

Part 11

Administration and Enforcement

Section 1101. General Procedures.

(a) Persons desiring to undertake any new construction, structural or site alteration, or changes in the use of a building or lot shall apply to the Township Zoning Officer for a Zoning Permit by filling out the appropriate application form and by submitting the required fee.

(b) The Zoning Officer shall either issue the Zoning Permit or shall refuse the Permit, indicating in writing the reason for refusal. Certain construction, alterations or uses require approval of the Zoning Hearing Board and/or the Board of Supervisors and/or the Planning Commission.

(c) If refused a Permit by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.

(d) After the Zoning Permit has been received by the applicant, he may undertake the action permitted by the Zoning Permit.

(e) Upon completion of such action, the applicant may apply to the Township Zoning Officer for an Occupancy Permit (where such a permit is required).

(f) If the Zoning Officer finds that the action of the applicant is in accordance with the Zoning Permit and any other required permits, he shall issue an Occupancy Permit allowing the premises to be occupied.

(Ordinance 130, December 9, 1991, Section 1101)

Section 1102. Permits and Certificates.

(a) Zoning Permit.

(1) No person shall erect, alter, convert, move or add to any building, structure or sign, or alter the use of any land or structure, until the Zoning Officer issues a Zoning Permit to the person/applicant for said change or construction. No Zoning Permit is required for normal maintenance and repairs.

(2) A Zoning Permit for a permitted use may be issued by the Zoning Officer. A Zoning Permit for a use requiring a special exception or variance shall be issued by the Zoning Officer only upon the written order and consent of the Zoning Hearing Board after all hearing procedures. An applicant for a special exception, variance, or for interpretation of any part or provisions of this Chapter shall be made to the Zoning Hearing Board on forms which may be obtained from the Township Secretary. Any uses permitted by right or by special exception that is subject to any conditional uses to those applicable provisions which may apply to the use. The Board of Supervisors and the Planning Commission shall regulate all conditions specified under Part 9 of this Chapter.

(3) All applications shall be made in writing and shall be accompanied by three (3) sets of plans indicating or illustrating the following information if applicable:

(i) The actual dimensions and shape of the lot to be built upon prepared by a licensed surveyor or engineer;

(ii) The exact size and location on the lot of buildings, structures or signs existing and/or proposed extensions thereto prepared by a licensed surveyor or engineer;

(iii) The number of dwelling units, if applicable;

(iv) Parking spaces provided and/or loading facilities;

(v) Statement indicating the existing or proposed use;

(vi) Height of structure, building or sign;

(vii) All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Chapter;

(viii) A detailed scaled drawing of the signs showing intended location and stating how it shall be affixed;

(ix) A statement indicating the type of construction and the manner of installation for signs, together with the materials to be used;

(x) A written agreement that the applicant is the owner of the premises on which the sign will be erected or that the applicant has obtained the consent of the owner or lessee of such premises to erect such sign; and

(xi) A written agreement that the sign shall be erected according to the accompanying plans and specifications.

(4) One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approval or disapproval and attested to the same by his signature on such copy. One (1) copy of such plans shall be retained by the Zoning Officer for his permanent records and one (1) copy shall be retained by the Board of Supervisors.

(5) Approval or denial of the requested Zoning Permit shall be made not later than thirty (30) days from the date of application. In denying a zoning application the Zoning Officer shall inform the applicant of the reasons for denial and specify the provision(s) of this Chapter which has not been satisfied. Applicants shall be informed of their rights of appeal and provided with all necessary information to pursue such appeals.

(6) Zoning permits shall expire within six (6) months from date of issuance, if the work described in any permit has not begun. If the work described in any zoning permit has begun, said permit shall expire after one (1) year, exclusive of any time required for administration and permitting, from date of issuance thereof, within which time said work shall be completed.

(b) Certificate of Use and Occupancy.

(1) A Certificate of Use and Occupancy shall be required upon the completion of the work authorized. It shall be unlawful to use and/or occupy any structure, building and/or portions thereof in any manner until a Certificate of Use and Occupancy has been issued by the Zoning Officer.

(2) The application for Certificate of Use and Occupancy shall be submitted on such form as the Zoning Officer may prescribe.

(3) The Zoning Officer shall inspect any structure, building, sign and/or land or portions thereof and shall determine the conformity therewith. If satisfied that the completed work is in conformity with this Chapter and with the work listed in the Zoning Permit, a Certificate of Use and Occupancy shall be issued.

(4) A Certificate of Use and Occupancy shall be granted or refused, in writing, within ten (10) days from the date of application.

(5) In zones in which performance standards are imposed, no Certificate of Occupancy shall become permanent until thirty (30) days after the facility is fully operating and only after, upon reinspection by the Zoning Officer, it is determined that the facility is in compliance with the zoning performance standards. After said reinspection the Zoning Officer shall notify the applicant that the facility is in full compliance with all performance standards and that the Certificate of Use and Occupancy is permanent or that the facility does not comply and that the Certificate of Use and Occupancy is still temporary. In no case shall a temporary Certificate of Use and Occupancy extend ninety (90) days past the date of reinspection.

(c) Certificate of Nonconforming Use or Structure.

(1) The owner of the premises occupied by a lawful nonconforming use or structure may secure a Certificate of Nonconforming Use or Structure from the Zoning Officer.

(2) Such Certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure.

(Ordinance 130, December 9, 1991, Section 1102)

Section 1103. Zoning Officer.

(a) Appointment.

(1) The Zoning Officer shall be appointed by the Board of Supervisors and shall not hold any elective office that conflicts with his or her normal duties.

(2) The Zoning Officer or staff shall continue to serve the Township until such time as the Board of Supervisors declares otherwise.

(b) Duties and Powers. It shall be the duty of the Zoning Officer to enforce literally the provisions of this Chapter, as amended, and shall have such duties and powers as are conferred by this Chapter and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

(1) Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Chapter.

(2) Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Chapter and of the action taken consequent to each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc., remain in existence.

(3) Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.

(4) Issue permits for special exception uses, conditional uses and for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board or the Governing Body in accordance with the regulations of this Chapter.

(5) Be responsible for keeping this Chapter and the Zoning Map up-to-date so as to include all amendments thereto.

(6) Issue Certificates of Use and Occupancy in accordance with the terms of this Chapter.

(7) Review and register nonconforming uses, lots, structures, buildings or signs as submitted by the property owner.

(8) Perform such other duties as may be required for the administration of this Chapter.

(c) Notice of Violations. The Zoning Officer shall serve a notice of violation on any person, firm, corporation or partnership responsible for violating any of the provisions of this Chapter, or in violation of a detailed statement or a plan approved thereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct the same. If the notice of violation is not complied with, the Zoning Officer is hereby authorized to file a complaint with the district magistrate located closest to the site of the alleged violation.

(Ordinance 130, December 9, 1991, Section 1103; as amended by Ordinance 164, April 26, 1999, Section 39)

Section 1104. Zoning Hearing Board.

(a) Creation and Membership.

(1) The Township Board of Supervisors hereby creates a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Township Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and this Chapter.

(2) The Township Supervisors may appoint alternate members of the Zoning Hearing Board pursuant to the provisions of the Code, as amended. The alternate members may serve as provided in the Code.

(b) Organization.

(1) The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 1105. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the Township and the laws of the State. Meetings shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine.

(2) All meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year.

(c) Expenditures and Compensation. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized by the Board of Supervisors.

(d) Procedures for Application. The Zoning Hearing Board shall act in strict accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and as it may be amended, and by this Chapter. All appeals and applications made to the Zoning Hearing Board shall be in writing, on forms prescribed by the Zoning Hearing Board. Every appeal or application shall refer to the specific provision of this Chapter involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to validity of this Chapter, the use for which a special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. In all cases, the Zoning Hearing Board shall request the Board of Supervisors and the Township Planning Commission to review and comment on the application prior to rendering a decision.

(Ordinance 130, December 9, 1991, Section 1104)

Section 1105. Functions of the Zoning Hearing Board. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended. The jurisdiction of the Zoning Hearing Board and the Township Board of Supervisors, and the procedures to be followed by each, shall be as established in said Code.

(a) Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. In granting any variance the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, as amended. The Zoning Hearing Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. In all cases, the Zoning

Hearing Board shall request the Board of Supervisors and the Planning Commission to review and comment on the application prior to rendering a decision. The Zoning Hearing Board may grant a variance provided that all the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such condition, and not circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located;

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) That such unnecessary hardship has not been created by the appellant;

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

(5) That the variance as granted by the Zoning Hearing Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(6) The approval of a variance if authorized by the Zoning Hearing Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one (1) year from the date of said approval and shall thereafter expire and be void, unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one (1) year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the variance should not be initiated within one (1) year of the approval or such additional term as may be expressed in the approval, or should the activity which is the subject of the variance be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(b) Special Exceptions. The Zoning Hearing Board shall hear and decide, upon application, only such special exceptions which the Zoning Hearing Board by the provisions of this Chapter is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Chapter shall be subject to the following standards and criteria. The applicant for a special exception shall demonstrate, as a condition to approval of his application, compliance with these criteria and those criteria specified elsewhere in this Chapter for the use in question. In all cases, the Zoning Hearing Board shall request the Board of Supervisors and the Planning Commission to review and comment on the application prior to rendering a decision.

(1) Such use shall be one which is specifically authorized as a special exception use in the zoning district wherein the applicant seeks a special exception.

(2) Such special exception shall only be granted subject to any applicable condition and safeguards as required by this Chapter.

(3) Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

(4) Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

(5) Services and utilities shall be made available to adequately service the proposed use by the applicant.

(6) The granting of the special exception shall be consistent with the Township Comprehensive Plan.

(7) The approval of a special exception, if authorized by the Zoning Hearing Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one (1) year from the date of said approval and shall thereafter expire and be void, unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one (1) year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the special exception should not be initiated within one (1) year of the approval or such additional term as may be expressed in the approval or should the activity which is the subject of the special exception be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, as amended.

(Ordinance 130, December 9, 1991, Section 1105)

Section 1106. Hearing Procedures.

(a) Public notice, as defined by law, and written notice shall be given to the public, the applicant, adjoining property owners of the applicant property (which includes property owners across the street from the applicant property), the zoning officer, such other persons as the Township Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

(b) The Township Board of Supervisors may prescribe reasonable fees consistent with the Pennsylvania Municipalities Planning Code.

(c) The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

(d) The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

(e) In all cases, the parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

(f) The chairman or acting chairman of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(g) The parties shall have the right to be represented by counsel. All such representation shall be confirmed on the record and all statements presented on behalf of said party shall be binding for the purposes of administration and enforcement. All parties shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.

(h) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

(i) The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by

the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

(j) The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advise from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

(k) The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or the hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection (a) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in the Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

(l) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ordinance 130, December 9, 1991, Section 1106; as amended by Ordinance 259, October 7, 2009, Section 1)

Section 1107. Amendments.

(a) Initiation of Amendments. Proposals and/or applications for amendment, supplement, change, re-zoning, modification or repeal may be initiated by the Board of Supervisors on its own motion, by the Township Planning Commission or by request of owners of property subject to the following provisions:

(1) Proposals Initiated by the Board of Supervisors. The Board of Supervisors shall refer to every proposed amendment, supplement, change, modification, re-zoning or repeal originated by them to the Township Planning Commission at least thirty (30) days prior to the hearing on said proposal. The Planning Commission shall submit to the Board of Supervisors a report containing the Commission's recommendations, including any additional or modifications to the original proposal.

(2) Proposal Originated by the Township Planning Commission. The Township Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, re-zoning, modification or repeal of this Chapter.

(3) Proposals Initiated by Others. In the case of amendment, supplement, change, modification or re-zoning proposed by other than the Board of Supervisors or the Township Planning Commission, such proposal shall be submitted to the Board of Supervisors, together with any application forms or fees as may be required by the Board of Supervisors. Such proposal shall be referred to the Township Planning Commission for review and recommendation at least thirty (30) days prior to the hearing on the proposal.

(b) Referral to County Planning Agency. At least thirty (30) days prior to the hearing on the proposed ordinance amendment, re-zoning, modification, change or supplement, the Board of Supervisors shall submit the proposal to the County planning agency for its recommendations.

(c) Hearings.

(1) Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice. No such amendment shall become effective until such hearing, at which parties in interest and citizens shall have an opportunity to be heard.

(2) If, after any public hearing held on an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(3) Public notice, as defined in Act 247, as amended, shall be given of the time, place and general nature of such hearing and shall be published in a newspaper of general circulation in the Township. Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place where copies of the proposed ordinance or amendment may be examined.

(d) Post Enactment Procedures.

(1) After enactment, if the advertisement of a zoning ordinance amendment is required by other laws respecting the advertisement of ordinances, such advertisement may consist solely of a reference to the place or places within the Township where copies of the amendment are available for examination without charge or may be obtained for a charge not greater than the cost thereof.

(2) Amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly reported therein.

(3) Within thirty (30) day of enactment, the Township shall forward an endorsed copy of the amendment to the Berks County Planning Commission.

(Ordinance 130, December 9, 1991, Section 1107)

Section 1108. Curative Amendments.

(a) Procedure for Landowner Curative Amendments.

(1) A landowner who desires to challenge on substantive grounds the validity of this Chapter which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

(2) The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request unless the landowner requests or consents to an extension of time.

(3) The curative amendment shall be referred to the Township Planning Commission and the County Planning Commission at least thirty (30) days prior to the hearing to provide both agencies with an opportunity to submit recommendations.

(4) The hearing shall be conducted in accordance with procedures established in Section 609.1 of Act 247, as amended.

(5) Within thirty (30) days of enactment of a curative amendment, the Township shall forward an endorsed copy of the ordinance/amendment to the Berks County Planning Commission.

(b) Procedure for Municipal Curative Amendments.

(1) Pursuant to Section 609.2 of Act 247, as amended, the Township, by formal action, may declare this Chapter or portions thereof substantively invalid and propose the preparation of a curative amendment to overcome such invalidity. Within thirty (30) days the Board of Supervisors shall:

(i) By resolution, make specific findings setting forth the declared invalidity of this Chapter. This may include references to specific uses which are either not permitted or not permitted in sufficient quantity; reference to a class of uses which require revision; or reference to the entire ordinance which requires revisions.

(ii) Begin to prepare and consider a curative amendment to correct the declared invalidity.

(2) Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to this Chapter or reaffirm the validity of this Chapter. The established procedures required by Section 609 of Act 247, as

amended, shall govern the process of enactment of the curative amendment.

(3) Following the date of enactment of a curative amendment or reaffirmation of this Chapter, the Township may not again utilize the curative amendment procedure for a thirty-six (36) month period.

(4) If after the date of declaration and proposal there is a substantially new duty or obligation imposed on the Township by statute or Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to this Chapter to fulfill said duty or obligation.

(5) Within thirty (30) days of enactment, the Township shall forward an endorsed copy of the ordinance/amendment to the Berks County Planning Commission.

(Ordinance 130, December 9, 1991, Section 1108)

Section 1109. Conditional Uses.

(a) Four (4) copies of an application for permission to conduct a use permitted by condition shall be submitted to the Township Secretary. Such application shall include all information specified for a zoning permit application and any other information necessary to allow the Township Board of Supervisors to determine that all requirements of this Chapter have been met. The applicant shall be responsible for all pertinent costs incurred for the review of the application.

(b) The application procedures for a conditional use hearing shall be consistent with the requirements specified by the Pennsylvania Municipalities Planning Code, as amended.

(c) The application shall be reviewed at one or more advertised meetings of the Township Board of Supervisors.

(d) Conditional uses shall meet the specific standard established for each use by this Chapter and all other applicable Zoning District requirements and general regulations established by this Chapter. In addition, the following standards shall be met:

(1) The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.

(2) The use conforms with the goals, objectives and policies of the Township Comprehensive Plan.

(3) The use conforms with the spirit, purposes and intent of all other applicable provisions of all other Township ordinances.

(4) The use conforms with all pertinent State and Federal laws, regulations and requirements.

(5) Services and utilities shall be made available to adequately service the proposed use.

(6) The use will not generate traffic such that hazardous or unduly congested conditions will result.

(7) The use is appropriate to the site in question.

(8) The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

(e) The Board of Supervisors shall either approve or disapprove the application within ninety (90) days after the date the application is received by the Township Secretary.

(f) The Township Board of Supervisors may attach such additional reasonable conditions and safeguards as they deem necessary to implement the purpose of this Chapter and the Pennsylvania Municipalities Planning Code, as amended.

(g) The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(h) The approval of a conditional use, if authorized by the Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one (1) year from the date of said approval and shall thereafter expire and be void, unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one (1) year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the conditional use should not be initiated within one (1) year of the approval or such additional term as may be expressed in the approval or should the activity which is the subject of the conditional use be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(Ordinance 130, December 9, 1991, Section 1109; as amended by Ordinance 164, April 26, 1999, Section 40)

Section 1110. Appeals. All appeals for securing review of this Chapter or any decision, determination or order of the Board of Supervisors, its agencies or officers issued pursuant to this Chapter shall be in accordance with all applicable Sections of Act 247, as amended. Question of an alleged defect in the process of enactment or adoption of this Chapter shall be raised by an appeal taken directly from the action of the Board of Supervisors to the court filed not later than thirty (30) days from the effective date of this Ordinance or the Map. (Ordinance 130, December 9, 1991, Section 1110)

Section 1111. Filing Fees and Costs.

(a) The Governing Body shall establish a schedule of fees, charges and expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances and appeals and other matters pertaining to this Chapter.

(b) The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Governing Body.

(c) Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ordinance 130, December 9, 1991, Section 1111)

Section 1112. Remedies and Penalties.

(a) Remedies. In case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Chapter, the Governing Body or, with its approval, the Zoning Officer, in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct business or use in or about such premises. The rights and remedies provided in this Chapter are cumulative and are in addition to all other remedies provided by law.

(b) Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding by a municipality, pay a minimum judgment of Twenty-Five Dollars (\$25.00) up to a maximum of Six Hundred Dollars (\$600.00) for a first offense and a minimum of One Hundred Dollars (\$100.00) up to a maximum of Six Hundred Dollars (\$600.00) for each consecutive offense. In addition to the judgment, the liable party shall be responsible for paying all court costs, including reasonable attorneys' fees incurred by the Township as a result of the violation. Each day that the violation is continued shall constitute a separate offense. All fines collected for the violation of this Chapter shall be paid over to the Township. All fines and penalties may be collected by suit or summary proceeding brought in the name of the Township before any district justice or other appropriate court with jurisdiction.

(Ordinance 130, December 9, 1991, Section 1112)

Section 1113. Effective Date. The Amity Township Zoning Ordinance of 1991 was enacted by the Township on December 9, 1991. The technical amendments to this Ordinance were enacted by the Township as follows: Ordinance No. 134 enacted May 4, 1992; Ordinance No. 146 enacted August 29, 1994; Ordinance No. 160 enacted April 27, 1998; Ordinance No. 164 enacted April 26, 1999; Ordinance No. 166 enacted October 11, 1999; Ordinance No. 176 enacted December 11, 2000.

