

**ARTICLE 7
ADMINISTRATION, ENFORCEMENT AND APPEALS**

701 ZONING OFFICER

The Governing Body shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code.

702 DUTIES OF THE ZONING OFFICER

The Zoning Officer 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 which does not conform to this Ordinance. As may be required, the Zoning Officer shall make reports to the Governing Body at the close of each month's business. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

702.1 Application for Zoning Permits: The Zoning Officer shall receive applications for Zoning Permits. A Zoning Permit application shall be filed prior to the start of construction/development by a developer. The application shall describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Township regulations. The proposed activity may be verified by a site visitation by the Zoning Officer or an agent designated by the governing body, prior to the issuance of the Zoning Permit. All applications for construction/development that conforms to zoning ordinances shall be approved; those not conforming to zoning ordinances shall be denied. (amended 3/01/93)

Denial of Permits:

A. When the Zoning Officer is not satisfied that the applicant's proposed construction/development will meet the requirements of this Ordinance, the Zoning Officer shall refuse to issue a Zoning Permit. The applicant may appeal the Zoning Officer's decision to the Zoning Hearing Board.

B. The permit may be denied and/or revoked because the activity may damage Township roads, interfere with surface water flow and drainage, or cause erosion. The landowner may be permitted to file with the Township a cash bond or bond with corporate surety in an amount approved by the Township supervisors to assure that the landowner, his servants, agents and employees will save harmless the Township from any expense incurred through any damage to

Township roads or to insure completion of all work pursuant to conditions of approval. If a corporate bond is offered, it shall be executed by a company authorized to do business in Pennsylvania as a corporate surety.

702.2 Non-Conforming Uses and Structures: The Zoning Officer shall prepare, and keep up-to-date, a register of all non-conforming uses, structures and signs.

702.3 Permits, Applications, Appeals and Certificates: The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for Special Exceptions, Conditional Uses, and Variances and forward the same to the appropriate body. In addition, the Zoning Officer shall receive all applications for appeals prior to forwarding the same to the Zoning Hearing Board.

702.4 Revocation of Permits: If it shall appear at any time, to the Zoning Officer, that the application or accompanying information is in any material respect false or misleading, or that work is being done upon the premises differing materially from that called for in the application on file with the Zoning Officer under existing laws or ordinances, the Zoning Officer may forthwith revoke the Zoning Permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the Zoning Officer.

703 PERMITS AND CERTIFICATES

703.1 Zoning Permits: An application for a Zoning Permit will be required to show compliance with this and other appropriate Township ordinances. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plot plans as well as the number of copies, limits and fees for such applications shall be determined by the Governing Body. A Zoning Permit shall be valid for two (2) years from the date of issuance, after which time it shall become null and void. After the expiration of two (2) years, an application must be filed for another permit as though the permit had never been issued. Any unheated addition or storage building of 100 square feet or less shall not require a Zoning Permit, but must comply with all other sections of this Ordinance. (amended 03/01/93).

- A. Any commercial construction requiring plans approved by the Pennsylvania Department of Labor and Industry, covered under PA Code Title 34, Labor and Industry Fire and Panic Regulations, Chapters 49-59, will not be issued a Summit Township Zoning Permit until such approved plans are presented to the Zoning Officer.

703.2 Summit Township Occupancy/Use Permits

- A. **New Uses:** Upon completion of the whole building or structure for which a Zoning Permit was previously issued, the owner or developer thereof shall apply for a Summit Township Occupancy/Use Permit upon a form furnished by the Zoning Officer setting forth such facts that are required for issuance of the permit. Occupancy/Use of the completed building or structure is expressly prohibited until an Occupancy/Use Permit has been issued by Summit Township.

The Zoning Officer shall verify the facts and information set forth on the application and, upon finding the facts and information to be true and accurate, shall issue in duplicate, a Summit Township Occupancy/Use Permit. This Occupancy/Use Permit shall signify only that the use of the building or structure is in compliance with the provisions of the ordinance, and may be used for the purpose set forth in the permit upon completion of the structure as described in the Zoning Permit. A Summit Township Occupancy/Use Permit, once granted, shall continue in effect as long as there is no change of use, regardless of change in ownership, tenants, or occupants.

A copy of the Summit Township Occupancy/Use Permit shall be kept and/or displayed upon the premises affected. A record shall be kept by the Zoning Officer for all Summit Township Occupancy/Use Permits issued and the original applications for Zoning Permits.

Any change in structure or land to a different use requires a new Summit Township Occupancy/Use Permit prior to such use, to insure that the new use is in compliance with the Zoning Ordinance.

- B. **Existing Uses:** Any use of a building, structure and/or lot existing at the enactment date of this Ordinance shall require a Summit Township Occupancy/Use Permit prior to any change to a different use, to insure that the new use is in compliance with the Zoning Ordinance.
- C. **Conditional Summit Township Occupancy/Use Permits** may be issued by the Zoning Officer, upon approval of the supervisors, provided such applicant provides to the Township sufficient security to insure the faithful performance of all incompleated improvements and to cover administrative, legal and

engineering costs of the Township. The amount of such security, and the duration of the conditional permits, shall be determined by the supervisors and agreed to by the applicant.

Approval by the supervisors will only be granted if proper and sufficient justification is provided by the applicant; otherwise, the request for conditional Summit Township Occupancy/Use Permit will be denied. (paragraph added 11/6/95)

703.3 Sign Permits: A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Section 612 of this Ordinance.

- A. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all requirements of this Ordinance.
- B. Permits shall be granted or refused within fifteen (15) days from date of application.
- C. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or a court of competent jurisdiction.
- D. All applications for sign permits shall be accompanied by plans or diagrams in duplicate, drawn approximately to scale, showing the following:
 - 1. Exact dimensions of lot or building upon which the sign is proposed to be erected.
 - 2. The exact size, dimensions and location of the sign on lot or building.
 - 3. Any other lawful information which may be required by the Zoning Officer.
- E. One copy of said plans or diagrams shall be returned to the applicant after the Zoning Officer shall have marked such copy either approved or disapproved, and attested to same by his signature. The second copy, similarly marked, shall be retained and filed by the Zoning Officer.

704 DUTIES OF THE OWNER/DEVELOPER

It shall be the duty of the owner/developer to apply for and secure all permits and certificates as required by this Ordinance. Failure to secure necessary permits or certificates or failure to apply for same in a timely fashion shall be a violation of this Ordinance.

705 APPEALS, VARIANCES, SPECIAL EXCEPTIONS

The Zoning Officer shall receive all applications for appeals, variances, and special exceptions. Said applications shall be on forms as approved by the Governing Body for the Board, as appropriate, and shall be accompanied by a fee as set by these respective bodies. It is the intent of this Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of appeals, variances and special exceptions shall be within such time limits as shall be set by the Board. These applications shall be filed by the last Monday of the month. A hearing shall be held within 60 days from the date of applicant's request, unless the applicant has agreed in writing to an extension of time.

706 VIOLATIONS

Failure to comply with any provision of this Ordinance or to secure a Zoning Permit, or Zoning Hearing Board permit, when required, prior to the erection, construction, extension, alteration, or addition to a structure shall be a violation of this Ordinance. Failure to secure a Summit Township Occupancy/Use Permit prior to occupying a building, structure or lot shall also be a violation of this Ordinance.

706.1 Notice of Violation: When a violation of this Ordinance occurs, the Zoning Officer shall provide a written notice of violation to the offending party. When such written notice of violation has been served, the owner, agent or occupant, contractor or builder, shall correct such violation within the time provided in the notice of violation.

706.2 Penalties: Any person, partnership or corporation who or which has violated or permitted violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of the violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

707 PLANNING COMMISSION

The governing body shall appoint a Planning Commission consisting of seven members. All members of the Commission shall be residents of Summit Township and shall serve without compensation, but may be reimbursed for necessary and reasonable expenses. The organization and operating procedures of the Commission shall be in accordance with Article II, Section 202, of the Pennsylvania Municipalities Planning Code.

707.3 Report to Township Supervisors: Following the enactment of this Ordinance, the Planning Commission may, from time to time, prepare and file with the Township supervisors, a report on the operation of this Ordinance, including recommendations on the enactment of amendments, supplements, or changes thereto.