

ARTICLE VII. ENFORCEMENT PROCEDURE

SECTION 701. ZONING OFFICER

The provisions of the Zoning Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by, and be responsible to, the Township Supervisors. He may be provided with the assistance of such persons as the Township Supervisors may direct. The compensation of the Zoning Officer and all employees shall be determined by the Township Supervisors, by resolution. Matters pending before the Zoning Officer at the time this Ordinance becomes effective shall be completed pursuant to the provisions of this ordinance by the present Zoning Officer, who shall continue to hold his office for the remainder of his term.

SECTION 702. DUTIES AND RESPONSIBILITIES OF ZONING OFFICER

The Zoning Officer shall administer this ordinance in accordance with its literal terms and shall not have the power to permit any construction or any change of use which does not conform to this Ordinance and all Other Provisions.

A. Application and Permits. The Zoning Officer shall receive applications and issue Permits, registrations and/or Certificates of Use and Occupancy for the erection, construction, alteration, repair, extension, replacement, relocation, registration, conversion and/or occupancy of any building, structure, sign, or land in the Township.

B. Inspection. Before issuing any permit, the Zoning Officer may, at his discretion, examine or cause to be examined all buildings, structures, signs, or land and portions thereof for which an application has been filed. Thereafter he may make such inspections as are necessary during the completion of work and before issuing a Certificate of Use and Occupancy, a final inspection shall be made and all violations of approved plans or permit shall be noted and the potential holder of the Permit shall be notified of the discrepancies. All such violations shall be removed and the applicant shall comply with all relevant Other provisions before a Certificate of Use and Occupancy is granted.

C. Complaints Regarding Violations. The Zoning Officer may, on his own initiative, or shall, when in receipt of a signed written complaint stating fully the cause and basis thereof investigate alleged violations of the Zoning Ordinance. If a signed written complaint is received, said investigation shall be completed within twenty (20) days of receipt of said complaint. A written report of all investigations of the Zoning Officer shall be prepared and filed by the Zoning Officer with the Township Supervisors.

D. Official Records. It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the township. These records shall include, but not be limited to, all applications received, copies of all Permits, Registrations, and Certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance and

all amending ordinances, the Official Zoning Map, and all other pertinent information. The records of his office shall be kept at the Township Offices and shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The Zoning Officer shall as often as required by the Township Supervisors, but not less often than annually, submit to the Township Supervisors a written statement of all Permits, Registrations, and Certificates of Use and Occupancy issued and violations and stop work orders recommended or promulgated.

E. Enforcement Notice. If it appears to the Zoning Officer that a violation of this ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided for in Section 616.1 of the Pennsylvania Municipalities Planning Code. The enforcement notice shall comply with all requirements of Section 616.1 and be served in the manner set forth therein. In no case shall the person so served abandon the premises in such a condition as to create a hazard or menace to the public safety, health, morals, or welfare. *[Amended by Ord. 02-061190, 6/11/90, §12.]*

F. Prosecution of Violation. If the notice of violation is not complied with within the time limitation set forth in the enforcement notice, the Zoning Officer shall notify the Township Supervisors who may then, in their sole and uncontrolled discretion, direct the Zoning Officer to institute in the name of the Township Zoning Officer any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use in violation of the provisions of this Ordinance or of the order or direction made pursuant thereto or to prosecute the violator. *[Amended by Ord. 02-061190, 6/11/90, §13.]*

G. Temporary Certificate of use and Occupancy. Upon request of the holder of a Permit, the Zoning Officer may issue a temporary Certificate of Use and Occupancy for a portion thereof before the entire work covered by the Permit shall have been completed; provided that such portion or portion may be used or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer may also issue a temporary Certificate of Use and Occupancy for such temporary uses as tents, construction trailers and buildings on construction sites, use of land for religious or other public or semi-public purposes and similar temporary use or occupancy. Such temporary Certificates shall be for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding four (4) months.

SECTION 703. VIOLATION, PENALTIES, AND ENFORCEMENT

A. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Township from instituting appropriate action, in law or equity, to prevent unlawful erection or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy or to stop an illegal act, conduct, business, use or occupancy in and about any premises, all said rights and remedies of the Township being hereby preserved.

B. Penalties. In addition to the aforesaid (Subparagraph A. hereof), any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgement 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 judgement, the Township shall enforce the judgement pursuant to the applicable rules of civil procedure.

C. 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 was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that 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.

[Amended by Ord. 02-061190, 6/11/90, §14.]

SECTION 704. PERMITS

A. Requirements. It shall be unlawful to commence the excavation or construction, erection, or placement of any structure, or to commence the moving or alteration of any structure, until the Zoning Officer has issued a Permit for such work. Any excavation or construction or erection of any structure shall comply with all provisions of this Ordinance, and all Other Provisions. However, no Permit shall be required for repairs to and maintenance of any structure, provided that such repairs and maintenance do not change the use, or structure or otherwise violate the provisions of the Zoning Ordinance or all Other Provisions. A Permit shall be required for every sign, of any type, character or size described in this Ordinance except signs listed in SECTION 504.A12.a, b, c, d, and f hereof only.

B. Form of Application. The application for Permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed by resolution of the Board of Supervisors. Application for a Permit shall be made by the landowner. The full names and addresses of the landowner and any developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.

C. Description of Work. The application shall contain a General description of the proposed work and/or use and occupancy of all parts of the structure or land and such additional information as may be required by the Zoning Officer. The application shall be accompanied by a plot plan of the land showing the proposed structure drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing lot lines and street right of way lines and

structures and any other information necessary to determine if the applicant will be complying with the Ordinance and Other Provisions.

D. Time Limit for Application. An application for a Permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless during that six (6) month period a Permit shall have been issued; provided, that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.

E. Issuance of Permit. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of this Ordinance and all Other Provisions, he shall reject such application in writing, stating the reasons therefore, he shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work or use conforms to the provisions of this Ordinance and all other Provisions, he shall issue a Permit therefore as soon as practical. Compliance with all Other Provisions shall be a prerequisite to the issuance of any Permit.

F. Payment of Fees. No Permit shall be issued until the fees prescribed by the Township Supervisors pursuant to Resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said Permit from Payment of other fees that may be required by this Ordinance or by any Other Provisions.

G. Compliance with Ordinance. The Permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of said Permit of this Ordinance. All work or use shall strictly conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

H. Expiration of Permit. The Permit shall expire one year from the date of issuance; provided, that the Permit may be extended by the Zoning Officer upon reasonable cause shown and at his discretion for one or two six (6) month periods not to exceed an additional one (1) year.

I. Revocation of Permit. The Zoning Officer may revoke a Permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the Permit or approval was based, violation of paragraph G. hereof or for any other cause set forth in the Zoning Ordinance.

J. Posting of Permit. A true copy of the Permit shall be kept on the site of operations and open to inspection by the Zoning Officer during the entire time of prosecution of the work and until the completion of same as defined in the application. A true copy of the Permit shall be posted on the site of operations in such a manner that it is protected from weather and readable from a public road.

SECTION 705. CERTIFICATE OF USE AND OCCUPANCY

- A. When Required. It shall be unlawful to use and/or occupy any structure or land or portion thereof for which a Permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue such Certificate unless he has inspected said structure or land and has determined that all provisions of the Permit, the Zoning Ordinance, and all Other Provisions have been satisfied.
- B. Form of Application. The application for a Certificate of Use and Occupancy shall be in such form as the Zoning Officer may prescribe.
- C. Description of Use and Occupancy. The application shall contain a description of the intended use and occupancy of any structure or land or portion thereof for which a Permit is required herein.
- D. Action upon Application. The Zoning Officer shall inspect any land or structure within ten (10) days after notification that the proposed work that was listed under the Permit has been completed. If he is satisfied that the work is complete in accordance with the terms of the permit, then he shall issue a Certificate of Use and Occupancy for the intended use listed in the approved application.
- E. Availability of Certificate. The Certificate of Use and Occupancy or a true copy thereof, shall be kept available for inspection by the Zoning Officer at the location to which it relates.