

hereafter, may be continued and/or maintained even though it does not conform to the regulations of the District in which it is located. It is not the intent of this Ordinance to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

In the case of a lot of record which existed at the effective date of this Ordinance and which does not meet the minimum area requirements for the District in which it is located, a permitted structure may be placed on the parcel provided that:

- (1) The owner does not own adjoining land which could be combined to form a conforming lot.
- (2) Each side yard is not less than five (5) feet when adjoining another lot and ten (10) feet when adjacent to any street.
- (3) The rear yard is not less than ten (10) feet.
- (4) The front yard conforms to the minimum distance required.
- (5) Where needed, the site has an approved sewage disposal system or an appropriate sewage permit.
- (6) The site and its intended use complies with all other applicable provisions of this Ordinance.

13.08 DELINQUENT PROPERTIES

If the Municipality or County acquires title to any property by reason of tax delinquency and such property is not redeemed and is sold as provided by law, the future use of such property shall be in conformity with all provisions of this Ordinance.

13.09 LIST OF NONCONFORMING USES

The County Zoning Officer may prepare a complete list of all nonconforming uses existing at the time of the adoption of the Ordinance or its amendment. The list shall contain the names and addresses of the owner(s), any occupancy other than the owner, the County Assessor's tax map number and the nature and extent of the nonconforming use.

Owners of lots occupied by a nonconforming use may secure a certificate of nonconformance from the County Zoning Officer. Such certificate ensures the owner the right to continue the nonconforming use.

The list of nonconforming uses may be filed with the County Zoning Hearing Board and in the Office of the Clinton County Recorder of Deeds. The list may be corrected yearly, as needed.

ARTICLE XIV

ADMINISTRATION AND ENFORCEMENT

14.00 THE ZONING OFFICER

The provisions of the County Zoning Ordinance shall be enforced by an agent to be appointed by the County Commissioners who shall be known as the County Zoning Officer.

The County Zoning Officer shall have all the duties and powers conferred by the County Zoning Ordinance in addition to those reasonably implied for that purpose.

He/She shall not issue a zoning permit in connection with any contemplated erection, construction, alterations, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms with the requirements of this Zoning Ordinance, with all other ordinances of the County, and with the laws of the Commonwealth of Pennsylvania. He/She shall:

- (1) Receive and process applications, and issue zoning permits for the erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign, and/or land designated in this Ordinance.
- (2) At his/her discretion examine, or cause to be examined, all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing any permit. Thereafter, he/she may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign and/or change, a final inspection shall be made and all violations of the approved plans or zoning permit shall be noted and the holder of the zoning permit shall be notified of the discrepancies.
- (3) Keep a record of all applications received, all zoning permits issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved.

14.01 ZONING PERMITS

It shall be unlawful to commence the excavation for or the construction or alteration of any buildings, until the County Zoning Officer has issued a zoning permit for such work. No zoning permit shall be required for construction or alterations when the fair market value of the work is less than one thousand dollars (\$1,000.00). No zoning permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the provisions of this Ordinance.

14.02 CERTIFICATE OF COMPLIANCE

It is unlawful to commence a use or occupy a newly constructed structure until the County Zoning Officer has issued a Certificate of Compliance. Prior to the issuance of a Certificate of Compliance, the County Zoning Officer will conduct a final inspection to assure compliance with the approved plan or permit. No Certificate of Compliance will be issued until all applicable provisions of the Ordinance are met.

14.03 FORM OF APPLICATION

Application for a zoning permit shall be made by the owners or lessees of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization of the owner or the qualified person making an application, that the proposed work is authorized by the owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

The application shall contain a general description of the proposed work, use and occupancy of all parts of the building, structure, or sign and such additional information as may be required by the Zoning Officer. The application for the zoning permit shall be accompanied by a plot plan of the proposed building, structure, or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction, and the distances of the same from the existing lot lines.

14.04 ISSUANCE OF ZONING PERMITS

Upon receiving the application, the Zoning Officer shall examine it within five (5) days after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject the application in writing, stating the reasons for rejection. He shall inform the applicant of his right to appeal to the County Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the County Zoning Ordinance and all laws and ordinances applicable thereto, a zoning permit shall be issued.

14.05 EXPIRATION OF ZONING PERMIT

The zoning permit shall expire one (1) year from the date of issuance; provided, however, that the permit may be extended by the County Zoning Officer every six (6) months for a period not to exceed an additional one (1) year.

14.06 REVOCATION OF PERMIT

The County Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

14.07 PAYMENT OF FEES

No zoning permit to begin work for any activity covered by this Ordinance shall be issued until the fees set by the resolution of the County Commissioner shall be paid to the County Zoning Officer. The payment of fees under this section shall not relieve the applicant or holder of the zoning permit from payment or other fees that may be required by this Ordinance, or any other ordinance or law.

14.08 COMPLIANCE WITH ORDINANCE

The zoning permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of this Zoning Ordinance, except as stipulated by the County Zoning Hearing Board.

14.09 COMPLIANCE WITH PERMIT AND PLOT PLAN

All work or uses shall conform to the approved application and plans for which the zoning permit has been issued as well as the approved plot plan.

14.10 ENFORCEMENT, PENALTY AND REMEDY

The construction, erection, replacement, alteration, repair, extension, replacement and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a zoning permit, are hereby declared to be violations of this Zoning Ordinance.

The County Zoning Officer shall serve a written notice of violation or order on the person responsible for the violation and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. However, in no case shall the person so served abandon the premises in such a condition so as to create a hazard or menace to the public safety, health or welfare.

If the notice of violation is not complied with within a period of five (5) days, the County Zoning Officer shall institute any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign and/or land in violation of the provisions of this Zoning Ordinance.

For any and every violation of the provisions of this Ordinance, the owner, lessee, general agent, contractor of a building or land where such violation has been committed or shall exist, and the owner, lessee, general agent, contractor or any person, including the officers of a corporation, who commits, takes part in or assists in any such violation, shall upon conviction before a District Justice of the County having jurisdiction, pay a judgement of not more than five hundred dollars (\$500.00), plus court costs. Each day's continuance of the

offense shall constitute a new offense.

All fines and penalties imposed by this Ordinance shall be recoverable by summary proceedings before a District Justice of the County having jurisdiction, and all fines and penalties so recovered shall be paid to the County for the general use of the County.

The imposition of the penalties herein prescribed shall not preclude the County Solicitor from instituting appropriate action to prevent unlawful erection or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure, building, sign, land and/or premises or to stop an illegal act, conduct, business, use or occupancy of a structure, building, sign and/or land in or about any premises.

ARTICLE XV

ZONING HEARING BOARD

15.00 CREATION AND MEMBERSHIP

The County Commissioners shall appoint a County Zoning Hearing Board, consisting of three (3) County residents. Of the initial appointees to this Board, one (1) shall be designated until the first day of January following the date of this Ordinance, one (1) until the first day of the second January thereafter, and one (1) until the first day of the third January thereafter. Their successors in office shall be appointed on the expiration of their respective terms to serve three (3) years. The members of the Board shall be removable for cause, by the County Commissioners, upon written charges and after public hearing, if the member shall request it in writing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

The County Commissioners may appoint by resolution at least one (1) but no more than three (3) residents of the County to serve as alternate members of the board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Section, an alternate shall be entitled to participate in all proceedings and discussions of the board at the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law.

Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the board, but shall not be entitled to vote as a member of the board unless designated as a voting alternate member pursuant to this Section.

15.01 REMOVAL OF MEMBERS

Any County Zoning Hearing Board member may be removed for malfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of County Commissioners which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

15.02 ORGANIZATION OF ZONING HEARING BOARD

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, Section 908 of the Pennsylvania Municipalities

Planning Code, Act 247, as amended. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the County and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Council once a year.

15.03 POWERS AND DUTIES

- (1) The Zoning Hearing Board shall hear and decide on all matters referred to it or upon which it is required to pass under this Ordinance.
- (2) The County Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer in the administration of this Ordinance.
- (3) The County Zoning Hearing Board shall hear requests for variances from the requirements of this Ordinance where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the circumstances or conditions generally created by the provisions of the County Zoning Ordinance in the neighborhood or district in which the property is located;
 - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the County Zoning Ordinance and that the authorization of variance is therefore necessary to enable the reasonable use of the property;
 - C. That such unnecessary hardship has not been created by the appellant;
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the County Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the County Zoning Ordinance.

- (4) The County Zoning Hearing Board shall hear and decide requests for

special exceptions in those cases where this Ordinance indicates a special exception may be granted subject to compliance with the standards and criteria prescribed. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of the Ordinance.

- (5) The County Zoning Hearing Board may conduct a hearing and take evidence on a substantive challenge and amendment to this Ordinance filed by a landowner. The Zoning Hearing Board may further make findings of fact relative to the challenge, and cause to be made a record or transcript, which may serve as the basis for further action. The Zoning Hearing Board shall not make recommendations or render an opinion in such matters, and has no authority to alter, change, or otherwise grant relief in such cases.

15.04 PROCEDURES

(1) Variance:

- A. The landowner shall file a written request for a variance with the Zoning Officer along with all maps, plans and text which may be relevant to the request. Said request shall be accompanied by a fee specified by the Board of Commissioners.
- B. The Zoning Officer shall transmit the request and any information received therewith, along with the file on said issue forthwith to the Zoning Hearing Board.
- C. Upon receipt of a request for variance, the Zoning Hearing Board shall establish a time and place to hear said request within sixty (60) days.
- D. The Zoning Hearing Board shall render a written decision and inform the applicant of said decision within forty-five (45) days of the final hearing date.
- E. Hearings by the Zoning Hearing Board shall be conducted in accordance with Section 908 of Act 247, the Pennsylvania Municipalities Planning Code as amended.

(2) Special Exceptions:

- A. The landowner shall file a written request for the granting of a special exception along with all maps, plans and text which may be necessary to explain the development proposed and its conformance with the standards and criteria of this Ordinance with the Zoning Officer. Said request shall be accompanied by a fee specified by the Board of County Commissioners.
- B. The Zoning Officer shall transmit the request and background data forthwith to the Zoning Hearing Board.
- C. The Zoning Hearing Board shall schedule a public hearing with

public notice within sixty (60) days of said request.

D. The Zoning Hearing Board shall render a written decision and inform the applicant of said decision within forty-five (45) days of the final hearing date unless, upon mutual consent of the Board and applicant, it is agreed to continue the proceedings.

E. The Zoning Hearing Board shall make its decision in accordance with Section 913 of Act 247, the Pennsylvania Municipalities Planning Code as amended.

(3) Appeal of the Zoning Officer's Decision:

A. Appeals arising from the Zoning Officer's decision on a specific provision of this Ordinance shall be handled in the same manner as a variance request.

(4) When the landowner is notified of the decision of the Zoning Hearing Board granting a variance or special exception, the landowner must effectuate the Board's decision within six (6) months of said notification; otherwise, said notification becomes null and void and filing of a subsequent request for a variance or special exception will be necessitated.

15.05 TIME LIMITATIONS

Any person aggrieved by the rendering of a decision by the Board of County Commissioners or County Zoning Officer shall have thirty (30) days in which to file an appeal or request for review with the County Zoning Hearing Board from the date of said decision.

15.06 APPEALS TO THE ZONING HEARING BOARD

Appeals to the County Zoning Hearing Board may be made by any one person or by any County official or agency aggrieved or affected by any decision of the Zoning Officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board and Act 247 as amended, by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof.

The Zoning Officer shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal shall state:

- (1) The name and address of the owner or the appellant.
- (2) The name and address of the owner of the real estate to be affected by such proposed change.
- (3) A brief description and location of the real estate to be affected by such proposed change.
- (4) A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

- (5) A statement of the section of this Ordinance under which the variance or exception requested may be allowed and reasons why it should be granted.

Upon receiving an appeal, the Board shall fix a reasonable time and place for a public hearing thereon and shall give the notice as follows:

- (1) By advertising at least one (1) week before the hearing, at least one (1) time in a newspaper of general circulation within the County.
- (2) By mailing due notice of at least six (6) days prior to the date of the hearing to the parties of interest.
- (3) By mailing due notice thereof to the County Commissioners, the County Planning Commission, the Zoning Officer, and such other persons who make timely requests for the notice.

15.07 PUBLIC HEARING

The County Zoning Hearing Board shall conduct a public hearing on such appeal at which hearing any party may appear in person or by agent or attorney, and all of said parties so affected shall be given an opportunity to be heard. All proceedings shall be conducted in accordance with Article IX of Act 247. Decisions or findings of the Board shall be rendered in accordance with Article IX of Act 247, as amended.

15.08 APPEALS FROM THE BOARD RULINGS

Any person aggrieved by any decision of the Zoning Hearing Board or any taxpayer may appeal to the County Court of Common Pleas under the procedure set forth in Article IX of Act 247, as amended.

15.09 EFFECT OF BOARD'S DECISION

If the variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within three (3) months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause the Board may, upon application in writing stating the reasons therefore, extend either the three (3) months or twelve (12) months period.

Should the appellant or applicant fail to obtain the necessary permits within said three (3) months period or having obtained the permit should he fail to commence work thereunder within such three (3) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.

Should the appellant or applicant commence construction or alteration within said