

ARTICLE 2800
Administration and Enforcement

§208-2801 Zoning Officer.

- A. Appointment. The Zoning Officer shall be appointed by the Board of Supervisors and shall administer and enforce this Chapter.
- B. Duties of the Zoning Officer. In order to administer and enforce properly this Chapter, the Zoning Officer shall:
 1. Administer and enforce provisions of this Chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.
 2. Receive all applications for zoning use and zoning occupancy permits and maintain records thereof.
 3. Receive, file and forward to the Board of Supervisors all applications for conditional uses and maintain records thereof.
 4. Issue zoning use and zoning occupancy permits for all applications that have been reviewed and approved according to the provisions of this Chapter and other applicable ordinances.
 5. Receive, review and issue permits for: (a) applications for zoning use and zoning occupancy permits that do not require conditional use approval; and, (b) applications for fences, accessory uses, signs and temporary uses.
 6. Receive, file and forward to the Zoning Hearing Board the records in all appeals and all applications for variances and maintain records thereof.
 7. Inspect buildings, structures, and uses of land to determine compliance with the provisions of this Chapter.
 8. Issue enforcement notices for violation of any provision of this Chapter 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 of the parcel. The enforcement notice shall be delivered personally or by certified mail. The enforcement notice shall state at least the following:
 - (a) The name of the owner of record and any other person against whom the municipality 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 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 ten (10) days of receipt of the enforcement notice pursuant to the procedures set forth in this Chapter.
 - (f) That failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.
9. Initiate civil enforcement proceedings for failure to comply with enforcement notices unless the Board of Supervisors, after receipt of the enforcement notice, directs to the contrary by motion or resolution.
 10. Initiate, with approval or at direction of the Board of Supervisors, appropriate equitable enforcement action to prevent, restrain, abate or correct any violation of this Chapter.
 11. Revoke any order or zoning use or zoning occupancy permit issued under a mistake of fact or contrary to the provisions of this Chapter.
 12. The Zoning Officer may make and maintain accurate and current records of all legal nonconformities under this Chapter.

§208-2802. Permits.

A. General.

1. No use of land shall be made or any building or structure constructed, altered, remodeled, sold, leased, occupied or used, nor any existing use of a building, structure of land be changed until a zoning use permit and a zoning occupancy permit have been issued by the Zoning Officer.
2. The improvements of land preliminary to any use of such land shall not be commenced prior to the issuance of the zoning use permit.
3. Any permit issued in conflict with the provisions of this Chapter shall be null and void.

B. Permit Application and Issuance Procedure

1. Whenever the proposed activity, whether new construction or alternation of an existing use, requires a building permit under Chapter 52, Building Construction, the applications for the zoning use permit and zoning occupancy permit shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning use permit has been granted.
2. When no building permit is required, the application for the zoning use permit and zoning occupancy permit may be made at any time prior to the use or occupancy of the structure or land.

3. Permit applications shall be submitted in writing on such forms as established by the Township. The Zoning Officer may request any information necessary to determine the application's compliance with this Chapter. The applicant shall include four (4) copies of the following information:
 - (a) A statement as to the proposed use of the building or land.
 - (b) A site layout drawn to scale showing the location, dimensions and height of proposed building, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
 - (c) The location, dimensions and arrangements of all open spaces, yards and bufferyards, including methods to be employed for screening.
 - (d) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - (e) The dimensions, location and methods of illumination for signs, if applicable.
 - (f) The location and dimensions of sidewalks and all other areas to be devoted pedestrian use.
 - (g) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
 - (h) The capacity and arrangement of all building used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
 - (i) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
 - (j) Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
 - (k) Any other data deemed necessary by the Zoning Officer, Planning Commission or Board of Supervisors to enable them to determine the compliance of the proposed development with the terms of this chapter.
 - (l) The permit application requirements of this subsection may be waived where the same are deemed unnecessary for evaluation of the application by the Zoning Officer.
4. The Zoning Officer shall not issue the zoning use permit or zoning occupancy permit unless the property complies with this Chapter 52, Building Construction, Chapter 152, Property Maintenance Code, Chapter 174, Subdivision and Land Development, and all other applicable Township, County, State and Federal laws, ordinances and regulations, and until all other required approvals and permits have been obtained from applicable Township,

County, State and Federal agencies, including, but not limited to a PennDOT highway occupancy permit. The applicant shall submit copies of all such required approvals and permits to the Zoning Officer.

5. Where approvals are not required by other Township agencies or governmental entities, the Zoning Officer shall review and approve or disapprove the application. However, the Zoning Officer may seek the advice and recommendations of the Planning Commission on any application.
6. An application for a zoning use permit does not permit occupancy. A zoning occupancy permit is also required. Under certain circumstances, application for any approval of a zoning use permit and zoning occupancy permit may be combined.
7. Upon completion of the work, the applicant shall notify the Zoning Officer who shall examine the building, structure or use of land involved. If the Zoning Officer shall find that such construction, erection, structural alteration or use of building and land has been completed in accordance with the provision of this Chapter and other applicable ordinances, the zoning occupancy permit shall be issued.
8. As a condition to the issuance of any zoning use permit or zoning occupancy permit, a landowner shall permit the Zoning Officer to inspect both the exterior and interior of the property, as deemed necessary by the Zoning Officer. Any failure or refusal to permit such inspection shall result in denial of any application for zoning use permit or zoning occupancy permit.
9. The Township shall not issue a no-lien letter in connection with the sale of any property in the Township unless and until either the proposed buyer or proposed seller has applied for and obtained a zoning occupancy permit in connection with the sale of the property.
10. No permit for any use or construction which will involve the on-site disposal of sewage or waste and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site shall be issued until a certificate of approval has been issued by the Allegheny County Department of Health and conforms to all applicable Township regulations.
11. A decision either approving or disapproving an application for a zoning permit shall be rendered within thirty (30) days after the application is filed. Any disapproval of the application shall contain a brief explanation setting forth the reasons for the disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval.

C. Period of Validity.

1. A zoning use permit shall become null and void within six (6) months of the date of issuance unless the construction, alteration or remodeling of a building or structure is commenced or a use of land or building is commenced.
2. A nonresidential zoning occupancy permit shall be valid for a period of one (1) year. The landowner shall be responsible for applying for a renewed permit prior to the expiration of an existing permit. The Zoning Officer shall be responsible for scheduling inspections related thereto.

- D. Temporary Zoning Use and Zoning Occupancy Permits. The Zoning Officer may issue a temporary zoning permit which may allow the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection; provided, however, that such a temporary permit shall be valid only for a period not exceeding six (6) months from its issuance and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to ensure the safety of persons using or occupying the building, structure or land involved.
- E. Inspection.

It shall be the duty of the Zoning Officer, or his fully appointed representative, to make the following minimum number of inspections on property for which a permit has been issued:

1. At the Beginning of Construction.

- (a) A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans approved with the application for the building.
- (b) If the actual construction does not conform to the application, a written notice of a violation may be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction may proceed.

1. At the Completion of Construction. A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Chapter; and the opinion of the Zoning officer in regard to the issuance of an occupancy permit.

§208-2803. Schedule of Fees.

The Board of Supervisors shall establish, from time to time, by resolution, fees and charges for all permits and applications required by this Chapter.

§208-2804. Amendments.

- A. Amendments of this Chapter may be initiated by Board of Supervisors, by the Planning Commission, or by a petition of a landowner within the Township in accordance with the following provisions:
- 1. Petitions for amendment by landowners, other than curative amendments under §208-2805 of this Chapter, shall be filed in writing with the Zoning Officer, and the petitioner, upon such filing, shall pay a filing fee and/or review deposit in accordance with the schedule fixed by resolution of Board of Supervisors.
 - 2. Any proposed amendment other than one proposed by the Planning Commission shall be referred to the Planning Commission for review. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Board of Supervisors and to the petitioner.

3. In the event the Planning Commission recommends approval of the proposed amendment, in whole or in part, or if a public hearing is requested by at least one (1) member of the Board of Supervisors, a public hearing will be scheduled on the proposed amendment and a copy of the same submitted to the County Planning Agency at least thirty (30) days prior to the public hearing in accordance with the requirement of the MPC.
4. If the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by it along the tract to notify potentially interested citizens. The affected tract shall be posted at least one (1) week prior to the date of the hearing.
5. Notice of any proposed zoning map change shall also be mailed by the Township at least thirty (30) days prior to the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This subsection shall not apply to a comprehensive rezoning.
6. If, after any public hearing held upon an amendment, the proposed amendment is substantially revised or further revised to include land previously not affected by it, then the Board of Supervisors shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment.
7. The Board of Supervisors shall act on a proposed amendment to this Chapter within ninety (90) days of the date of the meeting at which the public hearing on the amendment is closed. If the Board of Supervisors fails to so act within the said ninety (90) day period, then the proposed amendment shall be deemed denied.
8. Within thirty (30) days after enactment, a certified copy of the amendment to this Chapter shall be forwarded to the County Planning Agency.
9. The proposed amendment shall also be published, advertised and made available to the public in accordance with the requirements of the MPC.

§208-2805. Landowner Curative Amendments.

- A. Any landowner who wishes to challenge, on substantive grounds, the validity of this Chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he/she has an interest may prepare and submit a curative amendment to the Board of Supervisors, in the form he/she proposes it be adopted, together with a written request that the challenge and proposed amendment be heard and decided in accordance with the requirements of the MPC. The Board of Supervisors shall hold a public hearing, pursuant to public notice, on the matter within 60 days of receiving an administratively complete curative amendment request. Public notice of the public hearing shall be given by the Township in accordance with the requirements of the MPC. Public hearings shall be conducted and held in accordance with the applicable provisions of the MPC. The Board of Supervisors shall comply with all applicable requirements of the MPC regarding the conduct of hearings and decisions related thereto.
 1. Referral to Planning Commission and County Planning Agency. The curative amendment and challenge shall be referred to the Planning Commission and the County Planning Agency or its designee at least 30 days prior to the public hearing for review and comment.

2. Declaration of Invalidity by the Court. If the Township does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. Evaluation of Merits of Curative Amendment. If the Board of Supervisors determines that a validity challenge has merit, then the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or the Zoning Map.
 - (c) The suitability of the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and natural features for the intensity of the proposed uses.
 - (d) The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to the public health, safety and welfare.

§208-2806. Municipal Curative Amendments.

If the Board of Supervisors determines that this Chapter or a portion thereof is substantively invalid, it may implement the procedure for municipal curative amendments provided in §609.2 of the MPC.

§208-2807. Enforcement Remedies.

A. Civil Enforcement Proceedings.

1. Except where a different penalty is provided, any persons, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00, 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 determination of a violation by the district justice. If the defendant neither pays nor appeals the judgment in a timely manner, 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 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. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.

2. 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.

B. Equitable Enforcement Proceedings.

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 Chapter, the Zoning Officer and/or the Township Solicitor, with the approval of the Board of Supervisors, may institute in the name of the Township any appropriate equitable action or proceeding to prevent, restrain, correct or abate such buildings, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. These remedies shall be in addition to any other remedies provided by law.

C. Private Enforcement.

Nothing contained in this Article shall be construed or interpreted to grant to any person or entity other than the Township or its agents the right to commence any action for enforcement of this Chapter, except where otherwise authorized by law.