

Article

Administration and Enforcement

601. Permits.

1. Zoning Permits Required: It shall be unlawful for any person to undertake or commence work on the following without first securing a Zoning Permit from the Zoning Officer:
 - a. The erection, addition or alteration of any building, garage, shed, or other accessory structure, or portion thereof;
 - b. The use or change in use of a building;
 - c. The use of change in use of land;
 - d. The change or extension of a non-conforming use;
 - e. The erection, addition or alteration of any fence or sign except as expressly exempted.
2. Zoning Permits Not Required: A Zoning Permit shall not be required for:
 - a. Painting or repairs to an existing structure;
 - b. Signs identified in Section 513, 1.
3. Certificate of Use Permits Required: It shall be unlawful for any person to use or occupy buildings or land for which a Zoning Permit is required without first securing a Certificate of Use Permit from the Zoning Officer.

602. Application Procedure.

1. Application to Zoning Officer. Applications for Zoning Permits and a Certificate of Use Permit shall be made to the Zoning Officer.
2. Content of the Zoning Permit Application.
 - a. An application for a Zoning Permit shall be prepared in duplicate on a form provided by the Zoning Officer.

- b. All applications for Zoning Permits shall be accompanied by plans in duplicate, drawn to scale showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings 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 information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances.
 - c. The application for a Zoning Permit shall be accompanied by a Zoning application filing fee in an amount specified by Section 704 of this Ordinance.
 - d. A certificate of Use Permit application, in duplicate, on a form provided by the Zoning Officer shall accompany the application for a Zoning Permit.
3. Issuance of Zoning Permits and Certificates of Use Permits.
- a. A Zoning Permit, upon proper application, shall within thirty (30) days of application be issued by the Zoning Officer when he has determined that the proposed building addition, use or alteration complies with all the provisions of this Ordinance, as well as with all of the provisions of any existing or hereafter enacted Borough Ordinances.
 - b. Failure on the part of the Zoning Officer to issue or to deny the permit or to transmit it to the Zoning Hearing Board for action under the variance or special permit procedure of this Ordinance within the thirty (30) day period constitute approval of the application.
 - c. A denial of a Zoning Permit shall be accompanied by a statement from the Zoning Officer identifying the specific section or subsection of the ordinance or ordinances with which the application fails to comply.

- d. One copy of the application and accompanying plans shall be returned to the applicant with the issuance of the Zoning Permit or with the statement of denial. The remaining copy shall be retained in the files of the Zoning Officer.
 - e. The Zoning Permit shall expire within six (6) months of the date it was issued unless work for which the permit was issued has been started.
 - f. Upon completion of work for which the Zoning Permit was issued the applicant shall notify the Zoning Officer who shall inspect the property for compliance with the provisions of the Zoning Permit. If compliance has been achieved, the Zoning Officer shall issue a Certificate of Use Permit.
4. Appeal from an Action of the Zoning Officer. Should anyone content that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Zoning Ordinance, he may appeal the Zoning Officer's action by filing a written request for a hearing with the Zoning Hearing Board. Appeal fees shall be as specified in Section 704 of this Ordinance.
5. Request for a Permit for a Conditional Use.
- a. Where a Conditional use may be permitted by special exception, it shall be the responsibility of the Zoning Officer to forward the Zoning Permit Application to the Zoning Hearing Board, and to notify the applicant no less than ten (10) days prior to the date at which the Zoning Hearing Board will consider the application.
 - b. Should the Zoning Hearing Board decide in favor of the application, the Zoning Officer, upon receipt of the Zoning Hearing Board Certificate (See Section 604) shall issue a Zoning Permit to the applicant.
6. Request for a Variance.
- a. Any person wishing a variance from the terms of this Ordinance may file a variance request with the Zoning Officer. The variance request shall contain the following information.

- (1) A complete Zoning Permit application.
 - (2) A statement of the present zoning classification of the property in question.
 - (3) A statement of the specific provisions of the ordinance for which a variance is being requested.
 - (4) A statement specifying the reasons that the variance should be granted.
 - (5) A fee as specified in Section 704 of this Ordinance.
- b. The Zoning Officer shall notify the applicant in writing no less than ten (10) days prior to the meeting at which the Zoning Hearing Board will consider his application. The applicant shall have the right to attend the meeting and to be heard.
 - c. The Zoning Hearing Board shall file a Zoning Hearing Board Certificate with the Zoning Officer within ten (10) days of its decision.
 - d. Should the Board's action favor the variance request, the Certificate shall be interpreted as a written directive for the Zoning Officer to issue a Zoning Permit.
7. Request for an Amendment to the Ordinance. Any person may request an amendment to the Zoning Ordinance by following the procedure prescribed in the Pennsylvania Municipalities Planning Code. Fees for such a request shall be as specified in Section 704 of this Ordinance.

603. Administration Officer.

1. Appointment. A Zoning Officer, who may not hold any elective office in the Borough, shall be appointed to administer this Ordinance.
2. Duties and Powers. 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 this Ordinance.

The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all such reports as the Local Governing body may require. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

The Zoning Officer shall serve notices of violation in accordance with Section 606 of this Ordinance.

The Zoning Officer shall list non-conforming uses and structures in accordance with Section 605 of this Ordinance.

604. Zoning Hearing Board.

1. Appointment. The Borough Council shall appoint in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
2. The Zoning Hearing Board shall conduct hearings in accordance with the Pennsylvania Municipalities Planning Code as it may be amended for the following purposes:
 - a. Appeals from an action of the Zoning Officer.
 - b. Challenges to the validity of any ordinance.
 - c. Requests for variance from the provisions of this Ordinance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the following findings are made where relevant in a given case.
 - (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 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 appellant.
- (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 of 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 Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

- d. Requests for Conditional Uses by Special Exception. The Board shall hear and decide requests for such special exceptions in accordance with the express standards and criteria of the ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.
3. Duties and Powers: Zoning Hearing Board Certificate. It shall be the duty of the Secretary of the Zoning Hearing Board to issue a Zoning Hearing Board Certificate which shall indicate the action of the Board on applications for a special exception, or a variance, or opinion on review. The Board may cancel or revoke a Zoning Hearing Board Certificate for any violation of the Ordinance, or of conditions imposed.

605. Non-Conformance Listing.

1. The Zoning Officer shall list and register and record to the satisfaction of the Borough Council all non-conforming uses and structures. Such list shall be available for public inspection upon request.

2. The owner and/or occupant of property listed as non-conforming may request a Certificate of Non-Conformance and the certificate must be issued by the Zoning Officer. This certificate shall be for the purpose of insuring to such owner the right to continue a non-conforming use, and a copy of the Certificate on Non-Conformance shall be retained by the Zoning Officer.

606. Violations, Penalties, and Remedies.

1. Failure to comply with any provision of this Ordinance, failure to secure a permit, or Zoning Hearing Board Certificate, when required, previous to the erection, construction, extension or addition to a building; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance.
 - b. Penalties. Any person, partnership or corporation who which shall violate the provisions of this Zoning Ordinance, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (500). In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of zoning ordinances shall be paid over to the Borough.
 - c. Remedies. In casey any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, an officer of the municipality, in addition to other remedies, may institute in the name of the municipality any appropriate action or proceeding to prevent, restrain correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

(Ordinance No. 1974-2, approved February 4, 1974)