

ARTICLE 2500. Administration

§ 212-2501. Powers and duties of Zoning Officer.

The provisions of this Chapter shall be administered and enforced by a Zoning Officer who shall be appointed by the governing body. The Zoning Officer or designee as approved by the Borough Council shall have the power to:

- A. Receive and examine all applications for building permits and certificates of occupancy.
- B. Process building permit and certificate of occupancy applications for all permitted uses.
- C. Issue permits only where there is compliance with the provisions of this Chapter, with other municipal ordinances and with the laws of the commonwealth. Permits for construction of uses requiring a variance shall be issued only upon order of the Zoning Hearing Board or upon a final order of a court of competent jurisdiction. Permits requiring conditional use approval by the governing body shall be issued only after receipt of approval from the governing body.
- D. Receive applications for use by special exception and variances and forward these applications to the Zoning Hearing Board for action thereon.
- E. Following refusal of a permit, receive applications for interpretation appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
- F. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Chapter.
- G. Pursuant to Section 616.1 of the Pennsylvania Municipalities Planning Code, issue stop, cease and desist orders and order, in writing, correction of all conditions found to be in violation of the provisions of this Chapter. Such written orders shall be served personally or by certified mail upon persons deemed by the Zoning Officer to be violating the terms of this Chapter. 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 Chapter.
- H. With the approval of the governing body or when directed by it, institute in the name of the municipality any appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, so as to prevent the occupancy of or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- I. Revoke any order or zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Chapter.
- J. Record and file all applications for building permits and certificates of occupancy with accompanying plans and documents. All applications, plans and documents shall be a public record.
- K. Maintain a map or maps showing the current zoning classification of all land in the municipality.
- L. Register nonconforming structures and uses of lots in accord with the provisions of § 212-2401.

§ 212-2502. Building and zoning permits.

- A. Hereafter, no land use may be established or changed, no structure or building may be erected, constructed, reconstructed, altered, razed or removed and no building or structure may be used or occupied or changed in use until a zoning permit has been secured from the

Zoning Officer. In the instances where a building permit is required and applied for, such application shall be considered for both the building permit and the zoning permit. In those instances where no building permit is required, an application for a certificate of occupancy for a new or changed use of land shall be considered both an application for a certificate of occupancy and the zoning permit. On receipt of the zoning permit, the applicant shall certify that he has knowledge of the terms of the permit and the penalty that can be invoked for violation.

- B. Upon receipt of a building permit, a deposit shall be made by the builder/developer to the Borough to ensure that construction occurs according to all Borough regulations. Following the submission of a certified survey to the Borough after the building is complete, and provided that the building is in compliance with all Borough regulations, the deposit shall be returned to the builder/developer.
- C. Occupancy permits.
 - (1) The signatory to the building permit application and/or the owner is responsible for securing an occupancy permit for any new, altered or enlarged structure, and the occupancy permit shall be obtained prior to the structure's being inhabited by human beings. When approval from the Pennsylvania Department of Labor and Industry is required, such permit shall be issued or denied within fifteen (15) days after the final construction inspection. The owner of an existing building being changed to a new use, but not requiring alterations, shall secure an occupancy permit prior to the structure's being inhabited by human beings. Approval from the Pennsylvania Department of Labor and Industry, if required, shall be secured prior to the issuance of said occupancy permit, and such permit shall be issued or denied within fifteen (15) days of the filing of the application.
 - (2) The occupancy permit in every instance shall be posted at all times, in a conspicuous place within the structure.

§ 212-2503. Application for zoning permit.

- A. In those instances where a zoning permit is applied for, as set forth in § 212-2502, the application shall be made, in writing, by the owner, tenant, vendee under contract of sale or authorized agent on a form supplied by the municipality and shall be filed with the Zoning Officer or his designee. The application shall include the following information:
 - (1) A statement as to the proposed use of the building or land.
 - (2) A land development plan drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to 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.
 - (3) The location, dimensions and arrangements of all open spaces and yards, including methods to be employed for screening.
 - (4) 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.
 - (5) The dimensions, location and methods of illumination for signs, if applicable.
 - (6) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
 - (7) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.

- (8) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
 - (9) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
 - (10) Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
 - (11) Any other data deemed necessary by the Zoning Officer to enable him to determine the compliance of the proposed development with the terms of this Chapter.
- B. It is recognized that the information required above for zoning permit applications may be duplicative of that required of the building permit applicant by other sections of this Chapter. The Zoning Officer, in his discretion, may consider a single application as satisfying the requirements of this section and other sections regarding building permit applications.

§ 212-2504. Building permit required and issuance.

- A. No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Zoning Officer.
- B. No building permit shall be issued for any building where said construction, addition or alteration of use thereof would be in violation of any of the provisions of this Chapter, except after written order from the Zoning Hearing Board. Any building permit issued in conflict with the provisions of this Chapter shall be null and void.

§ 212-2505. Materials to accompany building permit application.

All applications for building permits shall be accompanied by plans prepared by a certified professional engineer and architect licensed in the Commonwealth of Pennsylvania, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of building(s) already existing, if any, and the location and dimensions of the proposed building(s) or alteration(s). The application shall include such other information as lawfully may be required by the Zoning Officer, including existing or proposed uses of the building(s) and land, the number of families, housekeeping units or rental units the building(s) is designed to accommodate, conditions existing on the lot and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Chapter.

§ 212-2506. Approval of building permit may require plan changes.

In approving an application for a building permit, the Zoning Officer may require such changes in plans for construction, addition or alteration of use of such building(s) or lot(s) as may be necessary to assure compliance with this Chapter.

§ 212-2507. Revocation and withdrawal of building permit.

A building permit for any building(s) or use(s) may be revoked and withdrawn by the Zoning Officer if the holder of the building permit has failed to comply with the requirements of this Chapter or with any conditions attached to the issuance of the permit, and the holder of the building permit may be subject to penalties as provided by this Chapter.

§ 212-2508. Action on building permit application.

- A. The Zoning Officer shall act upon an application for a building permit no later than ninety (90) days after receiving the application.
- B. One (1) copy of the plan shall be returned to the applicant by the Zoning Officer after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plan, similarly marked, shall be retained by the Zoning Officer.

§ 212-2509. Building permit expiration when work slow to commence.

If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, or ninety (90) days after the effective date of this Chapter, said permit shall expire, it shall be canceled by the Zoning Officer, and written notice thereof shall be given to the persons affected.

§ 212-2510. Building permit expiration if work not completed.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

§ 212-2511. Building commenced prior to effective date of chapter.

All buildings for which permits have been obtained and the construction of which has begun, or for which a contract or contracts have been let pursuant to a permit issued prior to the effective date of this Chapter, may be completed and used in accordance with the plan on which said permit was granted, and provided, further, that all permits issued prior to the approval of this Chapter for buildings or uses which do not conform to the provisions of this Chapter are hereby declared void if at the time of the approval of this Chapter no construction of such building shall have been made or no contracts have been let pursuant to such a permit.

§ 212-2512. Building permit fees.

- A. Applications for permits relative to structure and land use shall be accompanied by an application fee, payable to the Borough of Franklin Park, in accordance with the schedules adopted by resolution from time to time.
- B. Escrow funds shall be held in interest-bearing accounts by the Borough, and any unused balances, including interest earned, shall be refunded to the permittee. Costs incurred in excess of the escrow funds shall be paid by the permittee to the Borough prior to the issuance of any subsequent permits.
- C. When the Borough Manager considers the use of outside professional services to be necessary to review plans submitted, the Manager may engage such professionals as may be necessary to conduct said review, with the cost therefor being paid by the applicant.

§ 212-2513. Certificate of occupancy required.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or lot, or part thereof, hereafter erected, connected or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy has been issued therefor by the Zoning Officer. Said certificate of

occupancy shall state that the proposed use of the building or land conforms to the requirements of this Chapter.

§ 212-2514. Certificate of occupancy for nonconforming uses.

No nonconforming uses of land shall be maintained, renewed, changed or extended until a certificate of occupancy has been issued by the Zoning Officer therefor. After enactment or amendment of this Chapter, and upon notification by the Zoning Officer, owners or occupants of nonconforming uses shall apply for certificates of occupancy. All certificates of occupancy for nonconforming uses shall state specifically wherein the nonconforming use differs from the provisions of this Chapter.

§ 212-2515. Application for certificate of occupancy.

- A. Certificates of occupancy shall be applied for coincident with the application for a building permit and shall be issued within five (5) working days after the erection or alteration has been completed, inspected by the Zoning Officer and approved by said Zoning Officer as complying with the provisions of this Chapter.
- B. Application for certificates of occupancy for a new or changed use of land where no building permit is required shall be made directly to the office of the Zoning Officer. Certificates of occupancy shall be issued or written notice stating why a certificate of occupancy cannot be issued shall be given to the applicant no later than ten (10) days after the application has been received by the Zoning Officer.

§ 212-2516. A temporary certificate of occupancy.

A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during alterations as partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

§ 212-2517. Failure to obtain certificate of occupancy.

Failure to obtain a certificate of occupancy shall be a violation of this Chapter and may be subject to penalties as provided in this Chapter.

§ 212-2518. Records of certificates of occupancy.

The Zoning Officer shall maintain a record of all certificates of occupancy, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

§ 212-2519. Registration of nonconforming uses and structures.

- A. In accordance with Article 2400 of this Chapter, owners or occupants of nonconforming uses shall apply for a certificate of occupancy. Such application will constitute registration of the nonconforming structures and uses.
- B. If the owner of a nonconforming structure or use fails to apply for a certificate of occupancy within thirty (30) days after receipt of the Zoning Officer's notice, the use ceases to be nonconforming and is hereby declared to be in violation of this Chapter. At the direction of

the governing body, the Zoning Officer shall take appropriate action to cause such violation to cease.

- C. If the Zoning Officer shall find, upon reviewing the application for an occupancy permit, that the existing use is illegal or in violation of other ordinances or laws or if he finds that the building for which the permit is requested has been constructed or altered for the existing use or any other use without full compliance with the building standards or the Zoning Ordinance in effect at the time of construction or alteration, he shall not issue the permit but shall declare such use to be in violation of this Chapter.
- D. Upon the change of any nonconforming structure or use to a conforming structure or use, the owner or occupant of such use may request that such use be deleted from any list of or map showing nonconforming structures or uses.

§ 212-2520. Violations and penalties.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth 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. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough whose ordinance has been violated.
- B. 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.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement to this section.

§ 212-2521. Remedies to prevent or abate violations.

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of the provisions of this Chapter, the governing body of the municipality or, with the approval of the governing body, an officer of the municipality, in addition to other remedies, may institute in the name of the municipality any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.