**CHAPTER 27**

**ZONING**

**Part 12**

**Administration and Enforcement**

**§1201. Duties of the Zoning Officer.** The provisions of this Chapter shall be administered and enforced by the Zoning Officer who shall be appointed by the Township Supervisors and who shall hold no elective office in the municipality. Said Officer shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Supervisors may, from time to time, deem necessary for the effective implementation of the provisions of his Chapter. The Zoning Officer may be compensated for his work and shall have the following duties:

(1) To receive and process applications for permits, certificates, variances, special exceptions, conditional uses, appeals and other applications required under the terms of this Chapter;

(2) To prescribe the form of all applications, permits and certificates required under the terms of this Chapter;

(3) To issue Zoning Permits which comply with the requirements of this Chapter, within 30 days after receipt of an application for such a permit in accordance with the procedures set forth herein. **In cases involving requests for a conditional use, a special exception, or a variance, permits shall be issued only upon written order of the appropriate approving agency.** It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board and in certain instances (i.e., conditional uses and amendment requests), hearings before the Township Supervisors;

(4) To deny applications for Zoning Permits which do not meet the requirements of this Chapter, within 30 days following receipt of such application, in accordance with the procedures set forth herein.

(5) To examine land, buildings and structures to determine their consistency with this Chapter at the time of application filing, during the work and upon completion of the work;

(6) To issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity in accordance with the procedures set forth in this Chapter;

(7) To issue written notification for the repair or removal of dangerous buildings or structures in accordance with the procedures set forth in this Chapter;

(8) To issue written enforcement notices as specified in this Chapter where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Township Solicitor, Zoning Hearing Board and to the Township Supervisors;

(9) To maintain and update the official Zoning Map;

(10) To maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued;

(11) To issue Certificates of Nonconformance as requested;

(12) To issue preliminary opinions (in accordance with the procedure established in the PA Municipalities Planning Code) regarding whether a landowner’s proposed use or development complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general, local circulation. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined; and

(13) To perform such other duties as may be made necessary by the terms of this Chapter.

**§1202. General Procedure for Zoning Permit Application.** All persons desiring to undertake any new construction, structural alternatives or change in use of a building, structure or land shall apply to the Zoning Officer for a Zoning Permit by completing the appropriate application form and paying the appropriate fee. The Zoning Officer shall then either issue or deny the Zoning Permit or refer the application to the Zoning Hearing Board or the Township Supervisors for action as may be appropriate. After the applicant has received the Zoning Permit and all other permits required by local, state and federal ordinances, laws, statutes or regulations the applicant may proceed with the proposal as approved. Following completion of the project the applicant shall apply to the Zoning Officer for a Certificate of Occupancy. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Zoning Permit the Zoning Officer shall issue a Certificate of Occupancy. Thereafter the premises may be occupied or used in accordance with the said permit.

**§1203. Zoning Permits.**

 (1) Requirements for Zoning Permits. A Zoning Permit shall be required:

(a) Prior to the placement, erection, construction, addition, or alteration of any building or structure or portion thereof;

(b) Prior to the use or change in use of a building, structure or land, including parking lots;

(c) Prior to the erection or alteration of signs, except as specified herein;

(d) Prior to the change or extension of a nonconforming use; and

(e) Prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or to change a land use, until a Zoning Permit has been duly issued therefor. (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)

(f) Prior to the issuance of any Zoning Permit, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by Local, State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.

(Ordinance No. 19, adopted September 25, 2007)

 (2) Exemptions. Zoning Permits shall not be required for the following activities **unless they are proposed within a floodplain district:**

(a) Interior alterations when there is no increase in ground floor exterior dimension and no change in use;

(b) General exterior maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition or replacement of storm windows, and similar activities;

(c) Agricultural activities, including crop or tree farming, and agricultural pasture fencing;

(d) Landscaping;

(e) Construction or erection of land terraces, steps or other similar features;

(f) Placement or location of utility distribution lines;

(g) Razing of buildings or structure; or

(h) The construction or placement of accessory structures containing less than 100 square feet in area.

 (3) Application for Zoning Permits. Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible parties shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of an application to issue or deny the Permit. Any denial shall be in writing and shall state the reason(s) for such action.

 (4) Description of Work and Plan Requirements. All applications for Zoning Permits shall show the actual shape and dimensions of the lot, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, and such other information as may be necessary to determine compliance with this Chapter and all other pertinent regulations, including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

All applications and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

Written certification as to the name of the street, public or private, which abuts the real estate, the address of the building or buildings and the tax parcel identification number from the appropriate Union County agency, if the same is deemed necessary by the Zoning Officer.

(Ordinance No. 02-05, adopted May 28, 2002)

 (5) Applicability of Other Regulations. An applicant shall obtain all approvals and permits required by any local, state or federal law, statute, ordinances, rules or regulations for the use specified in the Zoning Permit Applications. The applicant shall submit copies of the required approvals, permits and certificates of compliance to the Zoning Officer as part of the application for a Zoning permit. The holder of the Zoning Permit shall comply with the provisions of all approvals, permits or certifications and all local, state and federal laws, statutes, ordinances, rules and regulations throughout the life of the permitted use. The issuance of a Zoning Permit by the Township is based solely on compliance with applicable Township ordinances and shall not be assurance or certification of compliance with any other laws, statutes, ordinances, rules or regulations. Applicant shall submit written certification as to the name of the street, public or private, which abuts the real estate, the address of the said real estate, and the tax parcel number from the appropriate Union County agency if the same is deemed necessary by the Zoning Office.

(Ordinance No. 41, adopted April 25, 2012)

 (6) Changes. After the issuance of a Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the applicant, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for consideration.

 (7) Display of Permit Placard. In addition to the Zoning Permit, the Zoning Officer shall issue a Permit placard which shall be displayed or posted on the premises during the time construction is in progress. The Permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the Zoning Permit, the date of its issuance, and the signature of the Zoning Officer.

 (8) Time Limitations. An application for a Zoning Permit shall be deemed to have been abandoned six (6) months after the date of its filing unless such application has been diligently pursued or a Permit has been issued. Reasonable extensions of time not exceeding a total of 90 days may be granted at the discretion of the Zoning Officer.

Work on the approved construction shall commence within six (6) months after the date of issuance of the Zoning Permit and shall be completed within 24 months following Permit issuance or the Permit shall expire, unless a time extension is granted in writing by the Zoning Officer. Time extensions may be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request. Where such cause is determined, no more than two (2), 45-day extensions may be granted. Additional time shall require the issuance of a new Zoning Permit.

For the purposes of this Section, construction and/or development shall be considered to have stated with the preparation of land, including land clearing, grading, filing, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

 (9) Inspections. During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine this compliance.

In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any zoning district, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Chapter.

 (10) Revocation of Permits. The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Township Supervisors for whatever action they may deem necessary.

 (11) Temporary Zoning Permits. A Temporary Zoning Permit may be authorized by the Zoning Officer for a non-permanent structure or use not generally permitted where it is deemed beneficial to the public health or general welfare, necessary to promote the proper development of the community, or for temporary accessory uses, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Township. Such Permits shall be issued for a period of time not to exceed one (1) year, and may be renewed for no more than two (2) additional 90 day periods, except as may be provided otherwise in this Chapter for specific uses.

 (12) Seasonal Zoning Permits. A Seasonal Zoning Permit may be authorized by the Zoning Officer for the placement of: 1) a recreational vehicle or camping unit on an individual lot for more than 30, but less than 90 days; or 2) a camping unit in a campground situated in any designated floodplain in the Township. Seasonal permits shall be valid for no more than 90 days in any calendar year, unless specified otherwise in this Chapter. Before issuing a Seasonal Zoning Permit, the Zoning Officer shall be satisfied that the requirements of this Chapter have been met.

**§1204. Certificates of Occupancy.**

 (1) Requirements for Certificates of Occupancy. No land shall be occupied or used an no building hereafter erected, altered or extended shall be used in whole or in part or shall be changed in use until a Certificate of Occupancy has been issued by the Zoning Officer. In the case of residential construction, such Certificate shall not be issued until the exterior walls of the building are complete and all essential or vital utilities have been installed, including sewage facilities, water supply, and electric service. **The issuance of a Certificate of Occupancy is not however intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure.** The purpose of the Certificate is only to certify that all work authorized by the Zoning Permit has been satisfactorily completed and that the building or proposed use thereof complies with the provisions of this Ordinance.

 (2) Issuance and Effect. The applicant shall notify the Zoning Officer upon completion of the permitted activity and the Certificate of Occupancy shall be issued or denied by the Zoning Officer within ten (10) days after the activity has been inspected. Once granted, the Certificate of Occupancy shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants. If any part of the construction is found in violation, then the applicant shall be notified in writing of the deficiencies found or the reasons for denial of the Certificate.

**§1205. Dangerous Structures.** Upon written notification of the Zoning Officer, any building or structure (principal or accessory) which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy or use, constitutes a fire hazard, endangers surrounding buildings, endangers the occupants or users, endangers the safety of others in the area, or harbors rats or vermin, shall be repaired, altered, or removed to eliminate the dangerous condition(s). Such action shall commence within 45 days of receipt of the Zoning Officer’s notification. When such a building or structure is razed, the site shall be cleared of all associated debris and shall be graded to match the surrounding area.

Where the building or structure is rendered unsafe or dangerous by an act of God or other uncontrollable means (not including neglect of maintenance), the owner shall have a period of 90 days from the date of the occurrence to commence repairs and/or removal of such building or structure, and shall complete repairs and/or removal within 180 days of the occurrence. The Township Supervisors may grant an extension of time where, in their opinion, a hardship exists which could prohibit the repair or removal within this period.

**§1206. Violations and Enforcement.** Failure to secure a Zoning Permit when required hereunder; failure to secure a Certificate of Occupancy; or failure to carry out the provisions of this Chapter shall be considered a violation of this Chapter.

 (1) Enforcement Notice. Whenever it appears to the Zoning Officer that there has been a violation of any provision of this Chapter, the Zoning Officer shall give notice of the alleged violation as provided for in the Pennsylvania Municipalities Planning Code.

 (2) Enforcement Remedies. Any person, partnership, corporation, firm, entity or joint venture who or which has violated or shall violate or permitted or permits the violation of the provisions of this Part shall upon being found liable therefor in a civil enforcement proceeding pay a judgment of not more than ONE THOUSAND AND 00/100 DOLLARS ($1,000.00), plus all court costs and reasonable attorney fees incurred by the Township as a result thereof.

 Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the Township. Nothing in this section shall be construed or interpreted to grant to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its duly designated agent the authority to commence or prosecute any action pursuant to this section.

 (Ordinance No. 96-4, adopted June 25, 1996)

**§1207. Fees.** Fees for the issuance of Zoning Permits, Certificates of Occupancy, ordinance amendments, Conditional Uses, Special Exceptions, variances and other zoning actions shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the Township Supervisors. (A copy of the current fee schedule may be obtained from the Township Zoning Officer or Municipal Secretary).

The refund of all or a portion of fees paid by a party appealing an enforcement notice to the Zoning Hearing Board shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code or other applicable law, statute, rule, regulation or Court Order.

(Ordinance No. 11, adopted June 27, 2006)

(Ordinance No. 99-1, adopted July 20, 1999)