

there under, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

- 709.2 After the petition is presented, the court shall hold a hearing to determine if the filing of an appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- 709.3 The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- 709.4 If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

ARTICLE 8

ADMINISTRATIVE PROVISIONS

801 DUTIES OF THE ZONING OFFICER.

The procedures of this Ordinance shall be administered by the Zoning Officer, who shall be appointed by the Township Supervisors. It shall be the duty of the Zoning Officer, and he/she shall have the power to:

- A. Receive, examine and process all applications for building, occupancy and zoning permits for all uses including signs.
- B. Issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances, and with the laws of the Commonwealth and the Federal Government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits for conditional uses requiring approval by the Township Supervisors shall be issued only after receipt of approval from the Township Supervisors.
- C. Receive applications for conditional uses, curative amendments and zoning changes, forwarding such requests to the Township Supervisors/Planning Commission or other appropriate agencies.
- D. Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action, thereupon.
- E. Following refusal of a permit, to receive applications for interpretation, appeals and variances. These applications shall then be forwarded to the Zoning Hearing Board for action, thereupon.
- F. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.
- G. Issue stop, cease and desist orders, and order, in writing, correction of all conditions found to be in violation of the provisions of all applicable regulations. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order issued lawfully by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Ordinance.
- H. Institute civil enforcement proceeding.
- I. With the approval of the Township Supervisors or when directed by them, institute in the name of the Township any appropriate actions or proceedings to:
(1) Prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of a building, structure or property, (2) Restrain, correct or abate any such violation so as to prevent the occupancy or use of any such building, structure or land, and/or (3) Prevent any illegal act, conduct, business or use in or about such premises.

- J. Revoke any order or zoning permit issued under mistake of fact, or contrary to the law, of the provisions of this Ordinance.
- K. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans and documents shall be a public record.
- L. Maintain a map or maps showing the current zoning classification of all land in the Township.
- M. Register nonconforming structures, uses and lots in accordance with the provisions of Section 402, Non-Conforming Uses.

802 ZONING PERMITS REQUIRED.

Hereinafter, no use listed in the District Regulations may be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed, or removed, and no building used or occupied, changed in use, or changed in nonresidential use, until a zoning permit has been secured from the zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration or moving structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work, occupancy, or use has been inspected and approved as being in conformity with the provisions of this Ordinance.

803 APPLICATION REQUIREMENTS FOR ZONING PERMITS.

803.1 All applications for zoning permits shall be made in writing by the owner, tenant, or vendee under contract of sale, or other authorized agent on a form supplied by the Township and shall then be filed with the Zoning Officer. The application shall include one (1) copy of the following information:

- (a) A statement as to the proposed use of the building, land or structure.
- (b) A site layout plan drawn to scale 1" = 100' or larger showing the location, dimensions, height or proposed buildings, structures or uses, and any existing buildings in relation to the property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
- (c) The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for screening.

- (d) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
- (e) The dimensions, location and methods of illumination for signs, if applicable.
- (f) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
- (g) Provisions to be made for the treatment and disposal of sewage and industrial wastes, water supply, and storm drainage. Provisions for storm water management shall be made in compliance with the Subdivision and Land Development Ordinance of the County of Greene. Verification of availability for water, sewage and electric service must be included.
- (h) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of the number of dwelling units per acre of land.
- (i) A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, fire hazards, traffic congestion, or other safety hazards.
- (j) Descriptions of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, traffic congestions, or other safety hazards.

803.2 No permit for any new use or construction which will involve on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until approval has been granted by the Pennsylvania Department of Environmental Protection.

803.3 The Zoning Officer shall render a decision either approving or disapproving the application for a zoning permit within ninety (90) days after the application has been filed, provided that any disapproval of the application shall be issued within the said ninety (90) day period and shall contain a brief explanation setting forth the reasons for said disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval. If no decision is rendered on the application within ninety (90) days, the application shall be deemed to have been granted immediately, unless the applicant has agreed in writing, to an extension of time.

804 FEES AND ESCROW DEPOSITS.

All applicants for zoning permits, special exceptions, conditional uses, variances, interpretations and other appeals shall, at the time of making application, pay to the Zoning Officer for use of the Township, a fee which shall be in accordance with a fee schedule adopted pursuant to a resolution of the Township Supervisors upon the enactment of this Ordinance or as such schedule may be amended from time to time. In addition, an escrow deposit may be required. Escrow deposit requirements shall also be set from time to time pursuant to a resolution of the Township Supervisors.

805 LIFE OF A PERMIT.

Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be undertaken, within 6 months after the date of issuance of the permits. If not, the permit shall be considered null and void. However, in the case of the erection or construction of a building, the right to proceed with construction may be extended annually without additional fees for an aggregate period of time not to exceed two (2) years, provided that the construction pursuant to said permit was already commenced within six (6) month period.

806 CERTIFICATE OF OCCUPANCY.

806.1 Hereafter, no structure erected, constructed, reconstructed, removed, extended or moved, no property sold or exchanged, and/or no land or building changed in use under a zoning permit shall be occupied or used, in whole or in part, for any use whatsoever, nor changed from non-residential occupancy status, until the owner or authorized agent has been issued a Certificate of Occupancy from the Zoning Officer indicating that the building or use complies with the terms of zoning regulations as provided in this Ordinance.

806.2 No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with the Zoning Ordinance.

806.3 The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of this Ordinance.

807 MEDIATION OPTION.

807.1 Parties to proceedings authorized in this Ordinance and Article X-A of the Pennsylvania Municipalities Planning Code may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Ordinance and Article X-A once

they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police power or as modifying any principles of substantive law.

807.2 Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township Supervisors may offer the mediation option in a particular case pursuant to a resolution which shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- (a) Funding mediation.
- (b) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- (c) Completing mediation, including time limits for such completion.
- (d) Suspending time limits otherwise authorized in this Ordinance, provided there is written consent by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation.
- (e) Identifying all parties and affording them the opportunity to participate.
- (f) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- (g) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the other section of this Ordinance.

807.3 No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

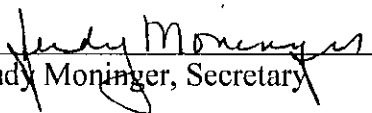
ARTICLE 9

ENACTMENT

This Ordinance was enacted and ordained the 28th day of November, 2012 by the Supervisors of Morris Township, Greene County, Pennsylvania.

ATTEST:

MORRIS TOWNSHIP
BOARD OF SUPERVISORS



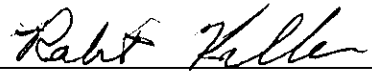
Judy Moninger, Secretary

BY: 

Roger Creech, Chairman



Glenn Adamson



Robert Keller