

D. To Hear and Decide Requests for Variances – The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally, irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions. See § 711 for additional information regarding variances in the Floodplain Districts.

No variance in the strict application of any provision of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the applicant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as may seem necessary to implement the purposes of this Ordinance.

## 802 HEARING PROCEDURES

- A. Parties Appellant Before the Board – Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for variance must be filed with the Zoning Hearing Board by a landowner or an authorized agent of such landowner.
- B. Time Limitations – No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.
- C. Application Required – All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance that is applied for, in addition to the following information:
1. The name and address of the applicant or appellant
  2. The name and address of the owner of the parcel to be affected by such proposed change or appeal
  3. A brief description and location of the parcel to be affected by such proposed change or appeal
  4. A statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof
  5. A reasonably accurate description of the additions or changes intended to be made under this application, indicating the size of such proposed improvement, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.
- D. Procedure for Zoning Officer
1. The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to

the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.

2. It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.
- E. Hearing Required and Notice of Hearings – The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board’s decision or other official action. Upon the filing of an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:
1. Public notice in accordance with the definition of PUBLIC NOTICE in Article II of this Ordinance.
  2. Post in a conspicuous place on the property involved a written notice of the pending hearing and action, such notice shall take place at least seven (7) days prior to the public hearing.
  3. Give written notice to the applicant, the Zoning Officer, the Township Secretary, and to any person who has made timely request for the same, at least seven (7) days prior to the hearing.
  4. Give written notice to the Secretary of the Township Planning Commission at least 30 days prior to any hearing in order to give the Planning Commission the opportunity to provide review comments to the Zoning Hearing Board. If the Township Planning Commission fails to submit its comments before the Public Hearing it shall be presumed that the Planning Commission had no comment or concerns regarding the hearing matter.
  5. In case of an appeal or a request for a variance, all adjacent property owners within five hundred (500) feet of the nearest line of the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.
- F. Rules of Conduct – The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and Article IX of the Pennsylvania Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at

the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Board to take action.

- G. Decisions – The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitation of the power of the Zoning Hearing Board to act. A mere finding of recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the results or who filed an appearance or testified during the Hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

- 803 EXPIRATION OF APPEAL DECISION – Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

- 804 **REQUIRED INTERVAL FOR HEARINGS ON APPLICATIONS AND APPEALS AFTER DENIAL** – Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of the Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred related to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.
- 805 **FAILURE TO HOLD REQUIRED HEARING OR RENDER DECISION**– If the Zoning Hearing Board fails to hold the required Hearing or fails to render a decision with the prescribed time periods, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing to an extension of the 60-day and/or 45-day time requirements. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.
- 806 **STAY OF PROCEEDINGS** – An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any appropriate agency.
- 807 **APPEALS** – Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Union County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

## ARTICLE IX

### AMENDMENTS AND CONDITIONAL USES – BOARD OF SUPERVISORS

- 900 AMENDMENTS TO ZONING ORDINANCE OR MAP – The Township Board of Supervisors may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. For Curative Amendments, see § 609.1, Procedure for Landowner Curative Amendments, under Article VI of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.
- A. Review by Planning Commission – Every such proposed amendment or change, whether initiated by the Township Board of Supervisors or by petition, shall be referred to the Township Planning Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the Public Hearing, it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.
  - B. Public Hearing – The Township Board of Supervisors shall, at a public meeting, establish a date, time and place for a Public Hearing on the proposed amendment. Notice of such Hearing shall be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the local area. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points along the perimeter of the affected tract at least seven (7) days prior to the date of the hearing.
  - C. Opportunity to be Heard – At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.
  - D. Notice of Enactment – Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary once in a newspaper of general circulation in the locale. Such notice shall be published one time, not more than sixty (60) days nor less than seven (7) days prior to passage.

E. Enactment of Amendment – The adoption of an amendment shall be by simple majority vote of the Township Board of Supervisors. The vote of the Supervisors shall be within ninety (90) days after the last public hearing on the amendment. If the Supervisors fail to take action within ninety (90) days, the proposed amendment shall be deemed to have been denied. Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

901 **CONDITIONAL USES** – The Township Supervisors may grant Conditional Use approval for only those uses set forth in Article IV of this Ordinance, pursuant to the express standards and criteria for the specified uses outlined in this Ordinance. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purpose of this Ordinance.

A. Application Procedure – Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such application to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and make recommendations within 45 days of receipt of such request.

B. Written Statement – All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

1. The location of the tract of land
2. The present use of the tract for which the conditional use is requested
3. The present use of adjoining tracts
4. The type of conditional use for which the application is made
5. A brief description of the type and extent of the proposed activities
6. An estimate of the total development cost of the conditional use
7. The names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use

C. Site Plan – All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. The site plan shall be drawn to a scale not exceeding fifty (50) feet to the inch and shall be placed on a sheet no smaller than 18 x 24 inches. If the site plan is drawn in two (2) or more sections, a key map showing the section locations shall be placed on each sheet. The site plan shall include:

1. Title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan
2. Tract boundaries showing bearings and distances
3. Existing significant natural or man-made features of the site
4. Existing and proposed streets, rights-of-way, easements, means of access and setback lines
5. Existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site
6. Existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer
7. Proposed grading and drainage plan
8. Proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures

In cases where little site improvement or development is required or proposed for a Conditional Use, the Township Supervisors may, upon recommendation of the Township Planning Commission, waive the requirement for submission of certain information that is deemed unnecessary for review for the application. In all cases however, the information submitted shall be adequate for review of the Conditional Use request.

- D. Hearing Requirements – Within sixty (60) days of the date of the applicant's request for a Conditional Use, the Supervisors shall select a date, advertise pursuant to the definition of PUBLIC NOTICE in Article II, and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.
- E. Criteria for Review and Approval of Conditional Use – The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following

general criteria, in addition to the special criteria established elsewhere in this Ordinance:

1. The purpose of the zone in which the requested Conditional Use is to be located and the compatibility of the requested Conditional Use with existing and potential land uses on adjacent tracts of ground
  2. Whether the specific site is an appropriate location for the use, structure or condition
  3. Whether the use developed will adversely affect the neighborhood
  4. Whether the use will create undue nuisance or serious hazard to vehicles or pedestrians
  5. Whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use
  6. The economic, noise, glare, or odor effects of the Conditional Use on adjoining properties and properties generally in the district
  7. Whether satisfactory provision and arrangement has been made concerning the following:
    - a. Ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency
    - b. Off-street parking and loading areas
    - c. Waste collection, storage or disposal
    - d. Utilities, with reference to location, availability and compatibility
    - e. Screening and buffering with reference to type, dimensions and character
    - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district
    - g. Required yards and open spaces
- F. Decisions – The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within forty-five (45) days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusion based thereon, together with any reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provisions relied upon and the reason why the conclusion is deemed appropriate in light of the facts found. A copy of the

final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

- G. Failure to Hold Required Hearing or Render Decision – Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified in § 901.F above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice in the same manner as is done for the public hearing of the decision with ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.
- H. Expiration of Decision – Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permits or comply with the conditions of said authorization within six (6) months from the date of authorization.
- I. Appeals – Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

## ARTICLE X

### ADMINISTRATION AND ENFORCEMENT

1000 **GENERAL: APPOINTMENT OF ZONING OFFICER**— For the purposes of administering and enforcing this Ordinance a Zoning Officer shall be appointed by the Board of Supervisors. The appointment of a Zoning Officer is generally governed by § 614 of Act 247. The Zoning Officer shall hold no elective office in the Township and shall demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Board of Supervisors deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the duties specified in § 1001 herein.

1001 **POWERS AND DUTIES OF THE ZONING OFFICER**— The 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 which does not conform to the provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

- A. Receive and evaluate applications for permits, certificates, Variances, Conditional Uses, appeals and other applications within the terms of this Ordinance.
- B. Prescribe the form of all applications, permits and certificates required under the terms of this Ordinance.
- C. Issue permits for the construction, alteration or erection of all buildings or structures, which are in accord with the requirements of this Ordinance, within thirty (30) days after receipt of a complete application for such a permit. In cases of applications for a Conditional Use, Special Exception, or a Variance, the permit 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 or the Board of Supervisors, as appropriate.
- D. Deny applications for permits, which do not meet the requirements of this Ordinance, within thirty (30) days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action.
- E. Examine land, buildings, and structures to determine their consistency with the Zoning Ordinance at the time of filing an application, during the work and upon

completion of the work. Inspections to enforce the provisions of this Ordinance shall be made at a reasonable hour and upon presentation of proper credentials.

- F. Issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity. A denial shall be in writing and shall state the reasons for such action.
- G. Issue written enforcement notices as specified in § 1008 of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the District Justice having jurisdiction on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Board of Supervisors.
- H. Review the application for the permit to determine if all other necessary government permits required by 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 and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, § 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

- I. Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land.
- J. Issue preliminary opinions (in accord with § 916.2 of the Pennsylvania Municipalities Planning Code) regarding a landowner's proposed use or project 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 circulation in the area. 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.

- K. Be responsible for maintaining and updating the Official Zoning Map with respect to any amendments thereto.
- L. Identify and register nonconforming premises in accord with the Nonconforming regulations of § 507.

1002 GENERAL PROCEDURE: ZONING PERMIT REQUIRED – Persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board or the Board of Supervisors, as appropriate. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

### 1003 ZONING PERMITS AND CERTIFICATES

- A. Classes of Zoning Permits – Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:
  - 1. Permitted Use – Issued by the Zoning Officer on the authority granted herein
  - 2. Special Exception Use – Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board
  - 3. Conditional Use – Issued by the Zoning Officer after review by the Planning Commission and upon the order of the Supervisors
  - 4. Permit On Appeal or Variance – Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board

1004 REQUIREMENT FOR ZONING PERMITS – A Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except as specified in § 511; prior to the change or extension of a nonconforming use; or 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 for a change in land use, until a Zoning Permit has been duly issued therefore. In some instances, additional permits may also be needed to be obtained prior to beginning construction work or alterations.

A. Exemptions – Zoning Permits shall not be required for any of the following activities, except when proposed in a floodplain district:

1. Interior alterations when there is no increase in ground floor exterior dimension and no change in use
2. Exterior or interior maintenance and repair to existing buildings or structures including siding, roofing, painting, storm windows, and similar activities
3. Cultivation of crops
4. Landscaping including the erection of land terraces, steps or other similar features
5. Placement or location of utility distribution lines; or razing of buildings or structures

1005 APPLICATION – 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 party shall be stated in the application.

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

A. Plan Requirements – All applications for Zoning Permits shall be accompanied by a sketch or plans, reasonable drawn to scale, showing the shape and dimensions of the lot, the size and location of any building 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, the number of families or dwelling units the building is designed to accommodate and such other information as may be necessary to determine compliance with this Ordinance 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.

One copy of the plans will be returned to the applicant when such plans have been approved by the Zoning Officer. All application and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

- B. Proof of Compliance – It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable federal, state or local regulations. Included in the information shall be a copy of a sewage permit when one is required. In addition, if the PA Department of Labor and Industry, the Department of Transportation, or other regulatory agency requirements apply, the applicant shall supply evidence that shows that these regulations have been met.
- C. Changes – After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.
- D. Permit and Permit Placard – In addition to the Zoning Permits, the Zoning Officer shall issue a Permit Placard which shall be displayed or posted on the premises during the construction time period. The Permit Placard shall remain on display until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the permit number, date of issuance, and the signature of the Zoning Officer.
- E. Time Limitations – An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently pursued or a permit shall have been issued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer.
- F. Expiration of Permit – If the work approved by issuance of any Zoning Permit has not begun within one (1) year from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing and showing good cause by the applicant. If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning permit has been obtained.
- G. 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 compliance.

- H. Revocation of Permit – 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 cases, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Board of Supervisors.
- I. Temporary Use Permits – It is recognized that from time to time it may contribute to the welfare of the Township and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Zoning Officer may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.
- J. Occupancy Permits – Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure or land, an Occupancy Permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Township upon request. All applications for Occupancy Permits shall be in writing.

#### 1006 APPLICATION REQUIREMENTS FOR PROPOSED CONSTRUCTION WITHIN THE 100 YEAR FLOOD BOUNDARY

- A. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
  - 1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances
  - 2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage
  - 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- B. In addition to the filing of the Application for Zoning Permit, applicants shall file the following minimum information plus any other pertinent information (i.e., any or all

of the technical information contained in § 703) as may be required by the Zoning Officer to make the above determination:

1. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - a. north arrow, scale, and date
  - b. topographic contour lines, if applicable
  - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet
  - d. the location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development
  - e. the location of all existing streets, drives, and other access ways
  - f. the location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  
2. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
  - a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929
  - b. The elevation of the one hundred (100) year flood
  - c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and detailed information concerning any proposed floodproofing measures.
  
3. The following data and documentation:
  - a. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.
  - b. Such statements shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
  - c. Detailed information needed to determine compliance with § 705.L – Storage, and § 708 – Development Which May Endanger Human Life, including:

- (1) the amount, location and purpose of any materials or substances referred to in § 705.L and § 708 which are intended to be used, produced, stored or otherwise maintained on site.
- (2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 708 during a one hundred (100) year flood.
- (3) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".
- (4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

C. Review of Application by Others – A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

1007 VIOLATIONS – Failure to secure a Zoning Permit when required hereunder, failure to secure an Occupancy Permit, or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

1008 ENFORCEMENT NOTICE – If it appears to the Zoning Officer that a violation of the Zoning Ordinance has occurred, the Zoning Officer, on behalf of the Municipality, shall give notice of such alleged violation sending an enforcement notice stating 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 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 the 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.

1009 CAUSE 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 any ordinance enacted under this act or prior enabling laws, the Board of Supervisors, or with the approval of the Board of Supervisors, an officer of the Municipality, 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 municipality 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.

## 1010 ENFORCEMENT REMEDIES

- A. District justices shall have initial jurisdiction over proceedings brought under § 1010.
- B. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by a municipality 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 municipality 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 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 the Zoning Ordinance shall be paid over to the municipality whose Ordinance has been violated.

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 Lewis Township the right to commence any action for enforcement pursuant to this Section.

1011 **FILING FEES** – Filing fees shall be payable to the Municipality and shall be received by the zoning officer. Filing fee amounts shall be established by a resolution of the Township Board of Supervisors.

Any fees paid by a party for appeal of an enforcement notice to the Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.