

ORDINANCE NO. 8A-04 - 1993

AN ORDINANCE OF THE TOWNSHIP OF CENTRE AND THE BOROUGH OF CENTERPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING THE REVISED ZONING ORDINANCE OF CENTRE TOWNSHIP AND CENTERPORT BOROUGH'S ZONING ORDINANCE, ADOPTED AND APPROVED AUGUST 1982, AS PREVIOUSLY AMENDED AND SUPPLEMENTED, DELETING EXISTING SECTION 902, 903, 904 AND 905 THEREOF, WHICH SECTIONS ARE ENTITLED "ENFORCEMENT FINES AND REMEDIES," RESPECTFULLY, AND BY SUBSTITUTING THEREFORE NEW SECTION 902, ENTITLED "ENFORCEMENT NOTICE," 903 ENTITLED "CAUSES OF ACTION" AND 904 ENTITLED "ENFORCEMENT REMEDIES"

BE IT ENACTED AND ORDAINED by the Council of the Borough of Centerport and the Supervisors of the Township of Centre, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1. Sections 902, 903, 904, and 905 of Article IX of the Revised Zoning Ordinance of Centre Township and Centerport Borough, as amended and supplemented, which Sections are entitled "Enforcement, Fines and Remedies," respectively, are hereby deleted in their entirety from said Ordinance.

SECTION 2. Article IX of the Revised Zoning Ordinance of Centre Township and Centerport Borough, as amended and supplemented, is hereby amended so as to add thereto the following new Section 902, 903 and 904, which new Sections shall henceforth read as follows:

"SECTION 902 Enforcement Notice

(a) If it appears to the Zoning Officer that a violation of this Ordinance has occurred, the Zoning Officer in the name of

the Township and/or Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

(b) The enforcement notice shall be sent to the owner of the record of the premises on which the violation has occurred, to any person who has filed a written request to receive enforcement notice regarding that premises, and to any other person requested in writing by the owner of record.

(c) An enforcement notice shall include the following:

(1) The name of the owner of record and any other person against whom the Zoning Officer intends to take action.

(2) The location of the premises, lot or property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Joint Zoning Hearing Board within thirty (30) days after the enforcement notice shall have been mailed by first class United States mail, postage prepaid.

(6) That failure to comply with the notice within the aforesaid thirty (30) day period, unless extended by appeal

to the Joint Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.

Section 903 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 appropriate Governing Body or, with the approval of the appropriate Governing Body, the Zoning Officer, 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 all other remedies, may institute any appropriate 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 a tenant, notice of that action shall be served upon the appropriate governing body at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the appropriate Governing Body. No such action may be maintained until such notice has been given.

Section 904 Enforcement Remedies

(a) 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 therefor in a civil enforcement proceeding commenced by the appropriate governing body, pay a judgment of not more than \$500.00 plus all court cost,

including reasonable attorneys fees incurred by the Governing Body in which the violation occurs as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of a determination of the violation by the district justice before whom the civil enforcement proceeding is instituted. If the defendant in the civil enforcement proceeding neither pays nor timely appeals the judgment, the Governing Body 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 determines 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 not such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of the violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys fees collected for a violation of this Ordinance shall be paid over the appropriate Governing Body.

(b) Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the appropriate governing body the right to commence any action for enforcement pursuant to this Section.

SECTION 3. This Ordinance shall become effective in the shortest time allowed by the Second Class Township Code and the Borough Code.

ENACTED and ORDAINED as an Ordinance this 5th day of April, 1993.

Presented by

BOROUGH OF CENTERPORT

Robert J. Schude
Council Member

BY: Eric D. Polchacek
President of Borough Council

Attest: Reeth A. Borkey
Secretary of the Borough

APPROVED as an Ordinance this 5th day of April, 1993.

Norman F. Wagner
Mayor

ENACTED AND ORDAINED as an Ordinance this 10th day of February, 1993.

TOWNSHIP OF CENTRE

Alex W. Burke
Chairman

Harold A. Spaf
Supervisor

Nancy E. Kachel
Supervisor

Attest: Bertha C. Seifert
Secretary