall administer this Ordinance.

#### Section 9: Enforcement

Section 9.1: Any person, corporation, or other entity that engages in land development is required to report information necessary for the enforcement of this Ordinance to either the Township's Code Enforcement Officer or to the Township Supervisors, on a monthly basis, on forms provided by the Township pursuant to this Ordinance. The Township shall monitor such reports and notify the Code Enforcement Officer of any possible violations, and any resident of the Township may also notify the Township of any possible violations. If the Township fails to bring an action to enforce this Ordinance, any resident of the Township has standing in those Courts to enforce this Ordinance.

Section 9.2: Newtown Township shall enforce this Ordinance by an action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. (See 53 P.S. § 66601(c.1)(2).)

Section 9.3: Any person, corporation, or other entity that violates any provision of this Ordinance shall be guilty of a summary offense and, upon conviction thereof by a district justice, shall be sentenced to pay a fine of \$750 for first-time violations, \$1000 for second-time violations, and \$1000 for each subsequent violation, and shall be imprisoned to the extent allowed by law for the punishment of summary offenses. (See 53 P.S. § 66601(c.1)(2).)

Section 9.4: A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this Ordinance that is found to be violated.

Section 9.5: Newtown Township may also enforce this Ordinance through an action in equity brought in the Court of Common Pleas of Delaware County. (See 53 P.S. § 66601 (c.1)(4)). In such an action, Newtown Township shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

Section 9.6: All monies collected for violation of this Ordinance shall be paid to the Treasurer of Newtown Township.

Section 9.7: Any person, corporation, or other entity that violates, or is convicted of violating this Ordinance, two or more times shall be permanently prohibited from doing business within the Township of Newtown. This prohibition applies to that person's, corporation's, or other entity's owner (either partial or complete), successor companies, subsidiaries, and alter egos; and to any person, corporation, or other entity substantially owned or controlled by the person, corporation, or other entity (including its officers, directors, or owners) that twice violates this Ordinance, and to any person, corporation, or other entity that substantially owns or controls the person, corporation, or other entity that twice violates this Ordinance.

Section 9.8: Any Township resident shall have the authority to enforce this Ordinance through an action in equity brought in the Court of Common Pleas of Delaware County. In such an action, the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

Section 10: Civil Rights Enforcement

Section 10.1: Any corporation operating under a State charter or certificate of authority to do business, or any director, officer, owner, or manager of a corporation operating under a State charter or certificate of authority to do business, who deprives any Township resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Ordinance, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be liable to the party injured and shall be responsible for payment of compensatory and punitive damages and all costs of litigation to satisfy that liability, including, without limitation, expert and attorney's fees. Compensatory and punitive damages paid to remedy the violation of the rights of natural communities and ecosystems shall be paid to Newtown Township for restoration of those natural communities and ecosystems.

Section 10.2: Any Township resident shall have standing and authority to bring an action under this Ordinance's civil rights provisions, or under state and federal civil rights laws, for violations of the rights of natural communities, ecosystems, and Township residents, as recognized by any section of this Ordinance.

Section 11: People's Right to Self-Government

The foundation for the making and adoption of this law is the people's fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, property, and pursuit of happiness. Any attempts to use county, state, or federal levels of government – judicial, legislative, or executive - to preempt, amend, alter, or overturn this Ordinance or parts of this Ordinance, or to intimidate the people of Newtown Township or their elected officials by threatening to sue or by suing, shall require the Board of Supervisors of Newtown Township to hold Township-wide public meetings that explore the adoption of other measures that expand local control and the ability of residents to protect their fundamental and inalienable right to self-governance. Such consideration may include actions to separate the municipality from the other levels of government used to preempt, amend, alter, or overturn the provisions of this Ordinance or other levels of government used to intimidate the people of Newtown Township or their elected officials.

Section 12: Severability

The provisions of this Ordinance are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance. The Board of Supervisors of Newtown Township hereby declares that in the event of such a decision, and the determination that the court's ruling is legitimate, it would have enacted this Ordinance even without the section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional.

Section 13: Repealer

All inconsistent provisions of prior Ordinances adopted by the Newtown Township Board of Supervisors are hereby repealed, but only to the extent necessary to remedy the inconsistency.

Section 14: Effective Date and Existing Permit-holders

This Ordinance shall be effective five (5) days after the date of its enactment, at which point the Ordinance shall apply to any and all land development in Newtown Township regardless of the date of applicable permits.

ENACTED AND ORDAINED this \_\_\_ day of \_\_\_\_\_, 2008, by the Board of Supervisors of Newtown Township of the Commonwealth of Pennsylvania.

By: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

