

**ORDINANCE NO. 20-3**

**AN ORDINANCE OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA AMENDING CHAPTER 185 ZONING, ARTICLE XII ADMINISTRATION AND PENALTIES OF THE CODE OF CODIFIED ORDINANCES TO PROVIDE CHANGES TO THE APPEALS, VIOLATIONS AND PENALTIES OF THE ZONING ORDINANCE OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA**

***WHEREAS***, the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania have enacted, by Ordinance, enforcement, appeal, remedy, violation, and penalty provisions dealing, in part, with zoning which Ordinance has been amended from time to time; and

***WHEREAS***, the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania has determined that it would be in the best interest of the Township of Hanover, Northampton County, Pennsylvania ("Township") to amend its Ordinance to include updates to zoning enforcement, appeal, remedy, violation, and penalty provisions.

***NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA AS FOLLOWS:***

**Section 1:**

**Chapter 185 Zoning; Article XII Administration and penalties; Section 185-42 Administration and appeals is amended in its entirety to read as follows:**

**"§ 185-42 Administration and appeals.**

A. Zoning Officer. Provisions of Chapter 185 shall be administered and enforced by the Township Zoning Officer, who shall be appointed by the Township Supervisors. The Township Zoning Officer may not hold any elective office in the Township.

B. Duties and powers of Zoning Officer. It shall be the duty of the Zoning Officer to enforce literally the provisions of Chapter 185 and all rules, conditions and requirements adopted or specified pursuant thereto, and they shall have such duties and powers as are conferred on them by Chapter 185 and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

- (1) Receipt of applications for and issuance of zoning permits and sign permits.
- (2) Keeping an official record of all business and activities, including complaints of a violation of any of the provisions of Chapter 185 and of the action taken consequent to each such complaint. File copies of all applications received, permits issued, reports and inspections made in connection with any use, structure, building, sign and/or land shall be retained as long as they remain in existence, or as otherwise permitted by law.
- (3) Making of inspections as required to fulfill his/her duties. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties.
- (4) Issuance of permits for special exception uses, conditional uses and for variances only after the same have been approved by the Zoning Hearing Board or Board of Supervisors, as appropriate, in accordance with the regulations of Chapter 185.
- (5) Keeping Chapter 185 and the Zoning Map up to date so as to include all amendments thereto.

(6) Issuance of certificates of use and occupancy in accordance with the terms of Chapter 185.

(7) Identification and registration of nonconforming uses, structures and dimensions created as a result of the adopting of Chapter 185 and Official Zoning Map or created as a result of amendments thereto and issuance of certificates, upon application, with respect to the same.

(8) Issuance of enforcement notices and institution of civil enforcement proceedings as a means of enforcement.

(9) Issuance of temporary use and structure permits in accordance with the terms of Chapter 185.

C. Enforcement notice. The Zoning Officer shall serve an enforcement notice on any person, firm, corporation, partnership or other entity responsible for violating any of the provisions of Chapter 185 or in violation of a detailed statement or a plan approved thereunder. The enforcement notice shall be in writing and shall state:

(1) The name of the owner of record and any other person against whom the Township intends to take action;

(2) The location of the property in violation;

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of Chapter 185;

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed;

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in Chapter 185; and

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

D. Appeals. Any other appeal(s) from a decision of the Township Zoning Officer shall be made directly to the Township Zoning Hearing Board."

## **SECTION 2. Chapter 185 Zoning, Article XII Administration and Penalties;**

**Section 185-43 Violations and penalties is amended in its entirety to read as follows:**

### **"§ 185-43 Violations and penalties.**

A. Remedies. 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 Chapter 185, the Board of Supervisors or, with the approval of the Board of Supervisors, the Zoning Officer or other officer of the Township 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 Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

B. Violations and penalties. Any person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of Chapter 185 shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney's fees incurred by the Township 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 Magisterial District Judge who has jurisdiction over the action. If the defendant neither pays nor timely appeals the judgment, the Township 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 Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, corporation or other entity violating Chapter 185 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 Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of Chapter 185 shall be paid to the Township for its general use."

**SECTION 3. SEVERABILITY.** The provisions of this Ordinance are severable, and if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

**SECTION 4. REPEALER.** All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be effective five (5) days after adoption.

**ORDAINED AND ENACTED** this 22 day of September, 2020, at a regular public meeting after public hearing thereon.

ATTEST:

By:

Elizabeth D. Zitta

BOARD OF SUPERVISORS  
OF THE TOWNSHIP OF HANOVER

By:

John N. Diacogiannis, Chairman