

PART 20
ENFORCEMENT

§27-2001. Jurisdiction.

Unless otherwise provided by law or in this Chapter, no building or structure shall be erected, constructed, reconstructed, altered, razed or removed and no building, structure or land shall be used or occupied, except the purposes permitted herein.

(Ord. 319-A, 3/21/2000, Art. 20, §114-176)

§27-2002. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Chapter, the Borough Council or the Zoning Officer with the approval of the Borough Council may institute in the name of the Borough any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 319-A, 3/21/2000, Art. 20, §114-177)

§27-2003. Enforcement Notice.

1. The Zoning Officer is hereby authorized and directed to enforce the provisions of this Section and to institute civil enforcement proceedings as provided for in §27-1701. when acting within the scope of his employment.
2. If it appears that a violation of this Chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice 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.
3. The enforcement notice shall state the following:
 - A. The name of the owner of record and any other person against whom the Borough intends to take action.
 - B. The location of the property in violation.

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- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
- D. That the owner of record or other person against whom the Borough intends to take action has five days to commence steps to comply with this Chapter and 30 days within which to complete such steps to be in compliance with this Chapter unless such times are extended in writing by the Zoning Officer.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 30 days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the Zoning Officer.
- F. That the failure to comply with the enforcement notice within the time specified unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.

(Ord. 319-A, 3/21/2000, Art. 20, §114-178)

§27-2004. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated any of the provisions of this Chapter upon being found liable therefore in a civil enforcement proceeding commenced by the Borough shall pay a judgment of not more than \$500 plus all court costs plus reasonable attorney fees incurred by the Borough 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 neither pays nor timely appeals the judgment, the Borough 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 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 the violation continues shall constitute a separate violation.
2. The Court of Common Pleas, upon petition of the defendant, may grant an order of stay upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

(Ord., 319-1, 3/21/2000, Art. 20, §114-179)

§27-2005. [Reserved].

(Ord. 319-A, 3/21/2000, Art. 20, §114-180)

