

504.1 The Township shall declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration and proposal the Township shall:

- (a) By resolution present specific findings setting forth the declared invalidity of this Ordinance which may include:
 - 1. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - 2. References to a class of use or uses which requires revision; or,
 - 3. References to this entire ordinance which requires revisions.
- (b) Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

504.2 Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions of Subsection 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10609, in order to cure the declared invalidity of this Ordinance.

504.3 Upon the initiation of the procedures as set forth in Subsection (1), the Township Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Subsection 609.1 of the MPC, 53 P.S. Subsection 10609.1, nor shall the Zoning Board be required to give a report requested under Subsection 909.1 or 916.1 of the MPC, 53 P.S. Subsection 909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection (1): (A). Upon completion of the procedures set forth in Subsections (1) and (2), no rights to a cure pursuant to the provisions of Subsection 609.1 and 916.1 of the MPC, 53 P.S. Subsection 10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this Section.

ARTICLE 6

ENFORCEMENT PROVISIONS

601 APPOINTMENT AND POWERS OF ZONING OFFICER.

- 601.1 For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the township, shall be appointed.
- 601.2 The Zoning Officer shall meet the qualification established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
- 601.3 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.
- 601.4 The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

602 ENFORCEMENT NOTICE.

- 602.1 If it appears to the Zoning Officer that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- 602.2 The enforcement 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.
- 602.3 An enforcement notice shall state at least the following:
- (a) The name of the owner of record and any other person against whom the Zoning Officer intends to take action.
 - (b) The location of the property in violation.
 - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - (d) The date before which the 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 a period of ten (10) days.
 - (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.

603 CAUSES OF ACTION.

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 this Ordinance, the Township Supervisors or, with the approval of the Township Supervisors, an 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 appropriated 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 thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Supervisors. No such action may be maintained until such notice has been given.

604 ENFORCEMENT REMEDIES.

- 604.1 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay judgment of not more than five hundred (\$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 Justice. If the defendant 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 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 Ordinance to have believed that there was no such violation, in which event there shall be deemed to have only one (1) such violation until the fifth (5) 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.

- 604.2 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.
- 604.3 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.

- 604.4 District Justices shall have initial jurisdiction over proceedings brought under this Section.

ARTICLE 7

APPEAL PROVISIONS

701 ZONING HEARING BOARD.

701.1 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, 53 P.S. Subsection 10901 et. seq.

701.2 The membership of the Board shall consist of five (5) residents of the Township appointed by resolution by the Township Supervisors. The terms of office shall be five (5) years and shall be fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion. Members of the Board shall hold no other office in the Township.

The Governing Body may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this Sub-section, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board Members, including specifically the right to cast a vote as a voting member during the proceeding, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Subsection 6 unless designated as a voting alternate member pursuant to this Section. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.