

Article 6

Administration and Enforcement

Section 600 Powers and Duties of the Zoning Officer

600.1 Appointment and Powers of the Zoning Officer

- a. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township of Liberty, shall be appointed.
- b. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
- c. 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.
- d. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.

600.2. Duties of the Zoning Officer. It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the governing body may require. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board. Permits for construction and uses which are a conditional use shall be issued only upon written order of the Board of Supervisors.

600.3. Land Use Permits.

- a. A building permit shall be required in accordance with the Pennsylvania Construction Code Act in accordance with the rules and regulations of Liberty Township.
- b. In the case of the erection or alteration of uses granted for special exception use, conditional use, or variance, a Land Use Permit shall be obtained within twelve (12) months following the date of the decision or eighteen (18) months if the activities requires approval of a subdivision or land development plan.
 1. A Land Use Permit shall be a statement issued by the Zoning Officer setting forth either that a building, structure, parcel or use of land complies with the provisions of this Ordinance.
 2. No vacant land shall be used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be used until a Land Use Permit shall have been issued by the Zoning Officer.
 3. A Land Use Permit for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for a whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the applications for a Land Use Permit, and shall be issued or denied within fifteen (15) days after a final inspection by the Zoning Officer.

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4. A Land Use Permit for changing or extending a nonconforming use, existing at the effective date of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Permit shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.
5. A record of all Land Use Permits shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

600.4. Fees.

- a. The governing body shall establish a schedule of fees, charges and expenses, as well as a collection procedure for permits, certificates of occupancy, appeals, variances, conditional uses, special exceptions, amendments, bonds and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer.
- b. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete and no action shall be taken on any application or appeal.

600.5 Records.

- a. It shall be the duty of the Zoning Officer to keep a record of all applications for permits, a record of all permits issued and a record of all certificates of occupancy, which he/she countersigns, together with a notation of all special conditions involved. The Zoning Officer shall file and safely keep copies of all plans submitted and the same shall be available for the use of the Board of Supervisors.
- b. The Zoning Officer shall prepare a monthly report for the Township Supervisors summarizing for the period since his/her last previous report all Land Use Permits issued and certificates countersigned and all complaints of violations and the action taken by the Zoning Officer.

600.6. Appeals and Applications. An appeal or application for an amendment, variance, special exception, or conditional use from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain the following information:

- a. The name and address of the applicant.
- b. The name and address of the owner of the real estate to be affected by such proposal.
- c. A brief description and location of the real estate to be affected by such proposal.
- d. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use.

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- e. A statement of the section of this Ordinance under which the appeal or application is filed and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
- f. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and locations of improvements now erected and proposed to be erected thereon.
- g. An Hours of Operation and Maintenance Plan application must be submitted to the Township for any Special Exception or Conditional Use. A form shall be provided by the Township. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

Section 601 Conflicting Regulations

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, or whenever the requirements of this Ordinance are internally at variance, the most restrictive, or that imposing the higher standard shall govern.

Section 602 Zoning Hearing Board

602.1. There is hereby created for the Township a zoning hearing board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code (PAMPC), Act of 1968, P.L. 805, No. 247 as reenacted and amended.

602.2. Hearings. The board shall conduct hearings and made decisions in accordance with Section 908 of the PAMPC.

602.3. Jurisdiction of the Zoning Hearing Board. The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudication in accordance with Section 909.1.(a)of the PAMPC.

602.4. Variances. The Zoning Heard Board shall have the authority to grant variances in accordance with the Section 910.2 of the PAMPC.

602.5. Special Exceptions. Where the Board of Supervisors, in this Ordinance, has stated special exceptions to be granted or denied by the zoning hearing board pursuant to express standards and criteria, the zoning hearing board shall hear and decide requests for such special exceptions in accordance with such standards and criteria below:

- a. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
- b. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 208 of this Ordinance.

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- c. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
- d. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- e. The Liberty Township Planning Commission shall review all Special Exception applications and provide any comments to the Zoning Hearing Board. **(Added 5/3/16 by Ordinance # 2016-01 of 2016)**

Section 603. Board of Supervisors

603.1. Jurisdiction of the Board of Supervisors. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudication in accordance with Section 909.1.(b) of the PAMPC.

603.2. Condition Use Criteria - Where the Board of Supervisors, in this Ordinance, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hear and decide requests for such conditional uses in accordance with such standards and criteria below:

- a. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
- b. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 208 of this Ordinance.
- c. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
- d. In granting a conditional use, the Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- e. The Liberty Township Planning Commission shall review all Conditional Use applications and provide any comments to the Board of Supervisors. **(Added 5/3/16 by Ordinance # 2016-01 of 2016)**

Section 604 Referrals to the Liberty Township Supervisors, Committees and Engineer

604.1. The zoning hearing board in the case of special exceptions and variances and the Board of Supervisors in the case of conditional uses may refer applications to the Planning Commission, the Township Engineer, or any other committee, commission or advisor for their advice, but is not required to do so.

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604.2. Within thirty (30) days of receiving an application for a special exception or conditional use or an application for a variance from the decision-making body, the referral body or advisor must give a written report on it to the decision-making body.

604.3. Appeals raising the substantive validity of any land use ordinance except those to be brought before the Board of Supervisors pursuant to the Section 913.3 of the PAMPC.

Section 605 **Time Limitations**

Time limitations shall be in accordance with Section 914.1 of the PAMPC.

Section 606 **Stay of Proceedings**

Stay of Proceedings shall be in accordance with Section 915.1 of the PAMPC.

Section 607. **Enactment of Zoning Ordinance**
Amendments

Enactment of the zoning ordinance amendments shall be in accordance with Section 609 of the PAMPC.

Section 608. **Procedure for Landowner Curative**
Amendments

Procedure for Landowner Curative Amendments shall be in accordance with Section 609.1 of the PAMPC.

Section 609. **Procedure for Township Curative**
Amendments

Procedures for Township Curative Amendments shall be in accordance with Section 609.2 of the PAMPC.

Section 610. **Causes of Action**

Causes of action shall be in accordance with Section 619 of the PAMPC.

Section 611 **Enforcement Notice**

Enforcement of Notices and Remedies shall be in accordance with Section 616.1 and 617.2 of the PAMPC.

Section 612 **Reserved for future use**

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Section 613 Interpretation

613.1. Conflict with Other Laws -The provisions of this ordinance shall be deemed to be minimum requirements to meet the purposes stated herein. Where the provisions of this ordinance impose greater restrictions than those of any federal or state statute, rule, regulation or other ordinance, the provisions of this ordinance shall prevail. Where the provisions of any federal, or state statute, rule, regulation or other ordinance impose greater restrictions than those of this ordinance, the provisions of such federal or state statute, rule, regulation or ordinance shall prevail.

613.2. Severability -The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause phrase or provision hereof is held or judged by any court of competent jurisdiction to be unconstitutional, illegal or otherwise invalid, any such holding or judgment shall not be construed as affecting or impairing any other section, subsection, sentence, clause, phrase, or provision of this ordinance, it being the expressed intent of the Board of Supervisors that this ordinance would have been enacted had such unconstitutional, illegal or otherwise invalid section, subsection, clause, phrase, or provision not been included.

613.3. Saving Clause - Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 614 Validity

Should any provision, section, subsection, clause or phrase of this Ordinance, or its application, be declared or held, for any reason, to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 615 Repealer

All other ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are repealed to the extent of such conflict or inconsistency is necessary to give this ordinance full force and effect.

Section 616 Adoption

This Ordinance No. 2005- is hereby enacted and adopted by the Board of Supervisors of Liberty Township, Adams County, Pennsylvania, this day of , 2005.