
ARTICLE 22

GENERAL ADMINISTRATION AND ENFORCEMENT

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Section 2200 Zoning Officer

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer. The Zoning Officer shall be appointed by the Borough Council. It shall be the duty of the Zoning Officer, and he/she is hereby given the power and authority, to:

- A. Receive and examine all applications for zoning permits.
- B. Review zoning permit applications for compliance with the provisions of this Ordinance, all other applicable ordinances and with all federal, state, county, and local laws and regulations which are relevant to the subject property.
- C. Process zoning permit applications for all permitted uses and issue permits only where there is compliance with the provisions of this Ordinance, with other Borough ordinances, and with the laws and regulations of the county, commonwealth and federal governments.
- D. Receive applications for conditional uses, curative amendments and zoning amendments, and forward them to Borough Council for action thereon.
- E. Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereon.
- F. Following the refusal of a permit, to receive applications for interpretation, appeals, and variances and forward these applications to the Zoning Hearing Board for action thereon.
- G. Conduct investigations to determine compliance or noncompliance with the terms of this Ordinance. The Zoning Officer or his/her representative may enter any Borough property provided that the property owner receives prior notification.
- H. Enforce the provisions of this Ordinance by the issuance of enforcement notices or by other means. Such written orders shall be served personally or by registered mail upon the persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance.

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- I. Institute civil enforcement proceedings as a means of enforcement when acting with the approval or direction of Borough Council.
 - J. Maintain the official Zoning Map showing the current zoning classifications of all land in the Borough.
 - K. Keep a permanent record of all plans and applications for permits and all permits issued with notations as to special conditions attached thereto.
 - L. Revoke any order or zoning permit issued under mistake of fact or contrary to the law or the provisions of this Ordinance.
 - M. Enlist the assistance of other municipal agents and agencies in performing these responsibilities.
 - N. Present relevant facts, records, and similar information to the Zoning Hearing Board or Borough Council upon request.

Section 2201 Zoning Permits

A. Requirement for a Zoning Permit.

No use shall be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed or removed, and no building used or occupied, changed in use, or changed in occupancy, until a zoning permit has been secured from the Zoning Officer. In addition, a zoning permit shall be required prior to any of the following.

1. Use of any building or other structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged, or otherwise altered regardless of requirements for issuance of a building permit.
2. Change in use, ownership or occupancy of any building or structure, or portion thereof.
3. Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a permit.
4. Change in use or expansion of a nonconforming use or structure, or portion thereof.

B. Application Requirements

All applications for zoning permits shall be made to the Zoning Officer in writing on forms furnished by the Borough and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this Ordinance. Whenever the use involves a new building or structure or alterations to an existing building or structure, an application for a zoning permit shall be made prior to application for a building permit. When no construction is involved, application for a zoning permit and a Certificate of Occupancy, pursuant to the Pennsylvania Uniform

Construction Code, as amended, may be made simultaneously at any time prior to the use or occupancy of the land, building, or structure.

1. Applications shall be made in writing by the owner, tenant with owner's written permission, purchaser under contract of sale, or authorized agent for the owner and shall include the name and address of the applicant and contractor and the site location on which construction is proposed.
2. A certificate of approval or permit from the Armstrong County Department of Health shall accompany the application if the use will involve a use regulated by that agency.
3. Each application shall stipulate the proposed use of the land, building, or structure. If more than one use is proposed, or existing, the application shall include tabulation and description of all uses on the property and a brief description of the proposed work and the estimated cost.
4. The application shall include a site layout plan indicating the location, dimensions, height, and relation to property and street lines of proposed buildings or structures and all existing buildings or structures.

C. Permit Issuance

No zoning permit shall be issued until the Zoning Officer has determined that the proposed use of land, the proposed tenant or occupant, or the existing or proposed building or structure complies with the provisions of the applicable zoning district and other provisions of this Ordinance. The issuance of a zoning permit does not permit occupancy of a building or structure. A Certificate of Occupancy is also required pursuant to the Pennsylvania Uniform Construction Code, as amended. In case of refusal of the Zoning Officer to issue a permit, the applicant shall be advised in writing of the reasons for denial and of his or her rights of appeal to the Zoning Hearing Board.

D. Application Fees

All applicants shall pay to the Borough at the time of application a fee in the amount established in the Fee Schedule adopted by resolution of the Borough Council. In the event an application requires a request to Borough Council for consideration of a conditional use or to the Zoning Hearing Board for consideration of a special exception, variance, or appeal of a decision of the Zoning Officer, each applicant shall pay to the Zoning Officer the appropriate application fee in the amount established in the Fee Schedule.

Section 2202 Certificate of Occupancy

A. Requirements for a Certificate of Occupancy

It shall be unlawful for any person to occupy any building, structure or land, or portion thereof, under any of the conditions listed below until the Building Code Official, pursuant to the Pennsylvania Uniform Construction Code, as amended,

has issued a Certificate of Occupancy. A Certificate of Occupancy shall be required for any of the following.

1. Initial occupancy of any building or structure, or portion thereof, intended for occupancy hereinafter erected, altered, or enlarged for which a building permit is required.
2. Change in use, ownership or occupancy of any non-residential building or structure, or portion thereof.
3. Change in occupant or tenant of any non-residential building or structure, or portion thereof.
4. Change in use or expansion of a nonconforming use or structure, or portion thereof.
5. Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a Certificate of Occupancy.

B. Application Requirements

All applications for Certificates of Occupancy shall be made to the Zoning Officer in writing on forms furnished by the Borough and shall include all information necessary to enable the Zoning Officer to ascertain compliance with the Pennsylvania Uniform Construction Code, as amended. A separate zoning permit shall also be required as stipulated in Section 2003 of this Ordinance. The zoning permit and Certificate of Occupancy may be combined for the administrative convenience of the Borough as a Certificate of Use and Occupancy.

C. Certificate Issuance

No land, building, structure, or facility, or portion thereof, shall be occupied until the Zoning Officer has determined the following.

1. The Zoning Officer has issued a Zoning Permit.
2. Construction complies with the requirements of the Pennsylvania Uniform Construction Code, as amended.
3. Authorized representatives of water and sewer providers have supplied letters or permits indicating compliance or approval.
4. The Zoning Officer has approved use and occupancy.
5. The applicant has paid all required permit fees.

D. Certificate Fees

All applicants shall pay to the Borough at the time of application a fee in the amount established in the Fee Schedule adopted by resolution of the Borough Council. No Certificate shall be issued until payment of the required fee.

E. Issuance of Temporary Certificates of Occupancy

A temporary Certificate of Occupancy may be granted prior to the completion of construction for a period not to exceed ninety (90) days, provided that all structural work is completed, all permits relating to sewage and water have been obtained and filed with the Borough, a zoning permit has been issued, and all permit fees have been paid, and provided further that the person seeking the temporary certificate posts with the Borough, pursuant to an Escrow Agreement in a form satisfactory to the Borough Solicitor, sufficient funds to complete the construction and all required improvements, construction, grading, etc. The Zoning Officer must approve all temporary certificates.

Section 2203 Enforcement Notice

A. The Zoning Officer is hereby authorized and directed, in the name of the Borough, to enforce the provisions of this Section and to institute civil enforcement proceedings as provided in this Ordinance when acting within the scope of his or her employment as set forth in Section 2000.

B. If it appears that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided herein. 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, to any other person requested in writing by the owner of record, and to any other person against whom the Borough intends to take action.

C. An enforcement notice shall state at least the following.

1. The name of the owner of record and any other person against whom the Borough intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. 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 this Ordinance.

6. Failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation.

Section 2204 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated any of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, shall pay a judgment of not more than \$500.00 plus all court costs plus 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 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 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 the violation continues shall constitute a separate violation.
- B. The Court of Common Pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the Borough, the right to commence any action for enforcement pursuant to this section.