

ARTICLE V

ENFORCEMENT

Section 500 Duties of Zoning Officer

- A. It shall be the duty of the Zoning Officer, who shall be appointed by the Township Supervisors, to enforce the provisions of This Ordinance and all rules, conditions, and requirements adopted or specific pursuant thereto.
- B. The Zoning Officer, or his duly authorized assistant(s), shall have the right to enter any building or enter upon any land at a reasonable hour, as necessary in the execution of their duties, provided that:
 - 1. The Zoning Officer shall notify the owner and tenant before conducting any inspection.
 - 2. The Zoning Officer or his duly authorized assistant(s) shall display identification signed by Supervisors upon commencing an inspection.
 - 3. Inspections shall be commenced in the presence of the owner or his representative or tenant. Following three (3) unsuccessful attempts to schedule an inspection in the presence of said owner, representative or tenant; inspection may commence without benefit of said presence.
- C. The Zoning Officer shall maintain files, open to the public, of all applications for certificates of occupancy and building permit along with plans, submitted herewith as well as final certificates and permit.
- D. The Zoning Officer shall also maintain records, open to the public, of every complaint of a violation of the provisions of This Ordinance as well as action taken as a result of complaints.
- E. The Zoning Officer shall submit to the Township Supervisors for insertion in the Supervisors' minutes, a written report summarizing for the month all building permits and certificates of occupancy issued by him as well as complaints of violations and action taken as a result of such complaints.

Section 501 Building Permits

- A. No building or structure in any District; unless otherwise exempted by this Section; shall be erected, constructed, improved, altered, demolished or disassembled without a building permit duly issued upon application to the Township. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of This Ordinance. No building permit shall be required for repairs or maintenance of any building

or structure provided such work does not change the use or the exterior dimensions of the building or structure, or otherwise violate the provisions of This Ordinance. Any building permit issued in violation of the provisions of This Ordinance shall be null and void and of no effect, without the necessity for any proceedings or revocations of nullification thereof; and any work undertaken or use established pursuant to any such permit shall be unlawful. All proposals for any commercial or industrial development shall come before the Township Planning Commission for a determination as to whether any further approvals are required prior to the issuance of a building permit.

- B. Every application for a building permit with the exception of an application for restoration of an existing building or structure after damage from any cause, shall contain the following information and be accompanied by the required fee and by a plot plan.
1. The shape, dimension, and area of the lot on which the building or structure is proposed to be erected, or of the lot in which it is situated if an existing building or structure.
 2. The Tax Number and Parcel Numbers as they appear on the latest tax records.
 3. The exact size and locations on the lot of the proposed building(s) or structures(s) or alteration of an existing building or structure and of other existing buildings or structures on the same lot.
 4. The dimensions of all yards in relation to the subject building or structure and the distances between such building or structure and any other existing buildings or structures on the same lot.
 5. The existing and intended use of all buildings or structures, existing or proposed, the use of land, the number of dwelling units the building or structure is designed to accommodate.
 6. Such topographic or other information with regard to the building or structure, the lot or neighboring lots as may be necessary to determine the proposed construction will conform to the provisions of This Ordinance.
 7. If any proposed construction or development is located within, or adjacent to any identified flood-prone area, the plot plan shall accurately delineate the area which is subject to flooding, the location of the proposed construction with regard to the area subject to flooding, the location of any other flood-prone development or structures, and the location of any existing or proposed stream improvements or protective work. Additionally, said plot plan shall illustrate all plans to assure that:
 - a. all proposals are consistent with the need to minimize flood damage;

- b. all utilities and facilities, such as sewer, gas, electrical, and water systems, are located, elevated and constructed to minimize or eliminate flood damage; and
- c. adequate drainage is provided so as to reduce exposure to flood hazards

Said plot plan shall also include existing and proposed contours; information concerning one hundred (100) year flood elevations, and other applicable information such as uplift forces, other factors associated with the one hundred (100) year flood; location and elevations of streets; water supply and sanitary sewage facilities; soil types, and flood-proofing measures. The lowest floor and basement elevations shall be shown in relation to mean sea level based upon the National Geodetic Vertical Datum of 1929.

- C. Prior to the issuance of any building permit the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal Laws have been obtained including those required by Act 537, The Pennsylvania Sewage Facilities Act, and Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 I.S.C. 1334. No permit shall be issued until this determination has been made.
- D. No building permit shall be issued for the construction or alteration of any building or structure upon a lot without access to a street or highway.
- E. No building permit shall be issued for any building or structure where the Site Plan of such building or structure is subject to approval by the Supervisors, except in conformity with the plans approved by said Supervisors.
- F. No building permit shall be issued for a building or structure to be used for any Conditional Use in any District where such use is allowed only by approval of the Supervisors unless and until such approval has been duly granted by the Supervisors.
- G. The building permit application and all supporting documentation shall be made in triplicate, On the issuance of a building permit, the Township shall return one copy of all filed documents to the applicant.
- H. The Township shall, within ten (10) days after the filing of a complete and properly prepared application, either issue or deny a building permit. If a building permit is denied, the Township shall state in writing to the applicant the reasons for such denial.
- I. After the issuance of a building 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.

- J. In addition to the building permit, the Zoning Officer shall issue a placard which will be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Zoning Officer.
- K. Every building permit shall expire if the work authorized has not commenced within three (3) months after the date of issuance, or has not been completed within eighteen (18) months from such date for construction costing less than \$1,000,000 and has not been completed within thirty-six (36) months from such date for construction costing in excess of such amount. If no zoning amendments or other codes or regulations affecting subject property have been enacted in the interim, the Township may authorize in writing the extension of either above periods of an additional six (6) months, following which no further work is to be undertaken without a new building permit.
- L. As soon as the foundation of a building or any addition to an existing building is laid off, and before first story framing or wall construction is begun, there shall be filed with the Township an accurate drawing signed by the person responsible for said drawing showing the exact measured location of such foundation with respect to the street and property lines of the lot.
- M. The following structures shall be exempt from the building permit requirements of this Ordinance but must comply with all other applicable prevailing Township requirements regarding maximum lot coverage and a minimum ten (10') foot setback from all property lines:
1. Swing sets and playhouses (maximum cumulative area of 50 square feet per property).
 2. One dog box and kennel run per property.
 3. Unenclosed woodsheds (maximum cumulative area of 50 square feet per property).
 4. Utility sheds (maximum cumulative area of 50 square feet per property).
 5. Landscaping ponds (maximum 18 inches deep and maximum cumulative area of 100 square feet per property).
 6. Stairs or steps.
 7. Window or door awnings (maximum area of 40 square feet per each instance).
 8. Porches, patios, decks, entryways and stoops (maximum area of 40 square feet per each instance).

9. School bus stop shelter (minimum setback of ten feet from right-of-way, maximum cumulative area of 50 square feet per property).
- N. A permit to demolish any building or structure may be issued by the Township Zoning Officer provided that the person, partnership, or corporation wishing to undertake such action shall make written assurance to the Zoning Officer that no materials or debris will be left on the site and any exposed basements or other excavation will be filled.
- O. The Zoning Officer may consult other Township staff and/or Township-appointed consultants in the review of submitted materials for permit applications.

Section 502 Certificate of Occupancy

- A. The following shall be unlawful until a Certificate of Occupancy shall have been applied for and issued by the Township.
1. Initial occupancy and use of a newly permitted building or any change in use of an existing building.
 2. Occupancy and use of any change in the use of the land.
 3. Any change in the use of Nonconforming Uses.
- B. No Certificate of Occupancy shall be issued for any Conditional Use of a building or of land requiring Conditional Use approval by the Supervisors or for any land or use requiring Site Plan approval by the Supervisors unless and until such Conditional Use or Site Plan approval has been duly granted. Every Certificate of Occupancy for which Conditional Use or Site Plan approval has been granted or in connection with which a variance has been granted by the Zoning Hearing Board shall contain a detailed statement of any condition to which the same is subject.
- C. Application for a Certificate of Occupancy for a newly permitted building shall be made on a form furnished by the Township after the erection of such building or part thereof has been completed in conformity with the provisions of This Ordinance and has been inspected for conformity by the Zoning Officer. In the case of a new building, the Zoning Officer may require an accurate plot plan, or if not available, a survey prepared by a licensed land surveyor or engineer showing the location of all buildings as built.
- D. If the proposed use is in conformity with the provisions of This Ordinance and of all other applicable Township codes and ordinances, a Certificate of Occupancy for the use of any building or vacant land or for a change of use of a Nonconforming Use, shall be issued by the Township within fifteen (15) days after receipt of a properly completed application. If a Certificate of Occupancy is denied, the Township shall state the reasons in writing to the applicant.

- E. In regard to those uses that are subject to the Performance Standards Procedure, the following requirements shall also apply:
1. Any normal replacement or addition of equipment and machinery not affecting the operations or the degree or nature of dangerous and objectionable elements emitted shall not be considered a change in use;
 2. After occupancy, if there occurs continuous or frequent, even though intermittent, violations of the Performance Standards and other provisions for a period of five (5) days, without bona fide and immediate corrective work, the Township shall suspend or revoke the occupancy permit of the use and operation shall immediately cease until it is able to operate in accordance with these regulations, at which time the occupancy permit shall be reinstated.
 3. The Township shall investigate any alleged violation of Performance Standards, and if there are reasonable grounds to believe that a violation exists, the Township shall investigate the alleged violation, and for such investigation may employ qualified experts.
 4. A copy of said findings shall be forwarded to the Township Supervisors. The services of any qualified experts employed by the Township to advise in establishing a violation shall be paid for by the violator, if it shall be determined that a violation is proved, and otherwise by the Township. No new Certificate of Occupancy shall be issued unless such charges have been paid to the Township.
- F. A Certificate of Occupancy shall be required for initial occupancy and the use of the building or land to which it applies.
- G. Upon written request and proof by the owner, the Township shall, after inspection, issue a Certificate of Occupancy for any building or use thereof or of land existing at the time of the adoption of This Ordinance, certifying such use and whether or not the same building conforms to the provisions of This Ordinance.

Section 503 Fees

A. Building Permit

A schedule of fees payable to the Township, as adopted by resolution by the Board of Supervisors, shall apply to every building permit application. Fees for Certificates of Occupancy are included with the building permit fee.

Section 504 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated, or permitted the violation of the provisions of This Zoning Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating 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 a 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.
- 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 any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

Section 505 Forms

The Hamiltonban Township Zoning Officer shall provide a form or forms to be completed by the applicant for the following:

- A. Building Permits
- B. Certificates of Occupancy
- C. Conditional Uses
- D. Special Exceptions
- E. Variances
- F. Appeals
- G. Registration of Nonconforming Uses and Structures
- H. Complaints of Zoning Violations
- I. Sign Permits
- J. Customary Home Occupation Certificate