

Article VII - Administration and Enactment

Section 700 PERMITS

§700.1 Building/Zoning Permits: Where required by the Penn Township Building Permit Ordinance for the erection, enlargement, repair, alteration, moving or demolition of any structure, a building permit must be obtained from the Township Zoning Officer.

All building permits shall expire unless the work authorized therein shall have been undertaken within a period of ninety (90) calendar days from the date of issuance, and unless such work shall have been fully completed with a period of one (1) calendar year from the date of issuance. However, that in the case of large or extensive projects the Township Zoning Officer may at the written request of the permittee extend the time for completion to a period not exceeding two (2) years from the date of issuance in one (1) year increments.

The permit application must be accompanied by a site plan showing as necessary to demonstrate conformity to this Ordinance:

- a) Lot: The location and dimensions of the lot.
- b) Streets: Names and widths of abutting streets and highways.
- c) Structures & Yards: Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within one hundred (100) feet of the proposed structure but off the lot.
- d) Improvements: Proposed off-street parking and loading areas, access drives, and walks. Proposed sewage disposal system.
- e) Drawing Scale: For lots less than one half (1/2) acre, the site plan must be at the scale of one (1) inch = twenty (20) feet; for larger lots, the site plan must be at scale of one (1) inch = forty (40) feet. The north point must be shown on all site plans.

Prior to issuing a building permit the contractor shall provide to the Township proof of workers' compensation insurance coverage, state-approved self-insurance status or sign an affidavit that the contractor does not employ other individuals and is not required to carry workers' compensation insurance pursuant to the Department of Labor and Industry's Act 44, effective August 31, 1993, amending the Worker's Compensation Act under Section 302.

§700.2 Use Certificates: A use certificate, certifying compliance with this Ordinance

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must be obtained from the Township Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established:

- a) Use of a structure erected, structurally altered or extended, or moved after the effective date of this Ordinance.
- b) Use of vacant land except for agricultural purposes.
- c) Any change in a conforming use of a structure or land.
- d) Any change from a nonconforming use of a structure or land to a conforming use.
- e) Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms to this Ordinance.

Section 701 ERRONEOUS PERMIT

A building permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

Section 702 ENFORCEMENT - ZONING OFFICER

§702.1 Appointment and Powers: For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Board of Commissioners. The Township Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use that does not conform to this Ordinance. The Township Zoning Officer is the enforcement officer for this Ordinance. He issues all building permits, use certificates, and at direction of the Zoning Hearing Board, special exceptions and variances. The Township Zoning Officer shall identify and register nonconforming uses and non-conforming structures. The Township Zoning Officer may conduct

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inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with consent of the owner.

§702.2 Forms: The Township Zoning Officer must provide a form or forms prepared by the Township Solicitor for:

- a) Building permits.
- b) Special exceptions.
- c) Use certificates.
- d) Appeals.
- e) Variances.
- f) Registration of nonconforming uses and nonconforming structures.

§702.3 Transmittal of Papers: Upon receipt of an application for a special exception, variance or a notice of appeal, the Township Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Township Planning Commission, copies of all papers constituting the record upon the special exception, variance, or appeal.

§702.4 Action on Building Permits: Within ten (10) business days after receipt of a completed application for a building permit, fees, and site plans the Township Zoning Officer must grant or refuse the permit. (The Township Zoning Officer shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No building permit shall be issued until the Township Zoning Officer has certified that the site for the proposed building, alteration, or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plan.) If the application conforms to the applicable requirements of the Building Permit Ordinance and this Ordinance, the Township Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds of his refusal.

§702.5 Action on Use Certificates: Within thirty (30) days, except for holidays, after receipt of a completed application and payment of fees for a use certificate, the Township Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state in

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writing the grounds of his refusal.

§702.6 Enforcement: If it appears to the Township that a violation of any zoning ordinance enacted under Act 170 or prior enabling laws has occurred, the Township Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

An enforcement notice shall state at least the following:

- a) The name of the owner of record and any other person against whom the Township intends to take action.
- b) The location of the property in violation.
- c) The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provision of the ordinance.
- d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- e) That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in this ordinance.
- f) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

§702.7 Records: The Township Zoning Officer must keep record of:

- a) All applications for building permits, use certificates, special exceptions, variances, interpretation appeals and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
- b) All complaints of violations of provisions of this Ordinance and the action taken on them.

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- c) All plans submitted.
- d) Nonconforming uses and nonconforming structures.
All such records and plans shall be available for public inspection.
- e) Records of all proceedings before the Zoning Hearing Board.

§702.8 Reports: At intervals of not greater than one (1) month, the Township Zoning Officer must report to the Township Commissioners:

- a) The number of building permits and use certificates issued.
- b) The number of complaints of violations received and the action taken on these complaints.

Section 703 MODIFICATIONS

The regulations embodied in this Ordinance are the minimum standards for the protection of the public welfare. When special circumstances warrant, the Township may impose stricter standards.

Section 704 AMENDMENTS

§704.1 The Township Commissioners may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance.

§704.2 Before voting on the enactment of an amendment, the governing body shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at pointed deemed sufficient by the municipality along the parameter of the tract to notify potentially interested citizens. The affected tract of area shall be posted at least one week prior to the date of the hearing.

In the case of an amendment other than that prepared by the planning agency, the governing body shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

If after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Commissioners shall hold another public hearing, pursuant to public

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notice, before proceeding to vote on the amendment.

At least thirty (30) days prior to the public hearing on the amendment by the Board of Commissioners, the Township shall submit the proposed amendment to the county planning agency for recommendations.

The municipality may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, of Act 170.

Within 30 days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the county planning agency.

Section 704.3 Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any revision thereof, which prohibits or restricts the use of development of land in which he has an interest may submit a curative amendment to the Township Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 170 as amended.

Section 705 **FEES**

The Township Commissioners must set fees for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, and use certificates. The fee schedule shall be available at the Township Building for inspection.

Section 706 **APPEALS**

Any person aggrieved or affected by provision of this Ordinance or decision of the Township Zoning Officer, may appeal in the manner set forth in Article IX of the Pennsylvania Municipalities Planning Code, Act 170 as amended.

Section 707 **REPEALER**

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

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Section 708 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

Section 709 VIOLATIONS

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any ordinance enacted under Act 170 or prior enabling laws, the Board of Commissioners or, with the approval of the Board of Commissioners, an officer of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When a landowner or tenant institutes any such action, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Commissioners. No such action may be maintained until such notice has been given.

District justices shall have initial jurisdiction over proceedings brought under this section.

Any person, partnership, or corporation who or which as violated or permitted the violation of the provision of the zoning ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. 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, the 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 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

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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 zoning ordinances shall be paid over to the 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 to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

Section 710 VALIDITY

If a recognized court of the Commonwealth shall hold any section, clause, provision or portion of this Ordinance invalid or unconstitutional, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

Section 711 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2004.

Board of Commissioners
Penn Township
York County, Pennsylvania

Attest:

Secretary

By: _____
President