

ARTICLE XXXI
Administration and Enforcement
[Amended 8-24-1989 by Ord. No.89-09]

§ 150-358. Zoning Officer.

- A. The provisions of this chapter shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the "Zoning Officer." The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January to serve until the first day of January next following and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his/her successor is appointed. The Zoning Officer may succeed himself/herself. He/she shall receive such fees or compensation as the Board of Supervisors may, by resolution, provide. The Zoning Officer shall not hold any elective office within the township.
- B. Duties. The duties of the Zoning Officer shall be:
- (1) To receive, examine and process all applications as provided by the terms of this chapter. The Zoning Officer shall also issue building permits for special exception uses or for variances after the same have been approved. **[Amended 6-28-2001 by Ord. No. 01-03]**
 - (2) To record and file all applications for building permits or certificates of use and occupancy and accompanying plans and documents and keep them for public record.
 - (3) To inspect properties to determine compliance with all provisions of this chapter, as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments.
 - (4) Reserved¹
 - (5) Upon the request of the Board of Supervisors or the Zoning Hearing Board to present to such bodies facts, records and any similar information on specific requests and to assist such bodies in reaching their decisions.
 - (6) To be responsible for keeping this chapter and the Official Zoning Map up-to-date, including any amendments thereto.¹²

¹ Editor's Note: Former §150-358. Zoning Officer, subsection B.(4), was repealed 6-28-2001 by Ord. No. 01-03.

¹² Editor's Note: The Zoning Map is on file and available for inspection in the office of the Township Secretary.

- (7) Upon the granting by the Zoning Hearing Board of a variance pertaining to the regulatory floodplain, to notify the applicant in writing within fifteen (15) days that:
- (a) The granting of the variance may result increased premium rates for flood insurance; and
 - (b) Such variances may increase the risks to life and property, pursuant to Chapter 75, Flood Damage Prevention.
- (8) Upon the approval by the Zoning Hearing Board of a special exception for development located within the regulatory floodplain, to send written notice of the approval by registered mail to the Pennsylvania Department of Community and Economic Development. **[Amended 6-28-2001 by Ord. No. 01-03]**
- (9) To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the program in the township. (The report form shall be provided by the Federal Insurance Administration.)

§ 150-359. Enforcement

This chapter shall be enforced by the Zoning Officer of the township. No building permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this chapter. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment

§ 150-360. Unlawful acts; enforcement notice.

- A. Failure to secure a building permit prior to a change in use of land or structure or the erection, construction or alteration of any structure or portion thereof shall be a violation of this chapter. It shall also be a violation of this chapter to undertake other deliberate actions which are contrary to the terms of this chapter and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.
- B. If it appears to the township that a violation of any Zoning Ordinance enacted under the Act ²⁸ or prior enabling laws has occurred, the township shall initiate enforcement proceedings by sending an enforcement notice as provided in the following:

²⁸ Editor's Note: See 53 P.S. § 10101 et seq.

- (1) 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.
- (2) 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 which have not been met, citing in each instance the applicable provisions of this chapter.
 - (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 chapter.
 - (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.

§ 150-361. Violations and penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter enacted under the Act ²⁹ or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the township, pay a judgment of not more than five hundred dollars (\$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 be 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 this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth

²⁹ Editor's Note: See 53 P.S. § 10101 et seq.

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 chapter shall be paid over to the township.

§ 150-362. Additional remedies.

In case any building, structure, landscaping or land is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used or any hedge, tree, shrubs or other growth is maintained in violation of this chapter or of any regulations made pursuant hereto, in addition to other remedies provided by law, any appropriate action or proceedings, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.