

ARTICLE VII
ADMINISTRATION AND ENFORCEMENT

SECTION 7.1 **DUTIES OF ZONING OFFICER**

- A. It shall be the duty of the Zoning Officer, who shall be appointed by the Borough Council to enforce the provisions of this Ordinance and all rules, conditions, and requirements adopted or specified 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 any 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 or her duly authorized assistant(s) shall display identification signed by the Borough Council commencing an inspection.
 - 3. Inspections shall be commenced in the presence of the Owner or his representative or tenant.
 - 4. If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, he or she shall notify, in writing, the person, persons, or corporation responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal uses of land, buildings, or structure; removal of illegal buildings, structures, additions, modifications, alterations, or other structural changes; discontinuance of any illegal work being done; or, shall take any other action authorized by this Ordinance to insure compliance with or to prevent violations of its provisions including, but not limited to, instituting civil enforcement proceedings.

- C. The Zoning Officer shall maintain files, open to the public, of all applications for land use permits along with plans submitted therewith as well as final permits.

- 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 such complaints.

- E. The Zoning Officer shall submit to the Borough Council for insertion in the minutes, a written report summarizing for the month all land use permits and certificates of occupancy issued by him or her as well as complaints of violations and action taken as a result of such complaints.

SECTION 7.2 **LAND USE PERMITS**

No building or structure in any District shall be moved, added to, erected, reconstructed, or restored, or structurally altered and no increase in impervious surface are on a property shall be permitted without a land use permit duly issued upon application to the Borough of Mont Alto.

No land use permit shall be required for normal maintenance and repairs.

No land use permit shall be issued unless the proposed construction of use is in full conformity with all the provisions of this Ordinance. Any land use 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.

- A. Every application for a land use permit shall contain the following information and be accompanied by the required fee and by a plot plan and signed by the person responsible for such drawing. If no such plot plan is available, a survey is required. It shall be drawn to scale and submitted in triplicate.
1. The actual shape, dimensions, radii, angles, and area of the lot on which the building is proposed to be erected, or the lot in which it is situated if an existing building.
 2. The block and lot numbers as they appear on the latest tax records.
 3. The exact size and locations on the lot of the proposed building or buildings or alteration of an existing building and of other existing buildings on the same lot.
 4. The dimensions of all yards in relation to the building and the distances between such building and any other existing buildings on the same lot.
 5. The existing and intended use of all buildings, existing or proposed, the use of land, and the number of dwelling units the building is designed to accommodate.
 6. Such topographic or other information with regard to the building, the lot, or neighborhood lots as may be necessary to determine that the proposed construction will conform to the provisions of this Ordinance.
- B. No land use permit shall be issued for the construction or alteration of any building upon a lot without access to a public street or highway.
- C. No land use permit shall be issued for any building where the Site Plan of such building is subject to approval by the Borough Council, except in conformity with the plans approved by the Borough Council.
- D. No land use permit shall be issued for a building to be used for any Special Use in any District where such use is allowed only by approval of the Borough Council unless and until such approval has been duly granted by the Borough Council.

- E. The land use permit application and all supporting documentation shall be made in triplicate. On the issuance of a land use permit, the Zoning Officer shall return one (1) copy of all filed documents to the applicant.
- F. The Borough shall, within ten (10) working days after the filing of a complete and properly prepared application, either issue or deny a land use permit. If a land use permit is denied, the Borough shall state, in writing, to the applicant the reasons for such denial and the manner in which the application can be corrected and/or modified to obtain the required approval.
- G. Work on proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the land use permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed sub-surface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request. The Borough may authorize in writing an extension of six (6) months.
- H. The holder of a land use permit shall notify the Zoning Officer after the foundation is staked in the field and before excavation is begun for approval of the building's location.
- I. No land use permit shall be issued by the Zoning Officer except in conformity with the provisions of this Ordinance, unless written orders are received from the Zoning Hearing Board in the form of an appeal, special exception, or variance as provided by this Ordinance and the Laws Governing Planning and Zoning.

SECTION 7.3 **FEES**

The Borough Council has set fees through an official fee schedule resolution for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising mailing notices, processing, inspecting, and copying applications, permits, and use certificates. The fee schedule shall be available at the Borough Offices for public inspection.

SECTION 7.4 **CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS AND PERMITS:**

Land use permits issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized permit shall be deemed violation of this Ordinance and punishable as provided by this Ordinance heretofore.

SECTION 7.5 **COMPLAINTS AND ENFORCEMENT**

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 bases thereof, shall be filed with the Zoning Officer. This Ordinance shall be enforced by the designated Borough Zoning Officer. No permit of any kind, as provided in this Ordinance, shall be granted by him for any purpose except in compliance with the provisions of this Ordinance.

SECTION 7.6 **ENFORCEMENT NOTIFICATION**

If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify, in accordance with Section 616.1 of the Pennsylvania Municipalities Planning Code, and in writing the person responsible for such violation, indicating the nature of the violation, and order the action necessary to correct it. Such violation shall be corrected within sixty (60) days of issuance of the enforcement notice.

SECTION 7.7 **ENFORCEMENT REMEDIES**

- A. Any person, partnership or corporation who or which has violated the Provisions of this Ordinance or of Act 170 of 1988, upon being found liable thereof in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500.00) plus court costs, including reasonable attorney fees incurred by the Borough 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 Borough 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 determines that there was good faith basis for the person, partnership, or corporation violating the Ordinance who 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 the 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 Mont Alto Borough.

Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Part.

- B. 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 Part, the Borough or, with the approval of the Borough, an Officer of the Borough, 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 any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, 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 to the Borough Council. No such action may be maintained until such notice has been given.

- C. District Justices shall have initial jurisdiction over proceedings brought under Subsection A and B above.