

ARTICLE 22

APPEALS FROM THE ZONING HEARING BOARD

Any person or persons, or any board, or bureau of the Township aggrieved by any decision of the Zoning Hearing Board may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Article X, Pennsylvania Municipalities Planning Code.

ARTICLE 23

DUTIES OF ADMINISTRATIVE OFFICIAL

ZONING HEARING BOARD, TOWNSHIP AND SUPERVISORS

AND

COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all question of interpretation and enforcement shall be first presented to the Administrative Official, and that recourse from the decisions of the Zoning Hearing Board shall be to the course as provided by law and particularly by Article X, Pennsylvania Municipalities Planning Code.

It is further the intent of this Ordinance that the duties of the Township Supervisors in connection with this Ordinance shall not include hearing and deciding such questions of interpretation and enforcement that may arise. The procedure for deciding such question shall be as stated in this article and this Ordinance. Under this Ordinance the Township Supervisors shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by laws, (2) establishing a schedule of fees and charges as stated in Article 24 and (3) those duties specifically noted in other articles of this Ordinance.

ARTICLE 24

SCHEDULE OF FEES, CHARGES AND EXPENSES

The Township Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for Building Permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posed in the office of the Administrative Official, and may be altered or amended only by the Township Supervisors.

ARTICLE 25

AMENDMENTS

The regulations, restriction, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto by the Township Supervisors, at which parties in interest and citizens shall have an opportunity to be heard. At least fourteen (14) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Township at least once in each of two (2) successive weeks. If the amendment is initiated by any parties other than the Planning and Zoning Commission, the Township Supervisors shall submit each such amendment to the Planning and Zoning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning and Zoning Commission an opportunity to submit recommendations. If after any public hearing upon an amendment, the proposed amendment is revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

ARTICLE 26

PROVISIONS OF ORDINANCE

DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance, deed restriction, or covenants, the most restrictive or that imposing the higher standards shall govern.

ARTICLE 27

COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

ARTICLE 28

PENALTIES FOR VIOLATION

SECTION 28.01 – ENFORCEMENT NOTICE:

- A. If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. 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.
- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Township intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provision of this Ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of thirty (30) days.
 - 6. 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.

SECTION 28.02 – CAUSES OF ACTION:

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 this Ordinance, the Board of Supervisors, or with the approval of the Board of Supervisors, 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 any such action is instituted by a landowner or tenant, 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 Supervisors. No such action may be maintained until such notice has been given.

SECTION 28.03 – ENFORCEMENT REMEDIES:

- A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (500) dollars 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 is 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 Ordinance 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 (5th) 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 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 the Township.
- B. 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.
- C. 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.
- D. District justices shall have initial jurisdiction over proceedings brought under this Section.

ARTICLE 29

SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 30

REPEAL OF CONFLICTING ORDINANCES

EFFECTIVE DATE

All ordinance or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are here repealed to the extent necessary to give the Ordinance full force and effect. This Ordinance shall become effective on April 18, 1977.

Ordained and enacted into law this 13th day of April 1977, to become effective five (5) days from the date hereof.