**ARTICLE 12**

**ADMINISTRATION AND ENFORCEMENT**

1. **DUTIES OF THE ZONING OFFICER**

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Board of Supervisors and who shall hold no elective office in the Township. Said Officer shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Supervisors may, from time to time, deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the following duties:

* 1. to receive and process applications for permits, certificates, variances, special exceptions, conditional uses, appeals and other applications required under the terms of this Ordinance;
	2. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
	3. to issue permits for the construction, alteration or erection of all buildings or structures which are in accordance with the requirements of this Ordinance, within 30 days after receipt of an application for such a permit. In cases of applications for a Conditional Use, a Special Exception, or a variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board and in certain instances (i.e. conditional uses and amendment requests), hearings before the Township Supervisors;
	4. to deny applications for permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application. Said refusal shall be in writing and shall state the reasons for such action;
	5. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;
	6. to issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity. Refusals shall be in writing and shall state the reasons for such action;
	7. to issue written enforcement notices as specified in Section 1204 B of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Township Supervisors;
	8. to maintain and update the official Zoning Map;
	9. to maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued;
	10. to issue Certificates of Nonconformance where requested (as per the requirements of Sections 900 G and 901 B of this Ordinance):
	11. to issue preliminary opinions (in accordance with the procedure established in Section 916.2 of the PA Municipalities Planning Code) regarding whether a landowner's proposed use or development complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general, local circulation. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined; and
	12. to perform such other duties as may be made necessary by the terms of this Ordinance.
1. **GENERAL PROCEDURE FOR BUILDING/ZONING PERMIT APPLICATION**

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building or land shall apply to the Zoning Officer for a Building/Zoning Permit by completing the appropriate application form and by submitting the required fee. (In addition to meeting the requirements of this Ordinance, the applicant shall meet all other regulations or codes in effect in Piatt Township or as may be hereafter adopted. Nothing in this Ordinance shall exempt the applicant from obtaining any permits which may be required by such regulations.) The Zoning Officer shall then either issue or deny the Building/Zoning Permit or refer the application to the Zoning Hearing Board or Township Supervisors for their consideration, as may be appropriate. After the applicant has received his Building/ Zoning Permit, he may proceed with his proposal as approved. Following completion of his project, the applicant shall apply to the Zoning Officer for a Certificate of Occupancy. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Building/Zoning Permit, he shall issue a Certificate of Occupancy thus allowing the premises to be occupied or used. (The specifics of each step in this process are discussed in Sections 1202 and 1203 below.)

1. **BUILDING/ZONING PERMITS**
	1. Requirements for Building/Zoning Permits
		1. A Building/Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except as specified in Article 7; prior to the change or extension of a nonconforming use; or prior to any development in a Flood plain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Building/Zoning Permit has been duly issued therefor. (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)
		2. A Building/Zoning Permit shall be required prior to the construction of any road, access road, private drive or residential development. All plans shall be submitted showing the proposed ingress and egress from the particular property and the provisions made for Stormwater Management and water run­ off. All residential developments shall have roads paved and curbs and drainage in place before development may begin.
	2. Exemptions

Building/Zoning Permits shall not be required for the following activities unless they are proposed within any identified flood plain district:

* + - 1. interior alterations when there is no increase in ground floor exterior dimension and no change in use;
			2. general exterior maintenance and repair to.existing buildings or structures; including siding, roofing, painting, the addition or replacement of storm windows, and similar activities;
			3. agricultural activities, including crop or tree farming, and agricultural pasture fencing;
			4. landscaping;
			5. construction or erection of fences, unenclosed or uncovered patios, land terraces, steps or other similar features;
			6. placement or location of utility distribution lines;
			7. razing of buildings or structures; or
			8. other activities or construction, other than dwelling additions which are enclosed, undertaken in strict conformance with the provisions of this Ordinance which do not exceed 200 square feet in area.
	1. Application for Building/Zoning Permits

Each request for a Building/Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible parties shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of an application to issue or deny the Permit. Any denial shall be in writing and shall state the reason(s) for such action.

* 1. Description of Work and Plan Requirements

All applications for Zoning Permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as may be necessary to determine compliance with this Ordinance and all other pertinent regulations, including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

One copy of the plans will be returned to the applicant when such plans have been approved by the Zoning Officer. All applications and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

* 1. Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable Federal, State or local regulations. Included in the information shall be a copy of a sewage permit when one is necessary. Also, if the PA Department of Labor and Industry, the Department of Transportation, or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

* 1. Changes

After the issuance of a Building/Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for consideration.

* 1. Display of Permit Placard

In addition to the Building/Zoning Permit, the Zoning Officer shall issue a Permit placard which shall be displayed or posted on the premises during the time construction is in progress. The Permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the Building/Zoning Permit, the date of its issuance, and the signature of the Zoning Officer. ·

* 1. Time Limitations

Work on the proposed construction shall commence within six (6) months after the date of issuance of the Building/Zoning Permit and shall be completed within 24 months following Permit issuance or the Permit shall expire, unless a time extension is granted in writing by the Zoning Officer. Time extensions may be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request.

For the purposes of this Section, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

* 1. Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine this compliance.

In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any zoning district, including any identified flood plain district, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Ordinance.

* 1. Revocation of Permits

The Zoning Officer may revoke a Building/Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Township Supervisors for whatever action they may deem necessary.

* 1. Seasonal or Temporary Building/Zoning Permits

A Seasonal or Temporary Building/Zoning Permit may be authorized by the Township Zoning Officer for the temporary placement of a recreational vehicle(s) or camping unit(s) in a campground or on a lot in a floodplain area where the Zoning Officer is satisfied that adequate arrangements have been made for emergency and seasonal removal of the unit(s). Such Permits shall be issued annually and shall be valid from April 15 through October 15 of each year. (See also Sections 409 and 434.) Where the application for the placement of a recreational vehicle(s) or camping unit(s) in a floodplain area also includes the installation of a dock, the applicant shall provide the Zoning Officer with a copy of his DEP-issued dock permit. (See also Section 432.)

* 1. A Temporary Building/Zoning Permit

A Seasonal or Temporary Permit may be authorized by the Zoning Officer for a non­permanent structure or use not generally permitted where it is deemed beneficial to the public health or general welfare, necessary to promote the proper development of the community, or for temporary accessory uses, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Township. Such Permits shall be issued for a period of time not to exceed 180 days, and may be renewed for no more than two (2) additional 90 day periods, except as may be provided otherwise in Section 433 of this Ordinance for specific uses.

1. **CERTIFICATES OF OCCUPANCY**
	1. Requirements for Certificates of Occupancy

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used in whole or in part or shall be changed in use until a Certificate of Occupancy has been issued by the Zoning Officer. Such Certificate shall not be issued until the exterior walls of the building are complete and all essential or vital utilities have been installed. The issuance of a Certificate of Occupancy is not however intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure. The purpose of the Certificate is only to certify that all work authorized by the Building/Zoning Permit has been satisfactorily completed and that the building or proposed use thereof complies with the provisions of this Ordinance.

* 1. Issuance and Effect

The applicant shall notify the Zoning Officer in writing upon completion of the permitted activity and the Certificate of Occupancy shall be issued or denied by the Zoning Officer within ten (10) days after the activity has been inspected and approved as complying with the provisions of this Ordinance and the issued Permit. Once granted, the Certificate of Occupancy shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants. If any part of the construction is found in violation, then the applicant shall be notified in writing of the deficiencies found or the reasons for denial of the Certificate.

1. **VIOLATIONS AND ENFORCEMENT**
	1. Violations

Failure to secure a Building/Zoning permit when required hereunder or failure to secure a Certificate of Compliance or Certificate of Occupancy, or failure to comply with any reasonable requirement or condition imposed by the Zoning Hearing Board or the Board of Supervisors, or failure to carry out the provisions of this Ordinance shall be considered a violation of this Ordinance.

* 1. Enforcement Notice

Whenever it appears to the municipality that there has been a violation of any provision of this Ordinance, the governing body or, with the approval of the governing body an officer of the municipality shall give written notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

* + 1. Be served upon the property owner or sent to him by certified mail (return receipt requested);
		2. Include the name of the owner of record and any other person against whom the Township intends to take action;
		3. Include the location of the property in violation;
		4. Identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the ordinance;
		5. Contain an outline of remedial action which, if taken, will effect compliance;
		6. Specify the time to be allotted for which compliance must be commenced and specify the time to be allotted for correction or abatement of the alleged violation;
		7. Notify the recipient of the right to appeal to the Piatt Township Zoning Hearing Board within thirty (30) days of receipt of the notice;
		8. Indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and may result in the remedies, and sanctions, further described in Ordinance Section 1204, a copy of which will be enclosed with the Enforcement Notice.
		9. Be sent to other persons who have filed a written request to receive enforcement notices regarding that parcel, and any other person requested in writing by the owner of record
	1. Causes of Action
		1. If any building, structure, sign, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, or maintained or used in violation of this Ordinance, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his or her property or person will be affected by the alleged violation, may seek, whenever necessary, to institute an injunction, mandamus, abatement, or other appropriate action or proceedings 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. The above described Enforcement Notice shall not be a prerequisite to seeking such equitable relief
		2. In addition to or instead of such equitable relief, the governing body or, with the approval of the governing body, an officer of the municipality may seek statutory enforcement remedy.
	2. Statutory Enforcement Remedy

* + 1. Any person, partnership, or corporation which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law shall, upon being found liable therefore in a civil enforcement proceeding commenced by Piatt Township, pay a judgment of not more than $500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of penalty by the district justice with appropriate jurisdiction.

If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the rules of civil procedure.

* + 1. Each day that a violation continues shall constitute a separate violation, unless the district justice determining the penalty further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to believe that there was no such violation, in which event there shall be deemed to have been only on such violation until the fifth day following the date of the determination of penalty by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.
		2. All judgments, costs, and reasonable attorney fees for violation for this Zoning Ordinance shall be paid over to Piatt Township.
1. **FEES AND FEE SCHEDULES**

Fees for the issuance of Building/Zoning Permits, Certificates of Occupancy, Ordinance Amendments, Conditional Uses, Special Exceptions, variances and other zoning actions shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the Township Supervisors.

Further, any fees paid by a party for appeal of an enforcement notice to the Township 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 favor of the appealing party.