

## ARTICLE 13

### ADMINISTRATION, ENFORCEMENT AND AMENDMENTS

#### 1300 Purpose

The purpose of this Article is to set forth procedures for the administration and enforcement of this Ordinance, in accordance with the Planning Code.

#### 1301 Administration

1. The administration, enforcement and amendment of this Ordinance shall be in accordance with the provisions of Article VI and any other applicable sections of the Pennsylvania Municipalities Planning Code, Act 247, as amended by Act 170, hereinafter referred to in this Article as the Planning Code.
2. There shall be a Zoning Officer who shall be appointed by the Borough Council. The powers and duties of the Zoning Officer listed in this Article may be exercised by the Borough Manager. All employees engaged in the administration and enforcement of this Ordinance shall report to the Borough Manager.
3. The Zoning Officer and Borough Manager shall not hold any elective office in the Borough.
4. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.
5. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.
6. Duties

The following duties shall be performed by the Zoning Officer:

- a. Enforce all provisions of this Ordinance and all amendments thereto.
- b. Receive, examine, record and file all applications and fees for building permits and issue building permits only for any structure or use which conforms to this Ordinance.

- c. Issue permits for uses and construction by special exception or variance only after such uses or buildings are approved by the Zoning Hearing Board, in accordance with the provisions of this Ordinance. Permits requiring approval by the Borough Council shall be issued only after receipt of an authorization from the Council.
- d. Receive all required fees.
- e. Regularly inspect all areas of the Borough to determine if there are any violations of this Ordinance and review the validity of any reported zoning violations.
- f. Issue all necessary stop orders and order in writing correction of all conditions found to be in violation 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 such order shall be guilty of a violation of this Ordinance.
- g. Maintain, or cause to be maintained, a map or maps showing the current zoning classification of all land in the Borough.
- h. Upon request of the Council, Planning Commission or Zoning Hearing Board, present facts, records and any similar information to such body on specific requests to assist these bodies in reaching their decisions.

6. Appeal from Decisions of the Zoning Officer

An appeal from a decision or action of the Zoning Officer shall be made directly by a party in interest to the Zoning Hearing Board, and such appeal shall be made within thirty (30) days after notice of the decision is made, or if no decision is made, thirty (30) days after the date when a decision is deemed to have been made, in accordance with the Planning Code, as amended.

7. Violations

Whenever a violation of this Ordinance is alleged to have occurred, any person may file a written and signed complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer who shall record such complaint promptly and

immediately investigate and take action thereon as provided in this Ordinance.

## 1302

Enforcement

## 1. Enforcement Notice

If it appears to the Borough that a violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice 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 an enforcement notice regarding that parcel and to any other person requested in writing by the owner of record. An enforcement notice shall include the minimum components required in Section 616.1(c) of the Planning Code.

## 2. Causes of Action

See Section 617 of the Planning Code.

## 3. Enforcement Remedies

See Section 617.2 of the Planning Code.

## 4. Jurisdiction

District justices shall have initial jurisdiction over proceedings brought under Section 617.2 of the Planning Code.

## 1303

Permits

## 1. Requirement for Permits

A permit shall be required prior to the erection or alteration of any building, structure or portion thereof, including signs and fences; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use or structure.

## 2. Application for Permits

Application for permits shall be made to the Zoning Officer on such forms as may be furnished by the Borough. Each application shall contain all information necessary to ascertain whether the

proposed erection, alteration, use or change in use complies with the provisions of this Ordinance.

3. Issuance of Permits

- a. No building or use permit shall be issued until the Zoning Officer has certified that the proposed building or alteration and the proposed use of the property complies with the provisions of this Ordinance.
- b. Permits shall be granted or refused within forty-five (45) days after the date of application. In case of refusal the applicant shall be informed of his right to appeal to the Zoning Hearing Board.

4. Permits for Trailers or Other Temporary Structures

Prior to the placement or location of a trailer or other temporary structure on a site, a permit shall be obtained from the Zoning Officer as noted above in this section (1303). Such temporary permit shall be effective for not more than ninety (90) days and may be renewed. However, the total continuous time for which temporary permits may be issued shall not exceed one (1) year.

5. Expiration of Permits

Permits for the erection, razing, change, alteration or removal of a building shall be valid or effective for a period of not more than six (6) months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within that period and continues with due diligence from that time forward. In no event shall a zoning permit be construed to authorize the development activities for more than a one (1) year period of time, after which time a new permit must be sought. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted for reasons beyond his or her control and demonstrably not due to his or her own negligence, at the discretion of the Zoning Officer the permit may be renewed without additional costs to the applicant.

## 6. Occupancy Permits

### a. Applicability

An occupancy permit shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies. Such a permit shall certify that the premises have been inspected and comply with all previously approved plans and all conditions or safeguards attached to the issuance of a zoning permit. It shall also certify that the premises comply with all other applicable requirements of the Borough of Sharon Hill. The following shall be unlawful until an occupancy permit shall have been applied for and issued by the Zoning Officer:

- (1) Occupancy and use of a building erected, reconstructed, restored, altered, moved or any change in use of an existing building;
- (2) Occupancy, use or any change in use of vacant land;
- (3) Any change in use of a nonconforming use;
- (4) Any change in ownership in residential owner-occupied structures and new tenancy in rental facilities.

### b. Applications

Application for an occupancy permit shall be made on forms furnished by the Borough after the building or part thereof has been erected, the change in use has been completed or the land placed in use. In the case of a change in ownership or tenancy of an existing residential building, an occupancy permit shall be applied for by the owner of such a building upon the sale or rental respectively.

Application for an occupancy permit shall be accompanied by a payment of the required fee.

c. Action by the Zoning Officer

The Zoning Officer shall, within fifteen (15) days of application filing, inspect the premises and either certify their compliance with the previously approved plans and all conditions and safeguards stated upon issuance of a zoning permit or deny such certification. In the case of a change in use of an existing building or vacant land (when no zoning permit is required), the Zoning Officer shall verify compliance with the applicable zoning regulations.

Upon establishment of compliance in any of the aforementioned cases, the Zoning Officer shall note his certification on the occupancy permit form in one column designated for zoning inspections. The certified occupancy permit form shall be forwarded to the Zoning Officer for further processing.

If the Zoning Officer's certification of the occupancy permit form is denied, the Zoning Officer shall state in writing the reasons for such denial.

7. Fees

- a. The Borough Council shall establish, by resolution, a schedule of fees, charges, expenses and collection procedures for building permits, sign permits, special exceptions, variances, appeals, amendments and other matters pertaining to this Ordinance.
- b. A schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended by the Borough Council only.
- c. The cost of permits shall be based on a fee schedule as established from time to time by Borough Council.
- d. No action shall be taken on any application for any special exception, variance, appeal or other similar matter pertaining to this Ordinance until all application fees, charges and expenses have been paid in full.

## 8. Enforcement Remedies

Persons found to be in violation of this Ordinance shall pay a judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Borough. See Section 617.2 of the Planning Code.

1304

## Amendments

### 1. Power to Amend

The regulations, restrictions, boundaries and requirements set forth in this Ordinance may be amended, supplemented, changed or repealed by the Borough Council by amending this Ordinance in accordance with Sections 609, 609.1 and 609.2 of the Planning Code.

### 2. Procedure for Amendment

a. An ordinance amending, supplementing or changing the district boundaries (Zoning Map) or the regulations established herein may be initiated:

(1) By the Borough Council, upon its own initiative or upon recommendation of the Planning Commission.

(2) Upon a petition to the Borough Council signed by the owners of fifty (50) percent or more of the frontage of any area which shall be between two (2) streets wherein a change of zoning regulations is being sought.

(3) By a landowner requesting an amendment or repeal. In the case of a curative amendment, the special requirements of Section 609.1 of the Planning Code shall apply.

b. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a map change, notice of said public hearing shall be conspicuously posted along the perimeter of the tract at least one (1) week prior to the hearing.

- c. The Borough Council shall submit each proposed zoning amendment, other than one prepared by the Planning Commission, to the Planning Commission at least thirty (30) days prior to any hearing which is to be held on the proposed amendment to provide the Planning Commission with an opportunity to submit its recommendations prior to final action.
- d. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Borough Council shall hold another public hearing as required by law pursuant to public notice before proceeding to vote on the amendment.
- e. As required by the Planning Code, a copy of any proposed zoning amendment shall also be sent to the County Planning Commission at least thirty (30) days prior to any hearing on the proposed amendment in order to provide the County Planning Commission an opportunity to submit its recommendations prior to final action on the amendment.
- f. The Borough may offer a mediation option as an aid in completing proceedings authorized in this section. In exercising such an option, the Borough and mediating parties shall meet the stipulations of Section 908.1 of the Planning Code.
- g. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Delaware County Planning Department.