

ARTICLE 13 ADMINISTRATION

Section 1300 Purpose.

This Article outlines the procedures and regulations by which this Zoning Ordinance shall be administered, and includes: responsibilities of the Zoning Officer, procedures for obtaining and regulating permits, fees, and violations.

Section 1301 Application of Regulations.

- A. Hereafter, 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 herein established for the districts in which such land, building or structure is located, as well as all other applicable statutes.
- B. In case of mixed occupancy within the same building or on the same lot, the regulations for each use shall apply to that portion of the building or land so used.

Section 1302 Administration and Enforcement.

There shall be a Zoning Officer who shall be appointed by the Board of Supervisors and whose duty it shall be to enforce the provisions of this Ordinance.

Section 1303 Zoning Officer.

A. Zoning Officer.

The Supervisors shall annually appoint a Zoning Officer to serve for a term of one (1) year or until their successor is appointed, and may appoint such Deputy Zoning Officers as it determines necessary from time to time. No person so appointed shall hold any elective office in the Township and the Zoning Officer shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning. The Zoning Officer and their deputies 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 or occupancy, which does not conform to this Ordinance. The Zoning Officer and any such deputy are hereby given the power and authority to enforce this Ordinance, to institute enforcement proceedings, to prosecute violations, including, upon approval of the Supervisors, actions in equity as a means of enforcement.

B. Duties.

The duties of the Zoning Officer and the deputies shall be:

1. To examine all applications for permits.
2. To receive applications for appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
3. To issue permits for construction and uses which comply with the regulations of this Ordinance.
4. To conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.

5. To record and file all applications for permits and accompanying plans and documents and keep them for public record.
6. To keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint.
7. To issue permits for uses approved by special exception, variance, or conditional use only after such uses or buildings and structures permitted in conjunction therewith are ordered and approved by the Zoning Hearing Board or the Supervisors, as applicable, in accordance with the regulations of this Ordinance, or as directed by a competent court of appellate jurisdiction, subject to such conditions or stipulations contained in any such order.
8. To issue stop, cease, and desist orders and order, in writing, corrections to all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Ordinance.
9. Upon request of the Zoning Hearing Board or the Supervisors, to present to such bodies facts, records, and any similar information on specific applications to assist them in reaching decisions.
10. To receive and examine all applications for zoning and other permits, referring applications to the appropriate reviewing authority, and issue building and other permits only when there is compliance with the provision of this Ordinance and with other Township ordinances.
11. To be responsible for keeping up-to-date this Ordinance and the Easttown Zoning Map, including all amendments thereto.
12. To be responsible for the administration of the National Flood Insurance Program in the Township as it relates to zoning regulation.
13. To notify, in riverine situations, adjacent communities and the State Department of Environmental Protection prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Township Manager.
14. To issue preliminary opinions in accordance with the procedure established in Section 916.2 of the Municipalities Planning Code.
15. To inspect nonconforming uses, buildings, and lots and to keep a filed record of such nonconforming uses and buildings as a public record and to examine them periodically.
16. Enforcement of this Ordinance and amendments thereto.

Section 1304 Permits Required.

A. Zoning Permits.

It shall be unlawful to commence any site work or other work requiring a zoning permit until a permit has been properly issued. A zoning permit shall be required:

1. Prior to the erection, alteration, extension, enlargement, or demolition of any building, structure, sign, or portion thereof. It shall be unlawful for any person to commence work in connection with the erection, alteration, extension, enlargement, or demolition of any building, structure or sign or portion thereof until a zoning permit has been duly issued by the Zoning Officer. Issuance of a

zoning permit shall authorize the issuance of a building permit, subject to compliance with any Township or state building or other codes applicable thereto.

2. When a change in use of land or buildings; a change in the principal use or expansion of a non-conforming use; or development within the areas restricted by natural resources protected in accordance with Article 7 of this Ordinance.
3. Before a home occupation, as per Section 915, is added as an accessory use to an existing residential principal use, or conducted as a part of a new residential use; in the latter case, the zoning permit shall specifically identify the principal and accessory use.
4. The placing of vacant land under cultivation shall not require a zoning permit.
5. A zoning permit is not required for repair to a structure other than a non-conforming structure, when such repair does not change the nature or intensity of the existing uses.
6. A zoning permit shall not be required for alterations to the interior of an existing building, provided that the use of such building is not changed, or where the entire construction, erection or alteration affects fifty (50) square feet or less of floor area.

B. Applications.

Application for a zoning permit shall be made in writing to the Zoning Officer on a form furnished by the Township, and shall contain all information necessary for such officer to ascertain whether the proposed use of land, buildings, or other improvements which are the subject of the application complies with the provisions of this Ordinance, all other applicable Township ordinances and regulations, and all statutes and regulations of other governmental authorities having jurisdiction. No application is complete, nor shall it be accepted for filing, until all required documents have been filed and all fees have been paid.

C. Building Permits.

Upon the issuance of a zoning permit, the applicant may file a written application on a Township approved form for a building permit with the Zoning Officer. No building permit shall be issued until the Zoning Officer has certified the use by issuance of a zoning permit. It shall be unlawful for any person to commence work on the erection, alteration, enlargement, extension, or demolition of any building until a building permit has been issued.

Section 1305 Permit Application Procedure.

- A. Application for permits under this Section, along with accompanying plans and data, may be submitted by the Zoning Officer to any appropriate governmental agency, authority, or representative for review and comment relative to compliance with existing statutes, and the Zoning Officer shall consider those comments in action on the application.
- B. Applications for zoning permits shall specifically identify by name and date of approval the subdivision or land development plan creating the lot for which the permit is sought or shall supply sufficient information to identify the lot and verify its compliance with applicable zoning regulations. Applicants are encouraged to file with the application a copy of such plan for the purpose of expediting the Zoning Officer's processing of the application. At a minimum, the application shall be accompanied by three (3) copies of the plan(s) drawn to scale and contain the following; provided, on lots larger than two (2) acres, the dimensions need be exact only if required by the Zoning Officer to verify conformity with this Ordinance:

1. Identification by lot number and address of the lot including a sketch of the actual dimensions and shape of the lot.
 2. Wherein the disturbance or movement of earth is contemplated, a soil erosion and sedimentation control plan in compliance with Section 626 of the Subdivision and Land Development Ordinance, with an accompanying narrative prepared by a qualified person for review and approval by the Township Engineer; or, when applicable, a copy of the permit issued by the Pennsylvania Department of Environmental Protection approving earth moving operations.
 3. The exact dimension and location on the lot of all existing buildings, structures and signs, open space, if any, and all proposed buildings, structures and signs, and proposed extensions or alterations thereof.
 4. Existing and proposed uses, giving the number of existing and proposed separate units or uses the building or structure is designed to accommodate.
 5. The exact type, materials and specifications of a proposed sign, and whether attached or freestanding.
 6. A narrative description of the provision for water and sanitary sewerage and, in the instance of a proposed on-site sanitary sewer system and/or water well, a true and correct copy of the permit issued by the Chester County Health Department or other regulatory authority having jurisdiction.
 7. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, heat, vibration, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.
 8. A description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
 9. The location, dimensions, arrangement and capacity of all open spaces and yards and buffer areas, including proposed landscaping and plant materials and screening methods.
 10. All applicable Pennsylvania Department of Transportation permits and any other appropriate, lawful permits as may be required by statute.
 11. Any additional information that may be required by the Zoning Officer or as may otherwise be required by this Ordinance.
- C. Applications for permits required under this Ordinance shall be submitted by the landowner, or a designated representative proven to have authority to act for the landowner; provided however, responsibility for obtaining any required permit in compliance with this Ordinance shall be the responsibility of the property owner in title. No zoning permit application is complete unless it is accompanied by the requisite fee. Applications found to be incomplete will not be accepted or processed. Public notice of said application for a zoning permit shall be conspicuously posted on the affected tract or parcel(s) of land within five (5) workdays from receipt of said application along with written notice to all adjacent property owners.
- D. No permit shall be issued by the Zoning Officer except in conformity with the provisions of this Ordinance and other applicable township ordinances and regulations, except upon written order of the Zoning Hearing Board, or where it has jurisdiction, the Board of Supervisors, or a court of competent jurisdiction, as applicable; provided, however, permits issued pursuant to such written orders shall be subject to any conditions and stipulations imposed by such authorities.
- E. In all instances in which the Zoning Officer has or expresses a reasonable doubt as to the ability of the proposed use, building or land to meet all of the requirements of this Ordinance or any other

applicable township ordinance or regulation, or those of any state agency or other regulatory authority having jurisdiction, it shall be incumbent upon the applicant to furnish to the Zoning Officer adequate evidence of compliance or ability to comply in support of his application. If the Zoning Officer determines that such adequate evidence has not been furnished, the zoning permit shall be denied. In the case that a permit is denied, the Zoning Officer shall send written notice to the applicant sighting the reasons why the permit was denied, within thirty (30) days of when the Zoning Officer made the determination.

- F. The parcel or parcels of land, building or structure, or parts thereof, for which an application is submitted shall be in full ownership of the applicant or proof of equitable ownership satisfactory to the Zoning Officer shall be furnished at the time the application is filed.
- G. Permits shall be granted or refused within thirty (30) days from the date the application is filed with the Zoning Officer and shall be valid for a period not to exceed one (1) year from the date of issuance. If construction is commenced under any such issued permit within such period, the Zoning Officer is authorized to extend the permit for a period not to exceed one additional year from the date of expiration of the initial one (1) year period. The Zoning Officer is authorized to revoke any zoning permit where there has been no substantial start to construction or when a cessation of construction work of more than six (6) months has occurred.
- H. A temporary zoning permit may be authorized by the Zoning Officer for a non-conforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such a permit shall be issued for a specified period of time, not exceeding one (1) year.

Section 1306 Certificates of Use and Occupancy.

A. Certificate of Use and Occupancy.

A Certificate of Use and Occupancy shall be required prior to the sale, use, or occupation of land, buildings, or structures upon completion of construction and prior to a change of use or occupancy of land, buildings, or structures. It shall be unlawful to sell, use, and/or occupy any land, building, or structure or portion thereof in any manner until a Certificate of Use and Occupancy has been issued by the Building Code Officer.

B. Permit Application Procedure.

1. Applications for Certificates of Use and Occupancy shall be submitted on a Township approved form to the Zoning Officer who is authorized to require that the application be accompanied by an as-built survey prepared by a Pennsylvania licensed professional engineer or architect and/or such additional information as they shall reasonably require to determine whether the proposed use and occupation conforms to the provisions of this Ordinance.
2. Applications shall be made as follows:
 - a. In the case of new construction or alterations to existing buildings or structures, upon completion of the building or alterations.
 - b. When no construction or alteration is involved, at any time prior to occupancy.
3. No application shall be granted or refused until the Zoning Officer has inspected the premises. A Certificate of Use and Occupancy shall be granted or refused, in writing, by the Zoning Officer within fifteen (15) working days following the date of the filing with the Zoning Officer of a

complete application. In no event shall a Certificate of Use and Occupancy be issued except in conformity with the provisions of this Ordinance.

C. Temporary Certificates.

Pending completion of a building or of alterations thereto, temporary Certificates of Use and Occupancy may be issued by the Zoning Officer for temporary occupancy of part or all of the building, provided that such temporary occupancy will not adversely affect the health, safety, and welfare of the public or property. Such temporary certificate may be issued for such period of time determined justified by the Zoning Officer not exceeding six (6) months.

D. Conditional Certificates.

When either the Zoning Hearing Board or the Board of Supervisors has imposed conditions in conjunction with the approval of any zoning application granted by such Board, or when required by the Zoning Officer, no Certificate of Use and Occupancy shall become permanent in non-commercial and non-industrial districts until thirty (30) days after the permitted use is fully operating and in commercial and industrial districts until sixty (60) days after the permitted use is fully operating and, following reinspection by the Zoning Officer, the Zoning Officer determines that the use and occupancy is in compliance with all such conditions. After such reinspection, the Zoning Officer shall notify the applicant in writing either that the use is in compliance and that the Certificate of Use and Occupancy is permanent or that the use does not comply, in which event the Zoning Officer may extend the conditional certificate to provide the applicant additional time to come into compliance. In no event shall a conditional certificate or any extension thereof be valid for more than ninety (90) days. Failure to comply shall result in revocation of the conditional certificate by the Zoning Officer, and the use and occupancy shall cease forthwith.

Section 1307 Schedule of Fees, Charges, and Expenses.

- A.** The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for zoning permits, Certificates of Use and Occupancy, special exceptions, variances, conditional uses, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be available for inspection in the office of the Township Secretary during normal business hours and may be amended by the Board by resolution. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors by resolution.
- B.** Fees so established for any application or appeal, pursuant to this Ordinance and paid to the Zoning Officer, shall accompany the application or appeal upon submission. The Zoning Officer shall have the sole discretion to determine the total amount due for an application or appeal.
- C.** Until all application fees, charges, and expenses have been paid in full, no appeal or application shall be accepted for filing, nor shall any action be taken thereon, nor shall any permit be issued.
- D.** If, at any time, the charges then made against the applicant's deposit shall render the balance insufficient to ensure payment of all expenses that may accrue in the disposition of the ending appeal or application, the Zoning Officer shall obtain from the applicant additional deposits to assure adequate funds to pay such expenses as they may accrue. Prior to final disposition of the matter, the amount of the deposit shall not be less than fifteen (15) percent of the initial deposit amount. The failure of the Zoning Officer to require and obtain additional deposits from time to time shall not relieve the applicant from any liability for expenses in excess of deposits.

Section 1308 Cause of Action.

- 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, the Board of Supervisors, the Zoning Officer, or any other Enforcement Officer of the Township, with the Supervisors approval, in addition to other remedies, may institute any appropriate action or *proceeding to prevent, restrain, correct, or abate such a building, structure, landscaping, or land* or to prevent, in or about such premises, any such action, conduct, business, or use constituting a violation of this Ordinance by giving written notice of such action prior to the time the action is begun. Notice shall be given to the owner of the property served by the Zoning Officer or other Enforcement Officer of the Township, or by Certified Mail, including a copy of the complaint to the Zoning Officer, or violation of this Ordinance observed by an agent of the Township at least thirty (30) days prior to such action being taken. No such action may be maintained until such notice is given.
- B. Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer who shall record such complaint, investigate, take action thereon as provided by this Article and report to the Supervisors regarding the complaint and the action thereon.

Section 1309 Notice of Violations.

- A. Failure to secure a permit prior to the construction, alteration, extension, or demolition of any building or structure; failure to secure a permit prior to a change in use or occupancy of land, buildings, or structures; failure to secure a Certificate of Use and Occupancy permit prior to the use or occupancy of any land, building, or structure; failure to obey or comply with any order or condition of approval of any special exception, variance, conditional use, or other zoning relief ordered by the Zoning Hearing Board or the Board of Supervisors, as applicable; failure to comply with an enforcement notice duly issued by the Zoning Officer or any authorized Township enforcement officer in relation to the provisions of this Ordinance; failure to take any action required as a condition of any use provisions of this Ordinance; failure to comply with a lawful directive of the Zoning Officer or any authorized Township enforcement officer issued under the provisions of this Ordinance; and the undertaking of any deliberate action which is contrary to the terms of this Ordinance, shall constitute a violation of this Ordinance, and the Zoning Officer shall initiate enforcement proceedings by sending notice thereof as provided in this Ordinance. Enforcement proceedings shall commence when it appears that a violation of any provisions of this Zoning Ordinance occurs. By means of the enforcement notice, the Zoning Officer may order the discontinuance of illegal use of the land or structure(s), removal of illegal structure(s) thereto, or discontinuance of any illegal work being done. Upon receipt of such notice, discontinuance of the violation shall occur immediately.
- B. 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 such a notice regarding that parcel, and to any other person requested in writing by the owner of record of the parcel.
- C. The enforcement notice shall state at least the following:
1. The name of the owner of record and any other person against whom the Township intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of this Ordinance.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. 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 the procedures set forth in this Ordinance.*
 6. 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.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal 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 the appealing party's favor.

Section 1310 Enforcement Remedies.

- A. The District Justice shall have initial jurisdiction for all proceedings brought under this Section.
- B. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable in a civil enforcement proceeding commenced hereunder, pay a judgment of five-hundred (\$500) dollars, plus all court costs, including reasonable attorney's 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. In the event that any such person against whom the District Justice has rendered a judgment neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Pennsylvania 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 such person violating this Ordinance to have believed that there was no such violation. In that latter event, there shall be deemed to have been only one (1) such violation until the fifth (5) 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's fees collected for the violation of this Ordinance shall be paid over to the Township.
- C. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem find pending a final adjudication of the violation and judgment.
- D. Nothing contained in this Section shall be construed or interpreted to grant any person or entity, other than the Township, the right to commence any action for enforcement pursuant to this Section.