

## **ARTICLE 16 AMENDMENTS**

### **SECTION 16.0 AMENDMENT PROCEDURE**

All proposed amendments of the regulations or districts herein established shall be filed in writing in a form required by the Township Supervisors and shall be considered and adopted only in accord with the Pennsylvania Municipalities Planning Code.

## **ARTICLE 17 REMEDIES**

### **SECTION 17.0 REMEDIES**

Any person, firm, company or corporation owning, controlling or managing any building, structure or premises therein or whereon there shall be placed, or there exists anything in violation of any of the provisions of this Ordinance; and any person, firm, company, or corporation who shall assist in the commission of any violation of this Ordinance or any conditions imposed by the Township Supervisors or the Zoning Hearing Board; or who shall build, contrary to the plans or specifications submitted to the Zoning Officer and by him certified as complying with this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than \$ 500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement 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 judgement, the Township may enforce the judgement pursuant to the appropriate rules of civil procedure. Each day that the 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 violation until the fifth day following the date of determination of a violation by the district justice, and thereafter each day that the violation continues shall constitute a separate violation.

### **SECTION 17.1 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 the Zoning Ordinance, the Township Supervisors or 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 other remedies, may institute appropriate action or proceedings to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about the premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of such action shall be served on the Township at least 30 days prior to the time of 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.

### **SECTION 17.3 ENFORCEMENT NOTICE**

If it appears to the municipality that a violation of any zoning ordinance enacted under this Act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an Enforcement Notice as provided in this Section.

- A. 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.
- B. An Enforcement Notice shall state at least the following:
  1. The name of the owner of record and any other person against whom the municipality intends to take action.
  2. The location of the 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 the 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 zoning hearing board within thirty (30) days of the date of such notice.
- 6. 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.

**ARTICLE 18  
FEE SCHEDULE**

**SECTION 18.0**

A schedule of fees for all zoning permits and approval applications as required in this Ordinance shall be set by a resolution of the Township Supervisors, and shall be reviewed annually and revised as necessary.

**ARTICLE 19  
SEVERABILITY**

**SECTION 19.0**

Should any Section or part of a Section or any provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such action shall not affect the validity of the Ordinance as a whole or any part thereof, other than the parts that are declared to be unconstitutional or invalid.

**ARTICLE 20  
EFFECTIVE DATE**

**SECTION 20.0**

This Ordinance shall take effect immediately upon enactment.

**ARTICLE 21  
REPEAL OF CONFLICTING ORDINANCES**

**SECTION 21.0**

All Ordinances and parts of Ordinances in conflict herewith are repealed.

**ENACTMENT**

This Ordinance ordained and enacted this **13<sup>th</sup> Day of May 2003**, by the Board of Supervisors of Wyalusing Township, Bradford County, Pennsylvania, to be effective immediately.

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Supervisor

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Supervisor

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Supervisor

ATTEST:

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