

Harrison Township Code Of Ordinances

Chapter 27: Zoning

Part 5: Administration and Enforcement

§ 502 Zoning Certificates.

[Ord. 1944, 11/23/2009]

502.1. When Required.

A. No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, enlarged, razed or removed; and no building or structure may be used or occupied or the use or nonconforming use changed until a Zoning Certificate has been obtained from the Zoning Officer.

502.2.

Application for Zoning Certificate.

A. All applications for zoning certificates shall be made in writing by the owner or his authorized agency on a form furnished by the Township and shall include a statement of the intended use of the building and a property survey, both prepared in duplicate and drawn to scale, and copies of all required County, State and/or Federal permits as approved by the appropriate agency, and shall include the following information at a minimum:

(1) All applications for a proposed use that does not involve construction, alteration or enlargement of a principal or accessory structure shall include a plot plan showing compliance with any applicable requirements for the proposed use such as signage, parking, buffer areas and the like, as well as a narrative describing the proposed use and demonstrating compliance with all applicable criteria for approval, including, but not limited to, any express standards and criteria for a conditional use or use by special exception. The Zoning Officer may, in his/her judgment, require that a plot plan prepared by a surveyor, engineer, architect or landscape architect, registered in the Commonwealth, be provided in instances where the minimum setbacks, lot coverage or other zoning requirements are at or near the limitations provided for under the ordinance and/or in instances where the Zoning Officer has reason to believe that the information presented by the applicant may be inaccurate and/or incomplete.

(2) All applications for a zoning certificate for a principal structure where construction is proposed shall be accompanied by two copies of a plot plan, drawn to scale, showing: key location map; graphic scale; North arrow; closest intersecting public road; exact dimensions and total acreage of the lot(s) or parcel; zoning of lots and zoning of all abutting properties; exact location and exterior dimensions of the existing and proposed building(s) or other structure(s); exact location and area of all existing and proposed watercourses; drainageways, rights-of-way and easements; exact location of existing and proposed driveways, streets and roads within, adjacent and opposite to the lot(s) or parcel; exact location of existing and proposed off-street parking, loading and pedestrian movement facilities; exact dimensions of front, side and rear yards for all principal and accessory uses; and any other additional data as may be deemed necessary and be requested by the Zoning Officer to determine compliance with this Chapter. The Zoning Officer may, in his/her judgment require that a plot plan prepared by a surveyor, engineer, architect or landscape architect, registered in the Commonwealth, be provided in instances where the minimum setbacks, lot coverage or other zoning requirements are at or near the limitations provided for under the

ordinance and/or in instances where the Zoning Officer has reason to believe that the information presented by the applicant may be inaccurate and/or incomplete.

(3) All applications for construction, alteration or enlargement of an accessory structure shall be accompanied by two copies of a plot plan showing the principal structure, the proposed location of the accessory structure, setbacks for the accessory structure, its relationship to the principal structure and all easements and rights-of-way on the property. The Zoning Officer may, in his/her judgment, require that a plot plan prepared by a surveyor, engineer, architect or landscape architect, registered in the Commonwealth, be provided in instances where the minimum setbacks, lot coverage or other zoning requirements are at or near the limitations provided for under the ordinance and/or in instances where the Zoning Officer has reason to believe that the information presented by the applicant may be inaccurate and/or incomplete.

(4) The Zoning Officer may require an applicant to furnish a survey of the property by a Pennsylvania registered land surveyor when complete and accurate information is not readily available from existing records.

(5) The Zoning Officer may require additional data to determine compliance with this Chapter.

B. It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted or request more information of the applicant and officially receive the application for review by the appropriate Township agencies.

C. All applications for a zoning certificate shall be accompanied by a fee, to be based upon the fee schedule of the Township.[1]

[1] Editor's Note: The current Fee Schedule is on file in the office of the Township Secretary.

502.3. Zoning Certificate. Upon approval of the application for a zoning certificate, one copy of the approved zoning certificate with the approved application attached shall be returned to the applicant. One copy of such zoning certificate shall be kept on file in the Township Office.

502.4. Denial of Zoning Certificate. In the event of a denial, the Zoning Officer shall state in writing the reason(s) for such denial, including the citation of the specific section(s) of this Chapter or other pertinent ordinances that have not been met.

502.5. Inspection. The Zoning Officer, or his duly appointed representative, may make inspections on the property for which an application for a zoning certificate has been submitted, issued or completed.

502.6. Failure to Obtain Zoning Certificate. Failure to obtain a zoning certificate shall be a violation of this Chapter and shall be subject to the enforcement remedies of § 503 of this Chapter.

§ 503 Enforcement.

[Ord. 1944, 11/23/2009]

The Township shall enforce this Chapter in accordance with applicable procedures set forth in the Pennsylvania Municipalities Planning Code.[1] The Township may pursue any and all enforcement remedies and/or causes of action for violation of this Chapter to the full extent authorized under the Pennsylvania Municipalities Planning Code or other applicable law.

503.1. Violations. Failure to comply with any provisions of this Chapter; failure to secure a zoning certificate prior to the erection, construction, extension, structural alteration, addition or occupancy of a building or structure; or failure to secure a certificate of occupancy for the use or change of use or occupancy of structures or land, shall be a violation of this Chapter.

503.2.

Enforcement Notice. The enforcement notice shall contain the following information:

A. The name of the owner of record and any other person against whom the Township intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 30 days in accordance with the procedures set forth in this Chapter, except that this period may be reduced to 10 days in cases where the violation poses an immediate threat to the public health, safety and welfare.

F. 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.

503.3. Enforcement Remedies.

A. 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 commenced by the Township, pay a judgment of not more than \$500, 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 be payable until the date of the determination of a 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.

B. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this 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 day following the date of the determination of a violation by the District Justice and 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.

C. 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.

D. 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.

[503.4.](#) Causes of Action. In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this Chapter or of any other ordinance or regulation made under authority conferred hereby, the Board of Commissioners or, with approval of the Board of Commissioners, the Zoning Officer or other proper official, 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 unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use that constitutes 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 when the action is begun by serving a copy of the complaint on the Board of Commissioners. No such action may be maintained until such notice has been given.

[\[1\]](#) Editor's Note: See 53 P.S. § 10101 et seq.