

## ARTICLE XIII. ENFORCEMENT

### Section 1300 Jurisdiction

Unless otherwise provided by law or in this Ordinance, 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 for the purposes permitted herein.

### Section 1301 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 Ordinance, the Governing Body or the Zoning Officer with the approval of the Governing Body may institute in the name of the municipality 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.

### Section 1302 Enforcement Notice

- a. 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 Section 1303, when acting within the scope of his employment.
- b. If it appears that a violation of this ordinance 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.
- c. The enforcement notice shall state 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 this Ordinance.
  - (4) That the owner of record or other person against whom the municipality intends to take action has five (5) days to commence steps to comply with this Ordinance and thirty (30) days within which to complete such steps to be in compliance with this Ordinance, unless such times are extended in writing by the Zoning Officer.
  - (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 the enforcement notice or not later than the expiration of any extension granted, in writing, by the Zoning Officer.
  - (6) 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.

Section 1303 Enforcement Remedies

- a. Any person, partnership or corporation who or which has violated any of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality shall pay a judgement of not more than \$500.00 plus all court costs plus reasonable attorney fees incurred by the municipality 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 judgment, the municipality may enforce the judgement 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 Ordinance 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 (5) 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.
- b. The court of common pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per deim judgement pending a final adjudication of the violation and judgment.
- c. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.