

article XIX

Administration

SECTION 1900 PURPOSE

It is the purpose of this Article to outline the procedures, rules, and regulations by which this Ordinance shall be administered. The procedures for obtaining and regulating permits, amending this Ordinance, enforcing the Zoning Ordinance, and the responsibilities of the Code Enforcement Officer are contained herein.

SECTION 1901 APPLICATION OF REGULATIONS

No land shall be used or occupied, and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations established by this Ordinance.

SECTION 1902 ENFORCEMENT

There shall be a Code Enforcement Officer who shall be appointed by the Borough Council and whose duty it shall be to enforce the provisions of this Ordinance in accordance with Section 1903.

SECTION 1903 POWERS AND RESPONSIBILITIES OF THE CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall not hold any elective office in the Borough and shall meet the qualifications established by the Borough Council and shall be able to demonstrate to the satisfaction of said council a working knowledge of municipal zoning. The Code Enforcement Officer shall administer the Zoning Ordinance in its literal terms and shall not have the power to permit any construction or any change of use which does not conform to the Zoning Ordinance. Specific responsibilities shall include the following:

- A. To receive and review applications for, building permits, use and occupancy permits, variances, and any other requests on matters relative to the administration of this Ordinance.
- B. To issue building and use and occupancy permits in accordance with the provisions of Section 1906 through Section 1912 , below, of this Ordinance.
- C. To prepare and maintain a complete record of all non-conforming structures, signs and uses in the Borough.
- D. To prepare and maintain a complete record, which shall be matters of public record, of all applications received and permits issued with any accompanying plans and documents and the action taken on each.
- E. To make inspections to investigate compliance or non-compliance with the Zoning Ordinance.

- F. To notify in writing the appropriate person or persons of any violation of the Zoning Ordinance. Such notification shall include the nature of the violation and ordering its discontinuance or correction. This shall be accomplished through the simultaneous issuances of a Cease and Desist Order and Citation by the Code Enforcement Officer.
- G. To act at the request of the Borough Council or Planning Commission in the preparation of data, or in other matters as might be within the confines of their authorities.

Permits for construction or uses, which require a special exception or a variance from the provisions of this Ordinance shall be issued by the Code Enforcement Officer, but only upon order of the Zoning Hearing Board as prescribed by Article XIII herein.

SECTION 1904 NOTICE OF VIOLATION

- A. In the event that any building, structure, landscaping, sign, 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 Borough Council, or with the approval of the Borough Council, 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 in the name of the Borough 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. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.
- B. Enforcement proceedings shall be initiated when violations of any of the provisions of this Zoning Ordinance occur. Written notice of a violation is to be served by the Code Enforcement Officer or duly authorized representative of the Code Enforcement Officer on the owner, agent, occupant, contractor or builder. Such violation shall be discontinued immediately. Enforcement proceedings shall be initiated as follows:
 - 1. Where the Borough, represented by the Code Enforcement Officer, believes there is cause for a violation of this Ordinance, enforcement proceedings shall be initiated by sending an enforcement notice as provided hereunder.
 - 2. The enforcement notice shall be sent 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 who the owner of record requested in writing.

3. The enforcement notice shall state at least the following:
 - a. The name of the owner of record and any other person against whom the Borough intends to take action.
 - b. The location of 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 Ordinance.
 - d. The date before which the requirements for compliance shall be commenced and the date before which compliance shall be achieved.
 - 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 Article XIII of this 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 as described in Section 1905, below.

SECTION 1905 ENFORCEMENT REMEDIES

- A. The District Judge shall have initial jurisdiction over proceedings brought under this Section.
- B. For any and every violation of the provisions of this Ordinance, the owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of any part of the building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor or any other person, partnership or corporation who knowingly commits, takes part or assists in any such violation, or who maintains any building or premises in which any violation shall exist, shall upon conviction thereof in a civil enforcement proceeding commenced by the Borough, be sentenced to pay a fine of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgement shall commence or be imposed, levied, or payable until the date of determination of a violation by the District Judge. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that the 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 defendant to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) violation until the fifth day following the date of determination of a violation by the District Justice and thereafter each day that a violation

continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid to the Borough.

- C. The Court of Common Pleas, upon petition, may grant an order of stay, upon showing of just cause, tolling the per diem fine pending final adjudication of the violation and judgement.
- D. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Borough of Spring City the right to commence any action for enforcement pursuant to this Section.

SECTION 1906 REQUIREMENT OF BUILDING PERMITS

A building permit shall be required prior to the construction, reconstruction, renovation (with the exception of painting or papering), extension, expansion, alteration, relocation, or razing of a building or structure or portion thereof, including placement of a manufactured home. It shall be unlawful for any person to commence work for the erection or alteration of, or addition to, or razing of any building or other structure or portion thereof until a building permit has been duly issued therefor.

SECTION 1907 APPLICATION FOR BUILDING PERMITS

In applying for a building permit, the following requirements shall be satisfied:

- A. Applications for building permits shall be submitted, in such form as the Code Enforcement Officer may prescribe, by the owner or lessee of any building, structure or land, or his authorized representative; however, the responsibility of obtaining the building permit and compliance with all ordinances shall rest with the owner of the parcel.
- B. The parcel or parcels, buildings, or parts thereof for which an application is submitted shall be in single and full ownership of the applicant, or proof of equitable ownership shall be submitted with the application for the building permit.
- C. The application shall contain a description of the proposed work and/or use and occupancy of the building, structure and/or land, and any other information required by the Code Enforcement Officer to determine compliance with the Zoning Ordinance and any other applicable ordinances.
- D. There shall, in addition be included, with all applications such other plans, documents, fees and information as may be necessary to enable the Code Enforcement Officer to ascertain compliance with this Ordinance and all other pertinent ordinances.

SECTION 1908 ISSUANCE OF BUILDING PERMITS

No building permit shall be issued until the Code Enforcement Officer has certified that the proposed building, structure or alteration complies with the provisions of this Ordinance and other applicable ordinances.

- A. Upon receipt of the application, the Code Enforcement Officer shall check it to determine compliance with the Zoning Ordinance and any other applicable ordinances. Within thirty (30) days after receipt of the application, the Code Enforcement Officer shall either approve or disapprove the application accordingly. If the application is disapproved, the Code Enforcement Officer shall provide to the applicant, in writing, the reasons for the disapproval and shall inform the applicant of his right to appeal the decision to the Zoning Hearing Board.
- B. Upon approval of an application and the payment of the required fee, as defined by the Borough Council and as may be amended, the Code Enforcement Officer shall issue a Building Permit which shall be visibly posted on the premises during the entire time the proposed work is being undertaken.
- C. Upon completion of the erection, addition to, or alteration of any building, structure, or portion thereof authorized by any building permit obtained in compliance with the Ordinance, and prior to use or occupancy, the holder of such permit shall notify the Code Enforcement Officer of such completion. Use and occupancy shall not be authorized until the Code Enforcement Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances, and has issued a use and occupancy permit as provided in Section 1909, below.
- D. A building permit shall expire one (1) year from the date of issuance, provided that it may be extended at the discretion of the Code Enforcement Officer for a six (6) month period where good faith is demonstrated by the applicant.

SECTION 1909 REQUIREMENT OF USE AND OCCUPANCY PERMITS

- A. A use and occupancy permit shall be required prior to any of the following:
 - 1. Use and occupancy of any building or other structure hereafter erected or altered, for which a building permit is required.
 - 2. Change in use of any building or structure.
 - 3. Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a use and occupancy permit.
 - 4. Change in or extension of a non-conforming use.

- B. It shall be unlawful for any person to use or occupy any building or other structure or land until a use and occupancy permit, if required, has been duly issued therefor. The Code Enforcement Officer shall not issue such a certificate unless he has inspected the building, structure, or land to be used or occupied, and determined compliance with this Ordinance and any other applicable ordinances.

SECTION 1910 APPLICATIONS FOR USE AND OCCUPANCY PERMITS

All applications for use and occupancy permits shall be made in writing, in such form as the Code Enforcement Officer may prescribe, and shall include all fees and information necessary to enable the Code Enforcement Officer to ascertain compliance with this Ordinance.

SECTION 1911 ISSUANCE OF USE AND OCCUPANCY PERMITS

No use and occupancy permit shall be issued until the Code Enforcement Officer has certified that the proposed use complies with all the provisions of this Ordinance and any other applicable ordinance.

- A. Upon receipt of the application, the Code Enforcement Officer shall inspect the premises to determine compliance with the building permit application, this Ordinance, and any other approved ordinances. Within fifteen (15) days after receipt of the application, the Code Enforcement Officer shall either approve or disapprove the application and notify the applicant accordingly. If the applicant is disapproved, the Code Enforcement Officer shall provide to the applicant, in writing, the reasons for the disapproval.
- B. Upon approval of an application, the Code Enforcement Officer shall issue a Certificate of Use and Occupancy to the applicant for the use indicated on the approved application.
- C. Upon request, the Code Enforcement Officer may issue a temporary use and occupancy permit for a building, structure, or portion thereof before all of the work covered by the building permit is completed. Such portion or portions may be used and/or occupied prior to completion of all work provided that such temporary occupancy would not tend in any way to jeopardize life or property.
- D. Temporary Certificates of Use and Occupancy shall also be required for such uses as tents, trailers, and temporary buildings on construction sites. Such temporary certificates shall be valid for no longer than six (6) months. Temporary structures, buildings, or uses shall comply with the standards of Section 1202.F3.

SECTION 1912 ISSUANCE OR REFUSAL OF PERMITS

If the Code Enforcement Officer determines that an application is in compliance with the provisions of this Ordinance, it shall be his duty to issue the appropriate permit; and if he determines that an application is not in compliance with the provisions of this Ordinance, it shall be his duty to refuse the permit, in which case, he shall instruct the applicant

in the method of appeal or application to the Zoning Hearing Board, as set forth in to Article XVIII of this Ordinance.

SECTION 1913 FEES

Fees for building permits, use and occupancy permits and other permits required by this Ordinance, shall be paid in accordance with a schedule of fees adopted by resolution of the Borough Council. Required fees shall be paid in advance or accompany the application. Such fees shall include administrative costs for zoning hearings to cover the expenses of advertising, mailing notices, stenographic notes of testimony, and the actual costs of the hearing.

SECTION 1914 POWER OF AMENDMENT

The Borough Council may from time to time amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the manner prescribed in this Article.

SECTION 1915 AMENDMENT TO THE ORDINANCE

At the discretion of the Borough Council or any requests by citizens as set forth in Section 1916, below, the Borough Council, by resolution adopted at a regular or special meeting, shall fix the time and place of a public hearing on the proposed change, amendment or repeal, and shall cause notice thereof to be given as follows:

- A. By publishing notice once each week for two successive weeks in a newspaper of general circulation in the Borough. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
- B. Such notice shall state the time and place of the hearing, and shall include either the full text of the proposed change or amendment, or a brief summary thereof, setting for the principal provisions in reasonable detail and a reference to a place within the Borough where copies of the proposed change or amendment may be examined.

SECTION 1916 CITIZEN'S PETITION

Whenever fifty (50) percent or more of the landowners in any District shall present to the Borough Council a petition, duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of any of the regulations or restrictions prescribed by this Ordinance for their District, or whenever the owners of fifty (50) percent or more in all wards to be affected by a change or modification to the Zoning Map, it shall be the duty of the Borough Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Section 1915, above.

SECTION 1917 PLANNING COMMISSION REFERRAL

The Borough Council shall refer each petition or proposal for change or amendment, whether under this Article or under another Article, to the Planning Commission which shall consider whether or not such proposed change or amendment would be, in the view of the Commission, consistent with and desirable in furtherance of the Comprehensive Plan upon which this Ordinance is based, as the same may be modified from time to time. The Commission shall transmit its conclusion thereon, together with its reasons therefor, to the Borough Council. The Borough Council shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby. Such referral shall be made at least thirty (30) days prior to the hearing.