

## **ARTICLE XXVII. ADMINISTRATION AND ENFORCEMENT**

### **SECTION 2701. ZONING OFFICER**

The provisions of this ordinance shall be administered and enforced by a Zoning Officer and any assistants or subordinates who shall be appointed by the Township. He may be provided with the assistance of such persons as the Township may direct. The compensation shall be determined by the Board of Commissioners upon the recommendation of the Township Manager-Secretary.

### **SECTION 2702. DUTIES AND RESPONSIBILITIES OF ZONING OFFICER**

1. General. The Zoning Officer shall administer this ordinance in accordance with its legal terms and shall not have the power to permit any construction or any change of use which does not conform to this ordinance and to other applicable ordinances of the Township of Manheim and to the laws of the Commonwealth of Pennsylvania.
2. Application and permits. He shall receive applications and issue permits and/or certificates of use and occupancy for the erection, construction, alteration, repair, extension, replacement, relocation, conversion and/or use and occupancy of any building, structure, sign, or land in the Township.
3. Inspections. Before issuing any permit, the Zoning Officer may, at his discretion, examine or cause to be examined all buildings, structures, signs, or land and portions thereof for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, relocation, conversion, and/or use. Thereafter, he may make such inspections during the completion of work for which a permit has been issued. Upon completion of such work and before issuing a certificate of use and occupancy, a final inspection shall be made and all violations of approved plans or permits shall be noted, and the holder of the permit shall be notified of the discrepancies.
4. Complaints regarding violations. The Zoning Officer may, and, when in receipt of a signed written complaint stating fully the cause and basis thereof, shall, investigate alleged violations of this ordinance. If a signed written complaint is received, said investigation shall be completed within thirty (30) days of said complaint. A written report of investigation of this ordinance shall be prepared and maintained on file, with copies provided to the Board of Commissioners and the Township Manager-Secretary.
5. Official records. It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of this ordinance and all amending ordinances, the official Zoning Map, and all other pertinent information. The records of his office shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Commissioners a written statement of all permits and certificates of use and occupancy issued and violations and stop-work orders recommended or promulgated.

6. Registration of nonconforming uses. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures.

#### **SECTION 2703. PERMITS**

1. Requirements. Until a permit has been obtained from the Zoning Officer, it shall be unlawful to excavate; store material, machinery, or equipment on a lot in connection with the erection, construction, placement, reconstruction, alteration, repair, extension, replacement, restoration, or conversion of any structure, building, or sign; or change the use, area of use, percentage of use or open area or displace the use of any land, structure, building, sign, or portion thereof in the Township.
2. Form of application. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed. Application for a permit shall be made by a landowner or developer. The full names and addresses of the landowner or developer and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
3. Description of work. The application shall contain a general description of the proposed work and/or use and occupancy of all parts of the building, structure, or sign and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a site plan of the proposed building structure or sign, drawn to scale, with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction, and the distances of the same from the existing lot lines and street right-of-way lines.
4. Time limit for application. 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, during that six (6) month period, a permit shall have been issued, provided that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.
5. Issuance of permit. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent laws, he shall reject such application in writing, stating the reasons therefor. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work or use conforms to the provisions of this ordinance and all other pertinent laws and ordinances, and that the certificate of use and occupancy as required herein has been properly applied for, he shall issue a permit therefor as soon as practical.
6. Suspension of permit. The permit shall expire one (1) year from the date of issuance. Any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.
7. Revocation of permit. The Zoning Officer may revoke a permit or approval issued under the provisions of this ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or if it is

found that the work performed or the use to which the property is put is not in conformance with the application, approved plans, or provisions of all pertinent laws.

8. Posting of permit. A true copy of the permit shall be kept on the site of operations and open to inspection by the Zoning Officer during the entire time of prosecution of the work and until the completion of same as defined in the application.

#### **SECTION 2704. CONDITIONS OF PERMIT**

1. Payment of fees. No permit shall be issued until the fees required therefor prescribed by the Board of Commissioners pursuant to resolution shall be paid to the Township. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this ordinance or by any other ordinances or laws.
2. Compliance with ordinance. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of this ordinance.
3. Compliance with permit and site plan. All work or uses shall conform to the approved application and plans for which the permit has been issued, as well as the approved site plan.

#### **SECTION 2705. CERTIFICATE OF USE AND OCCUPANCY**

1. When required. It shall be unlawful to use or occupy any structure, building, land, or portion thereof until a certificate of use and occupancy has been issued by the Township. Such certificate shall not be issued unless the Township has inspected said structure, building, or land and has determined that all provisions of this ordinance and other pertinent ordinances and laws have been satisfied. The provisions of the Stormwater Management Ordinance, shall not be considered to be satisfied unless all stormwater management facilities serving the lot have been installed, inspected, and approved by the Township or financial security to guarantee the installation of such facilities have been posted with the Township.
2. Form of application. The application for a certificate of use and occupancy shall be in such form as the Township may prescribe and shall be made at the same time as the application for a permit is filed with the Zoning Officer.
3. Description of use and occupancy. The application shall contain a description of the intended use and occupancy of any structure, building, sign, or land or portion thereof for which a permit is required herein.
4. Action upon application. The Zoning Officer shall inspect or cause to be inspected any structure, building, sign, and/or land within 15 days after notification that the proposed work that was listed under the permit has been completed. If he is satisfied that the work is in conformity and in compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the approved application. If he finds that the work has not been performed in accordance with the approved application or that the prerequisite for the issuance of the Certificate of Use and Occupancy in Section 2705.1 have not been met, the Zoning Officer shall refuse to

issue the certificate of use and occupancy and shall, in writing, give the reasons therefor and inform the permit holder of his right of appeal to the Zoning Hearing Board.

5. Availability of certificate. The certificate of use and occupancy for conforming and nonconforming uses, or a true copy thereof, shall be kept available for inspection by the Zoning Officer at all times.
6. Temporary certificate of use and occupancy. Upon request of a holder of a permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, or land or portion thereof before the entire work covered by the permit shall have been completed, provided that such portion or portions may be used or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer may also issue a temporary certificate of use and occupancy for such temporary uses as tents, trailers, and buildings on construction sites; use of land for religious or other public or semipublic purposes; and similar temporary use or occupancy. Such temporary certificates shall be for a period of time to be determined by the Zoning Officer; however, in no case shall it be for a period exceeding six (6) months.

#### **SECTION 2706. ENFORCEMENT; VIOLATIONS AND PENALTIES**

1. General. It shall be the duty of the Zoning Officer to enforce this ordinance.
2. Violation. The construction, alteration, or use of any structure, building, sign, or land or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, or land without first obtaining a permit; the use of any building, structure, sign, or land without receipt of a certificate of use and occupancy; the failure to obey and/or comply with any order, decree, or decision of either the Zoning Hearing Board, Zoning Officer, or Board of Commissioners; or the failure to comply with any other provisions of this ordinance are hereby declared to be violations of this ordinance.
3. Enforcement notice. If it appears that a violation of this ordinance or any prior ordinance still in effect has occurred, the Zoning Officer shall send a written enforcement notice to the owner of record of the premises on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding those premises, and to any other person who has been requested in writing by the owner of record to receive enforcement notices. No person so served shall abandon the premises in such a condition as to create a hazard or menace to the public safety, health, morals or welfare. Such person or persons shall be jointly and severally responsible for restoring the premises to such condition as the Zoning Officer may direct to avoid or abate such a hazard or menace. The enforcement notice shall contain the following:
  - A. The name of the owner of record and any other person against whom the Township intends to take action.
  - B. The location of the property in violation.
  - C. The specific violation or violations, with a description of the requirements which have not been met and with citations in each instance to the applicable provisions of this ordinance.
  - D. The date before which steps for compliance must be commenced and the date before

which such steps must be completed.

- E. Notice that the recipient has the right to appeal to the Manheim Township Zoning Hearing Board within thirty (30) days of receipt of the notice in accordance with the procedures set forth herein.
  - F. That failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation of this ordinance and subjects the violator to the sanctions hereinafter described.
4. Enforcement remedies.
- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this ordinance or any prior ordinance still in effect shall, upon being found liable therefor in a civil enforcement proceeding commenced by Manheim Township or its duly designated representatives, pay a judgment of up to five hundred (500) dollars, plus all court costs, including reasonable attorneys' fees incurred by Manheim Township, as a result of seeking such enforcement.
  - B. Civil enforcement proceedings shall be commenced before any Magisterial District Judge. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge.
  - C. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no such violation. In such 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 Magisterial District Judge. Thereafter, each day that a violation continues shall constitute a separate violation.
  - D. If the defendant neither pays nor timely appeals the judgment, Manheim Township may enforce the judgment pursuant to the applicable rules of civil procedure. All judgments, costs and reasonable attorneys' fees collected for the violation of this ordinance shall be paid over to Manheim Township.
  - E. Nothing contained herein shall be construed or interpreted to grant any other person or entity other than Manheim Township the right to commence any action for enforcement pursuant to this section.
5. Abatement of violation.
- A. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this ordinance or any prior ordinance still in effect, Manheim Township or its duly approved representatives 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 Manheim Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land or to prevent, in and about such

premises, any act, conduct, business or use constituting a violation.

- B. When any such action is instituted by a landlord, landowner or tenant, notice of that action shall be served upon Manheim Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on Manheim Township. No such action may be maintained until such notice has been given.