

ARTICLE XIX
ADMINISTRATION

History: Amended by Ordinance No. 2022-06-04, June 8, 2022 and Ordinance No. 2023-07-02, July 12, 2023

§20-1901. Duties of the Zoning/Code Enforcement Officer

The Zoning/Code Enforcement Officer shall be appointed by the Board of Supervisors and may hold no elective office in the Township of Center. The Zoning/Code Enforcement Officer shall have the following duties and responsibilities:

- A. Shall administer and enforce the Township zoning regulations in accordance with their literal terms;
- B. Shall receive applications for Zoning Permits, Building Permits and Occupancy Permits and process them in accordance with Section 20-1902 and Section 20-1903 of this Article;
- C. Shall review development applications after a site visit before deciding to issue or deny a permit or refer the proposal to the Planning Commission or Zoning Hearing Board;
- D. Shall testify at hearings of the Zoning Hearing Board on contested determinations he has made;
- E. Shall halt construction where it is not proceeding in accordance with the permit, or the permit has expired or never existed;
- F. Shall visit approved construction in progress to verify continued compliance with the permit;
- G. All questions of interpretation of this Chapter shall be first presented to the Zoning/Code Enforcement Officer; and such questions shall be considered by the Zoning Hearing Board only on appeal from the determination of the Zoning/Code Enforcement Officer;
- H. May keep a current record of nonconforming uses throughout the Township;
- I. May be delegated the job of preparing advertising for public hearings, preparing lists of property owners to be notified by mail of hearings and posting notices of hearings and proposed rezoning; and
- J. Shall submit a monthly report of his activities to the Board of Township Supervisors. The report

shall be submitted in time for the next regularly scheduled Board meeting.

§20-1902. Zoning/Building Permit

- A. An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change of occupancy of a structure or erect, install, enlarge alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system shall first apply the Zoning/Code Enforcement Officer and obtain the required permit(s). Permits shall not be required for residential detached; yard and garden equipment sheds, greenhouses, woodsheds, children's playhouses, with highest floor level less than thirty (30) inches above adjacent grade and of less than one (100) square feet of total floor area so long as the structure is in compliance with Sections 20-406, 20-503E, 20-603 F, 20-703F or 20-803. Permit(s) shall not be required for residential; children's swings and other playground equipment and prefabricated swimming pools that are less than twenty-four (24) inches deep. However, if located within an identified floodplain, all buildings and structures shall require a permit, regardless of size.
- B. An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change of occupancy of a structure or any part of a structure or erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system shall first apply to the Zoning/Code Enforcement Officer and obtain the required permit(s). Permits shall not be required for residential detached; yard and garden equipment sheds, greenhouses, wood sheds, children's playhouses, with highest floor level less than thirty (30) inches above adjacent grade and of less than one hundred (100) square feet of total floor area so long as the structure is in compliance with Sections 20-406, 20-503.e, 20-603.H, 20-703.F or 20-803. Permit(s) shall not be required for residential; children's swings and other playground equipment and prefabricated swimming pools that are less than twenty-four (24) inches deep. However, if located within an identified floodplain, all buildings and structures shall require a permit, regardless of size.
- C. An application shall include the following in duplicate:

1. A description of the proposed work and the proposed use of the structure, if a new building, indicating the number of dwelling units or commercial units the building is designed to accommodate.
 2. A site plan shall be prepared showing the boundary lines of the property to receive the new construction, if a new building or expansion of an existing building is proposed, indicating bearings and distances of each line, area of the property and name of owner of record.
 3. The site plan shall also show public streets abutting the property, any public utilities serving the property, the location of freestanding signs and parking and loading areas, with the number of spaces indicated, if a commercial or industrial development.
 4. The proposed building shall be shown on the site plan, with dimensions and height noted and distances indicated between it and adjacent roads and property lines.
 5. If the building is for commercial, industrial, multi-family or public use, a certificate of approval from the State Department of Labor and Industry shall be provided as well as all other applicable governmental agencies as may be required by law. In addition, the proposed site plan must be approved by the Board of Supervisors after review and recommendation by the Planning Commission as required in Chapter 14 Subdivision and Land Development Ordinance, regulations.
 6. Existing buildings already on the property and topographical features, such as steep slopes, swamps and streams, shall be shown on the site plan.
 7. The Zoning/Code Enforcement Officer may waive those portions of this paragraph which do not apply, as for interior work or construction not affecting the outside dimensions of an existing building.
 8. Stormwater Management and Soil Erosion and Sedimentation Plans, as required by Chapter 21, Stormwater Management, and the Pennsylvania Department of Environmental Protection.
 9. Proof of Workman's Compensation insurance coverage for contractor completing the work or proof of compliance with Act 44 of 1993 on affidavit provided by the Township.
- D. If the application is satisfactory, the Zoning/Code Enforcement Officer shall inspect the premises where the construction is proposed to occur. If new construction is proposed, the Zoning/Code Enforcement Officer shall verify on the site the location of the construction relative to adjacent property lines and may order the owner to have stakes positioned by a registered land surveyor to indicate the property line and the outline of the new construction. Upon completing his inspection and finding the application and premises compatible, the Zoning/Code Enforcement Officer shall approve the application and return one (1) copy of the documents, together with a signed building permit authorizing the applicant to proceed.
 - E. If the application is not satisfactory, the Zoning/Code Enforcement Officer shall return one (1) set of the application documents, together with a letter indicating the specific reasons why the application cannot be approved and the changes necessary to make it acceptable.
 - F. The Zoning/Code Enforcement Officer shall visit the property whereon the approved construction is taking place in order to assure himself that the work is proceeding in accordance with the application documents. The Zoning/Code Enforcement Officer shall not be denied access to the property in order to inspect the construction in progress and may order the work halted pending appeal to the Zoning Hearing Board or corrected to conform to the approved application documents.
 - G. If an applicant wishes to amend the use, arrangement or construction of his building from that shown on the application documents after such documents are approved, he shall file with the Zoning/Code Enforcement Officer an application for a building permit to cover the proposed amendment.
 - H. A building permit shall become void, if after six (6) months from the date of issue, construction for which the permit was issued has not commenced and was not continuously pursued.

The life of a building permit shall be one (1) year from the date of issue. Permits may be extended at the discretion of the Zoning Officer for not more than one (1) additional year on large projects or where the applicant can show just cause for delay.

- I. The Zoning/Code Enforcement Officer shall keep records of all applications, either approved or disapproved, including one (1) copy of each permit issued, shall maintain a journal of his activities and shall submit a monthly report, in time for each regular meeting, to the Board of Supervisors.

§20-1903. Occupancy Permits

A. For new use or expansion of existing uses:

1. Upon completion of any residential, commercial, public, semi-public or industrial building, or a structure containing more than one (1) dwelling unit, the contractor or builder shall apply to the Zoning/Code Enforcement Officer for an occupancy permit.
2. The Zoning/Code Enforcement Officer shall inspect the premises, and if satisfied that all conditions of the building permit have been met, shall issue an occupancy permit certifying that the premises complies with the provision of this Article and may be used for the purposes set forth on the building permit.
3. If the Zoning/Code Enforcement Officer, upon inspection, finds the premises to have been developed in violation of any of the conditions of the building permit, he shall order the violations corrected to conform to the Building Permits and shall not issue an occupancy permit until satisfied that these corrections have been made. The contractor shall be responsible for requesting a reinspection after violations have been corrected, and the Zoning/Code Enforcement Officer shall not issue an occupancy permit until he verifies all violations have been corrected.

B. For Changing Existing Uses:

1. If a property owner wishes to change the use of any building, structure or premises, or if a new owner seeks to occupy a

property that is used for commercial or industrial purposes, he shall apply to the Zoning/Code Enforcement Officer for an occupancy permit. Changes for which an occupancy permit shall be required include addition of a dwelling unit or units in the structure, introduction of a home occupation, conversion of a use or continuation of the use of a commercial or industrial property by a new owner. The Zoning/Code Enforcement Officer shall first determine that no building permit is required to effect the proposed change, but if so, the developer shall proceed as under Section 20-1902.

2. If the Zoning/Code Enforcement Officer is satisfied that such change is in conformance with all requirements of this Chapter, he shall issue an occupancy permit.
3. It shall be the responsibility of the owner of a property to determine that any person leasing or subleasing the premises will use them only for activities permitted by this Chapter; and if a use is contemplated or undertaken by a lessee or sublessee which is not permitted or is permitted only as a conditional use or special exception, it shall be the responsibility of the owner to either secure permission from the Township for the use or to remove the use from the premises.

C. For New Tenants/Occupants:

1. If a property owner wishes to sell, or rent, to a new owner, tenant or occupant, any building, structure or property, including residential units, he/she owns, he/she shall apply for an Occupancy Permit for that building, structure, property or unit, providing the following information:
 - a. name, address and telephone number of property owner;
 - b. name, address and telephone number of the designated local property manager (if the property owner resides outside of Center Township);
 - c. the street address of the subject property;

- d. the name and number of occupants of said building, structure, property or unit.
2. A registration of each residential unit and its occupants, shall be made on an annual basis by January 31st of each calendar year, and within thirty (30) days of any change of occupants or occupancy.
3. If the Zoning/Code Enforcement Officer is satisfied that all requirements of this Chapter have been met, he/she shall issue an occupancy permit.

§20-1904. Enforcement

- A. If the Zoning/Code Enforcement Officer shall find that any provision of this Chapter is being violated, he shall notify the owner of the property upon which such violation is occurring by certified mail, return receipt requested.
- B. The 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, and to any other person requested in writing by the owner of record.
- C. The notice shall state, at least, the following:
 1. The name of the owner of record and any other person against whom the municipality intends to take action.
 2. The location of the property in violation.
 3. The specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 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 thirty (30) days of issuance of the notice.
 6. That failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly defined.

- D. The Zoning/Code Enforcement Officer shall allow a period, not to exceed thirty (30) days, within which a violation shall be corrected. The Zoning/Code Enforcement Officer shall inspect the site of the violation at the conclusion of the period specified; and if he finds the violation still not corrected, shall take the owner before a magistrate who, if he/she finds the owner guilty, shall assess penalties in accordance with Section 20-1905.
- E. In any appeal of an enforcement notice to the Zoning Hearing Board, Center Township shall have the responsibility of presenting its evidence first.
- F. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by Center Township should the Zoning Hearing Board, or any court of competent jurisdiction, rule in favor of the appealing party.

§20-1905. Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or continued a violation of this Chapter beyond the thirty (30) day period referred to in Section 20-1904D, above hereof shall, upon being found liable thereof in a civil enforcement proceeding, pay a judgment of not more than five hundred dollars (\$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 payable until the date of the determination of a violation by the District Magistrate. 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 District Magistrate, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the Chapter 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 (5th) day following the date of the determination of a violation by the District Justice. Thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable

attorney fees collected for the violation of this Chapter shall be paid over to the Township.

- B. The owner or tenant of any building, structure, premises or part thereof and any architect, engineer, landscape architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains a violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation, or to bring an action to enjoin any violation of this Chapter.
- D. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine, pending a final adjudication of the violation and judgment.
- E. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than the Township, the right to commence any action for enforcement pursuant to this Section.

square feet in size, that has deteriorated through natural causes and is in need of replacement.

§20-1906. Schedule of Fees

- A. The Board of Township Supervisors hereby establishes a schedule of fees, charges and expenses and a collection procedure for Building Permits, appeals and other matters pertaining to this Chapter. The schedule of fees identified by Resolution, shall be posted in the Township Office and may be altered or amended only by resolution of the Board of Township Supervisors. All money received shall be made payable to Center Township and shall be acknowledged as received by the Township in writing.
- B. No permit, certificate, special exception or variance shall be issued unless, or until, such costs, charges, fees or expenses listed below have been paid in full; nor shall any action be taken on proceedings before the Zoning Hearing Board unless or until preliminary charges and fees have been paid in full.
- C. A permit shall be required for all construction, except replacement of elements (windows, doors, roofs, painted surfaces, etc.) of any structure greater than one hundred (100)