

ARTICLE XX

ADMINISTRATION AND ENFORCEMENT

SECTION 2000 ZONING OFFICER POWERS AND DUTIES

The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by the Board of Supervisors. The Zoning Officer shall hold no elective office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.

The Zoning Officer shall have all the powers and duties conferred upon him by this Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:

- a. Receive and examine all applications for zoning approval, building permits and certificates of occupancy;
- b. Notify applicants of any deficiencies in applications and request additional information.
- c. Process applications for zoning approval, building permits and certificates of occupancy for all permitted uses.
- d. Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of zoning approval, building permits or certificates of occupancy for the proposed use.
- e. Receive applications for conditional uses and forward these applications to the Planning Commission and Board of Supervisors for recommendation and action prior to considering issuance of zoning approval, a building permit or certificate of occupancy for the proposed use.
- f. Issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances and the laws of the Commonwealth.
- g. Issue denials of zoning approval, a building permit or certificate of occupancy and refer any appeal of the denial to the Zoning Hearing Board for action thereon.
- h. Conduct inspections and surveys to determine compliance or noncompliance with this Ordinance.

- i. Issue enforcement notices in accordance with the requirements of Section 2001, below.
- j. With the approval of the Board of Supervisors, or when directed by the Board, institute, in the name of the Township, 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 or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- k. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- l. Record and file all applications for zoning approvals, building permits and certificates of occupancy with accompanying plans and documents and maintain those files as a public record.
- m. Maintain the official Zoning District Map for the Township.
- n. Register nonconforming uses, structures and lots in accordance with Section 1804 of this Ordinance.
- o. Submit a monthly written report to the Board of Supervisors of all Building Permits, Certificates of Occupancy, Sign Permits, Temporary Use Permits and all notices of violation and orders issued.
- p. Meet with the Planning Commission no less frequently than quarterly to advise the Commission regarding potential developments and to discuss any problems in administering this Ordinance and/or recommend amendments to this Ordinance.

SECTION 2001 ENFORCEMENT

2001.1 Violations

Failure to comply with any provisions of this Ordinance; failure to secure zoning approval or a building permit prior to the erection, construction, extension, structural alteration, addition or occupancy of a building or structure; or failure to secure a certificate of occupancy for the use or change of use or occupancy of structures or land, shall be a violation of this Ordinance.

2001.2 Enforcement Notice

The Enforcement Notice shall contain the following information:

- a. The name of the owner of record and any other person against whom the Township intends to take action.
- b. The location of the property in violation.
- c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
- d. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Ordinance.
- f. 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.

2001.3 Enforcement Remedies

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 Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be 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 Township 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 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 (5th) 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 this Ordinance shall be paid over to the Township.

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.

Nothing contained in this Subsection shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Subsection.

2001.4 Causes of Action

In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this Ordinance or of any other ordinance or regulation made under authority conferred hereby, the Board of Supervisors or, with approval of the Board of Supervisors, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Township, any appropriate action or proceeding to: prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use which constitutes a violation.

SECTION 2002 COORDINATION WITH OTHER TOWNSHIP REQUIREMENTS AND PERMITS, STATE AND FEDERAL REQUIREMENTS AND PERMITS

In all cases, any application for a permit of any of the types described in this Ordinance shall be decided not only on the basis of compliance with this Zoning Ordinance, but also on the basis of compliance with all other applicable Township Ordinances and all other applicable rules and regulations of the various Township authorities and agencies which might be concerned, as well as State and Federal requirements and permits.

SECTION 2003 ZONING APPROVAL REQUIRED

No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until zoning approval has been obtained from the Zoning Officer.

In the instances where a building permit is required and applied for, such application shall include both the building permit and zoning approval. In those instances where no building permit is required, an application for a certificate of occupancy for a new or changed use of land or structure shall include both zoning approval and the certificate of occupancy.

In the case of a conditional use or use by special exception, the Zoning Officer shall refer the application to the Planning Commission and Board of Supervisors or to the Zoning Hearing Board, whichever is applicable, for a decision granting zoning approval, prior to processing the application for a building permit or certificate of occupancy.

SECTION 2004 BUILDING PERMIT REQUIREMENTS

2004.1 When Required

A Building Permit shall be required prior to the:

- a. Placement, erection or construction of a principal or accessory building or structure.
- b. Exterior alteration that changes the exterior dimensions of a building or structure or the reconstruction of a building or structure.
- c. Addition to a building or structure.
- d. Relocation or removal of a building or structure.

It shall be unlawful for any person or persons to commence work for any building activity noted herein until a Building Permit has been duly issued thereto.

2004.2 Exceptions

No Building Permit shall be required in cases of:

- a. Normal maintenance activities.
- b. Alterations which do not change the exterior dimension(s) of a building including new facing of structures.

2004.3 Coordination with Other Permits

No Building Permit shall be issued until:

- a. Pennsylvania Department of Labor and Industry Approval (Pennsylvania Fire and Panic Act of 1927) has been obtained, if applicable.
- b. An Erosion Control Permit has been issued by the County Soil Conservation District Office or Pennsylvania Department of Environmental Protection, if applicable, and all fees connected therewith, have been paid for in full and all work thereunder has been certified to have been fully completed in conformity with the requirements of said permit.

- c. A recorded subdivision plat or a finally approved land development plan, as required under the Township Subdivision and Land Development Ordinance, and all fees including supplemental fees connected therewith, have been paid for in full, if applicable.
- d. Western Pennsylvania Water Company and Township Sewer Authority Approvals have been obtained and all tapping supplemental fees connected therewith have been paid for in full. Or, if applicable, a safe, potable water supply approved by the Pennsylvania Department of Environmental Protection has been obtained. Also, if applicable, a permit for an on-site sewage disposal system has been obtained from the Township's Sewage Enforcement Office in accordance with the Pennsylvania Department of Environmental Protection and all fees connected therewith, have been paid in full.
- e. Pennsylvania Department of Community and Economic Development (DCED) approval in connection with the Building Energy Conservation Act, (PA, Act 222 of 1980) has been obtained, if applicable.
- f. A Pennsylvania Department of Transportation or Township Occupancy Permit to authorize encroachment upon a State or Township right-of-way, has been issued, if applicable, and all fees connected therewith, have been paid for in full.
- g. Any other applicable Federal, State, County and local permits and/or approvals have been obtained.

2004.4 Application for Permit

All requests for Building Permits shall be made in writing by the owner or his authorized agency on a form furnished by the Township and shall include a statement of the intended use of the building; a Site Plan and a Building Plan, both prepared in triplicate and drawn to scale; and copies of all required County, State and/or Federal permits as approved by the appropriate agency and shall include the following information at a minimum:

- a. All applications for a Building Permit shall be accompanied by three (3) copies of a site plan, drawn to scale, showing: key location map; graphic scale, North arrow, closest intersecting public road; exact dimensions and total acreage of the lot(s) or parcel; zoning of lots and zoning of all abutting properties; exact location and exterior dimensions of the existing and proposed building(s) or other structure(s); exact location and area of all existing and proposed water courses, drainage ways, rights-of-way and easements; exact location of existing and proposed driveways, streets and roads within, adjacent and opposite of the lot(s) or parcel; exact location of existing and proposed off-street parking, loading and pedestrian movement facilities; exact location of existing and proposed visual line(s) and all dimensions of front, side and rear yards for all principal and accessory uses; and any other additional data as may be deemed necessary and

be requested by the Planning Commission, Board of Supervisors or the Zoning Officer to determine compliance with this Ordinance.

- b. The Zoning Officer may require an applicant to furnish a survey of the lot by a Pennsylvania Registered Land Surveyor when complete and accurate information is not readily available from existing records.
- c. The Zoning Officer may require additional data to determine compliance with this Ordinance.

It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted and request more information of the applicant, or officially receive the application for review by the appropriate Township agencies.

Unless such requirement is waived by the Board of Supervisors, all applications for a Building Permit shall be accompanied by a fee, to be based upon the fee schedule of the Township, as provided for in Section 2009 of this Ordinance.

2004.5 Issuance of Building Permit

- a. Application for a Building Permit concerning the erection or structural alteration of an individual single-family detached dwelling and associated accessory use(s) shall be reviewed by the Township Zoning Officer.
- b. Applications for a Building Permit concerning any other building activity shall be reviewed by the Planning Commission and Board of Supervisors in accordance with the land development plan approval procedures outlined in the Township Subdivision and Land Development Ordinance. The Building Permit shall not be issued by the Zoning Officer until review by the Planning Commission and Final Approval by the Board of Supervisors.
- c. Upon approval of the request for a Building Permit, one (1) copy of the site plan shall be returned to the applicant along with one (1) copy of the Building Permit which shall be publicly displayed at the building site during the course of construction of such site. One (1) copy of such permit shall be kept on file in the Township Office.

2004.6 Denial of Permit

In the event of a denial, the Zoning Officer shall state in writing the reason(s) for such denial including the citation of the specific section(s) of this or other pertinent ordinances that have not been met.

2004.7 Posting of Building Permit

The Building Permit issued by the Zoning Officer shall be prominently posted upon the permitted premises prior to work being undertaken to place, erect, construct, alter, reconstruct or add to a building or structure. The failure or neglect of the applicant to prominently post the permit and maintain the same throughout the duration of the permitted work shall be a violation of this Ordinance.

Duplicate permits shall be issued by the Zoning Officer without charge. Loss, destruction or defacement of any posted permit shall be promptly reported to the Zoning Officer within twenty-four (24) hours after such event or casualty, Sundays and legal holidays excepted.

2004.8 Expiration of Building Permit

All Building Permits shall expire upon completion of the work authorized therein to be done or within one (1) year from the issuance thereof, whichever event shall first occur. Permits may be issued for periods in excess of one (1) year upon cause shown. A Building Permit shall expire if the work authorized therein to be done is not commenced within one hundred eighty (180) days from the date of issuance thereof. Renewal of such permit will be granted only upon reapplication for the permit, including payment of the required fee.

2004.9 Inspection

The Zoning Officer, or his fully appointed representative, may make inspections on property for which a permit has been issued.

2004.10 Failure to Obtain Building Permit

Failure to obtain a Building Permit shall be a violation of this Ordinance and shall be subject to the enforcement remedies of this Ordinance.

SECTION 2005 CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy shall be required prior to:

- a. Occupancy of any structure following completion of construction, reconstruction or enlargement of the structure governed by an approved Building Permit.
- b. A change in the use of an existing building, structure, water body or land area except for the same use operated by a different owner.
- c. A change of a nonconforming use, building or structure authorized by the Zoning Hearing Board.

2005.1 Application for Permit

All requests for a Certificate of Occupancy shall be made in writing, on a form furnished by the Township, completed by the owner, or other authorized agent and shall include a statement of the type of proposed use intended for the building, land or water body.

- a. A Certificate of Occupancy for a change of use in an existing building shall be applied for and shall be issued before any such building shall be changed in use.
- b. It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted, to request more information of the applicant or officially receive the application.
- c. Unless such requirement is waived by the Board of Supervisors, all applications for a Certificate of Occupancy shall be accompanied by a fee to be based upon the fee schedule of the Township, as provided for in Section 2009 of this Ordinance.

2005.2 Issuance of Certificate of Occupancy

Applications for a Certificate of Occupancy shall be reviewed by the Zoning Officer. The Zoning Officer shall issue the findings or approval of the application.

- a. Upon approval of the request for a Certificate of Occupancy, one (1) copy of the Certificate shall be given to the applicant, and one (1) copy of the Certificate shall be kept on file in the Township Office.

2005.3 Denial of Certificate of Occupancy

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

2005.4 Time Limitations

A Certificate of Occupancy shall remain valid for as long as the structure or building is used in the manner the Certificate has been issued for.

2005.5 Temporary Certificate of Occupancy

A temporary Certificate of Occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months to permit partial occupancy of a building while work is being completed, provided such temporary Certificate of Occupancy may require such conditions and safeguards as may be warranted, including posting of surety, to protect the health and safety of the occupants and the public.

2005.6 Failure to Obtain a Certificate of Occupancy

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Ordinance.

2005.7 Renewal of Certificate of Occupancy

For any use that requires annual renewal of the Certificate of Occupancy, an application for renewal shall be submitted to the Zoning Officer at least thirty (30) days before the expiration date. Failure to file an application for renewal shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001.

The Zoning Officer shall act on the application for renewal after performing an inspection to determine continuing compliance with this Ordinance. The Zoning Officer shall approve or deny the application for renewal within thirty (30) days of receipt of the application. In the case of denial, a written notice shall be provided to the applicant, citing the provisions of this Ordinance that have not been met. Refusal to allow an inspection of the premises shall be cause to deny renewal.

SECTION 2006 TEMPORARY USE PERMITS

A Temporary Use Permit shall be required prior to the initiation of a permitted, temporary use of a structure, land or water body and shall meet the following requirements:

2006.1 Application for Permit

All requests for Temporary Use Permits shall be made in writing on a form furnished by the Township and shall include a full description of the type of use for which such permit is being sought and the dates during which this use shall be in existence.

- a. It shall be the duty of the Zoning Officer to review the application for compliance, request more information of the applicant or officially receive the application.
- b. Unless such requirement is waived by the Board of Supervisors, all applications for a Temporary Use Permit shall be accompanied by a fee, to be based upon the fee schedule adopted by the Township, as provided for in Section 2009 of this Ordinance.

2006.2 Issuance of Permit

Applications for a Temporary Use Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall issue approval or denial of the Temporary Use Permit.

- a. Upon approval of the request for a Temporary Use Permit, one (1) copy of the permit shall be given to the applicant. The copy of the permit must be publicly displayed at the site of the temporary use during the existence of the use. One (1) copy of the permit shall be kept on file in the Township office.

2006.3 Denial of Permit

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

2006.4 Time Limitations

Temporary Use Permits are valid for the time period(s) specified in this Ordinance.

2006.5 Inspections

The Zoning Officer, or his fully appointed representative, may make an inspection of the property on which such temporary use is to be located to determine the suitability of the site for the use. This inspection shall be made prior to issuing a permit, prior to initiation of the use or in the event a renewal of the permit is requested, during the time the use is in existence.

In the event of such inspection, a record shall be made indicating the time and date of inspection; the findings of the Zoning Officer in regard to conformance with this Ordinance and other Township Ordinances; and the opinion of the Zoning Officer in regard to the suitability of the site for this use.

2006.6 Failure to Obtain a Temporary Use Permit

Failure to obtain a Temporary Use Permit shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Ordinance.

SECTION 2007 SIGN PERMITS

A Sign Permit shall be required prior to the erection or structural alteration of any sign, either permanent or temporary. It shall be unlawful for any person to commence work for the erection or alteration of any sign until a permit has been issued. No sign permit shall be required for real estate signs; nameplate signs; or official governmental street, road and traffic control signs.

2007.1 Application for Permit

All requests for Sign Permits shall be made in writing on a form furnished by the Township and shall include a full description of the proposed sign, a description of the lot upon which such proposed sign is to be located and a description of any other existing signs on the same lot.

- a. All applications for a Sign Permit shall be accompanied by two (2) copies of a drawing/plan showing: width of sign; height of sign; gross surface area of sign; total height of sign above adjacent ground level; clearance between bottommost part of sign and ground level; distance between front edge of sign and adjacent street or road right-of-way; and distance between front edge of sign and inside edge of adjacent sidewalk, if applicable.
- b. It shall be the duty of the Zoning Officer to review the application for completeness and compliance, request more information of the applicant or officially receive the application for the sign.
- c. All applications for a Sign Permit shall be accompanied by a fee, to be based upon the fee schedule of the Township as provided for in Section 2009 of this Ordinance, unless such requirement is waived by the Board of Supervisors.

2007.2 Issuance of Permit

- a. Applications for a Permanent Sign shall be reviewed by the Planning Commission. The Zoning Officer shall not issue a permit until receipt of review comments of the Planning Commission.
- b. Applications for a Temporary Sign Permit shall be reviewed by the Zoning Officer.
- c. Upon approval of the Sign Permit, one (1) copy of the permit shall be given to the applicant, and one (1) copy of the permit shall be kept on file in the Township Office.

2007.3 Denial of Permit

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

2007.4 Inspections

- a. For a Permanent Sign Permit, the Zoning Officer, or his fully appointed representative, may make the following inspections on property which the permanent sign is to be located: prior to installation of the sign, following

installation of the sign, occasionally to determine continued maintenance and compliance with this Ordinance, in response to any written complaint, whenever the sign is proposed to be replaced or modified and upon cessation of the use for which the sign was erected.

- b. For a Temporary Sign Permit, the Zoning Officer, or his fully appointed representative, may make inspection(s) to determine conformance with this Ordinance and other applicable Township ordinances and the suitability of the site for this use.

2007.5 Failure to Obtain a Sign Permit

Failure to obtain a Sign Permit shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Ordinance.

SECTION 2008 PROCEDURE FOR AMENDMENTS

The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning District Map, as proposed by the Board of Supervisors or by the Planning Commission or by a petition of a landowner of property within the Township.

2008.1 Petitions

Petitions for amendments shall be filed with the Planning Commission at least ten (10) calendar days prior to the meeting at which the petition is to be heard. In the case of a petition for reclassification of property, the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned. All petitions shall include a statement justifying the request and a filing fee, in accordance with the fee schedule fixed by Resolution of the Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Supervisors.

2008.2 Referral

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township Planning Commission and the Lawrence County Planning Commission shall be referred to these agencies for review at least thirty (30) days prior to the public hearing of the Board of Supervisors. The Board of Supervisors shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of referral, whichever comes first.

2008.3 Posting of Property

If the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens at least seven(7) days prior to the date of the public hearing.

2008.4 Public Notice and Public Hearing

Before acting on a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Public notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

2008.5 Readvertisement

If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

2008.6 Publication, Advertisement and Availability

Proposed amendments shall not be enacted unless the Board of Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

The Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than sixty (60) nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:

- a. A copy thereof shall be provided to the newspaper at the time public notice is published.
- b. An attested copy of the proposed ordinance shall be filed in the County Law Library.

2008.7 Action

Within ninety (90) days of the date when the public hearing on the proposed amendment is officially closed, the Board of Supervisors shall vote on the proposed amendment. In the event substantial amendments are made in the proposed

amendment, the Board of Supervisors shall readvertise in one (1) newspaper of general circulation in the Township a brief summary of the amendments at least ten (10) days prior to enactment.

2008.8 Filing Amendment with County Planning Commission

Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Lawrence County Planning Commission.

2008.9 Mediation Option

The Board of Supervisors may offer the mediation option as an aid in completing the proceedings authorized by Section 2008. The Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1909 of this Ordinance.

SECTION 2009 FEES

The Board of Supervisors shall establish and revise, from time to time, a schedule of fees by Resolution, as well as a collection procedure, for all applications submitted under the provisions of this Ordinance. The schedule of fees shall be available to the public from the Zoning Officer or Township Secretary.

SECTION 2010 LANDOWNER CURATIVE AMENDMENTS

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning District Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest.

2010.1 Procedure

The landowner may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Township Planning Commission and the Lawrence County Planning Commission at least thirty (30) days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance with Sections 610, 1004 and other applicable provisions of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of Subsections (4) through (8) of Section 908 of the Pennsylvania Municipalities Planning Code and all references in that Section to the Zoning Hearing Board shall be references to the Board of Supervisors.

2010.2 Evaluation of Merits of Curative Amendment

If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

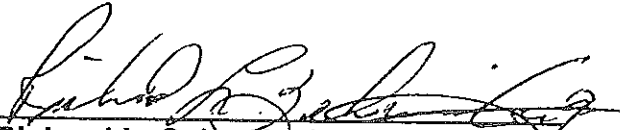
- a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning District Map;
- c. The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

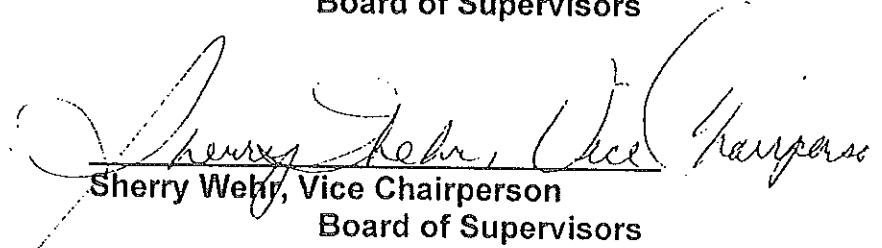
2010.3 Declaration of Invalidity by Court

If the Township does not accept a landowner's curative amendment brought in accordance with this Section and a Court subsequently rules the challenge has merit, the Court's decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions which specifically relate to the landowner's curative amendment challenge.

ORDAINED AND ENACTED THIS 11th DAY OF OCTOBER, 2001.

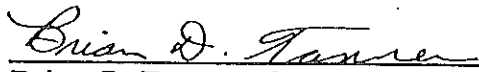
TOWNSHIP OF SHENANGO


Richard L. Schweinsberg, Chairman
Board of Supervisors


Sherry Wehr, Vice Chairperson
Board of Supervisors

Richard A. Flora, Supervisor

ATTEST:



Brian D. Tanner, Secretary-Treasurer