

EAST NORRITON TOWNSHIP

ZONING ORDINANCE

ORDINANCE NO. 291

EAST NORRITON TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF EAST NORRITON TOWNSHIP SPECIFICALLY, THE EAST NORRITON TOWNSHIP ZONING ORDINANCE BY MAKING CERTAIN CHANGES TO THE TEXT OF THE ZONING ORDINANCE AS SET FORTH IN THE BODY OF THIS ORDINANCE.

THE BOARD OF SUPERVISORS OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, UNDER AND BY VIRTUE OF AUTHORITY GRANTED BY THE SECOND CLASS TOWNSHIP CODE, DOES HEREBY ENACT AND ORDAIN:

SECTION 1.

The Code of East Norriton Township, Chapter 205, being the East Norriton Township Zoning Ordinance is hereby amended as follows:

Amend Section 205-2 by deleting this Section and adding new Section 205-2, as follows:

§ 205-2. Purpose.

The purpose of the East Norriton Township Zoning Ordinance is:

A. To promote, protect and facilitate any or all of the following:

The public health, safety, morals and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

B. To prevent one or more of the following:

Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

C. To preserve prime agriculture and farm land considering topography, soil type and classification, and present use.

D. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing.

E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Amend Section 205-5 by deleting the definition of Mobile Home Park and adding the new definition as follows:

MOBILEHOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Amend Section 205-5 by deleting the definition of Nonconforming and adding the definitions of Nonconforming Lot, Nonconforming Structure and Nonconforming Use as follows:

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Amend Section 205-5 by adding the definition of Public Hearing and Public Notice as follows:

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Board of Supervisors or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code (P.L. 805 No. 247, as amended).

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in East Norriton Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Amend Section 205-5 by deleting the definition of Structure and adding the new definition as follows:

STRUCTURE - Any man-made object having an ascertainable

stationery location on or in land or water, whether or not affixed to the land.

Amend Section 205-16B by deleting that subparagraph and adding new Section 205-16B as follows:

B. Uses Accessory to Dwelling:

1. A private garage with a total area no greater than the square footage of the first floor of the dwelling to which it is accessory, private parking spaces, shelters for not more than three domestic pets owned by the occupant and one temporary structure as outlined in Section 205-17 for the occupants' noncommercial use. The housing of pigeons, chickens, ducks or other fowl and the keeping of farm animals shall not be permitted.

2. Swimming pools for the use of dwelling residents and guests only. The minimum setback for swimming pools in an AR or BR Residential district shall be 20 feet to all property lines.

3. Home occupation only as defined in Section 205-5.

4. In-Law Quarters, subject to the following conditions:

a) Neither the present structure nor the proposed addition shall at any time be occupied by any person other than the property owner and members of his or her immediate family.

b) Any sale, lease, transfer or other alienation of the property shall be as a single-family dwelling and shall include the entire structure located on the property.

Amend Section 205-5 by adding the definition of Common Open Space as follows:

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Amend Section 205-5 by adding the definition of Day Care Center as follows:

DAY CARE - A service providing out of home care for up to 12 hours per day for children under 16 years of age.

DAY CARE CENTER - A Day Care Center is a facility in which care is provided for seven (7) or more children, at any one time, where the child care areas are not being used as a family residence, and which facility meets all State requirements including licensing by the Commonwealth of Pennsylvania where required.

Amend Section 205-5 by adding the definition of Decision as follows:

DECISION - Final adjudication of any board or other body granted jurisdiction under any land use ordinance or other applicable law, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Montgomery County and the judicial district in which East Norriton Township lies.

Amend Section 205-5 by adding the definition of Determination as follows:

DETERMINATION - Final adjudication of any board or other body granted jurisdiction under any land use ordinance or other applicable law, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Montgomery County and the judicial district in which East Norriton Township lies.

Amend Section 205-5 by adding the definition of Engineer as follows:

ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

Amend Section 205-5 by adding the definition of Family Day Care Home as follows:

FAMILY DAY CARE HOME - A Family Day Care Home is any dwelling in which child day care is provided at any one time to between four (4) to six (6) children who are not relatives of the care giver, and where such children do not reside at the family day care home, and where the child care areas are being used as a family residence, and which facility meets all state requirements including registration or licensing where required by the Commonwealth of Pennsylvania.

Amend Section 205-5 by adding the definition of Group Day Care Home as follows:

GROUP DAY CARE HOME - A Group Day Care Home is a facility in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence, and which facility meets all State requirements including licensing by the Commonwealth of Pennsylvania where required.

Amend Section 205-5 by adding the definition of Home Occupation as follows:

HOME OCCUPATION - An occupation for gain or support conducted only by individuals residing on the premises and conducted entirely within the dwelling, providing that no article is sold or offered for sale except such as may be produced on the premises. Retail sales are prohibited. Anyone wishing to pursue a home occupation within the Township must first apply for and obtain a permit from the Township Zoning Officer, who shall issue such permit upon a showing of compliance with the provisions of this Section. Such permit must be renewed annually by the applicant. The number of employees who are not residents of the dwelling is limited to two. No more than twenty-five percent (25%) of the total floor area of the residence may be used for the operation of the home occupation, including storage area. Outdoor storage or display of goods is prohibited. Day care for up to three (3) unrelated children, not subject to space limitation, when provided only by residents of the dwelling shall

be considered a home occupation. Each dwelling shall be considered a home occupation. Each dwelling or residential lot shall be limited to not more than one (1) home occupation. The conducting of a clinic, hospital, barbershop, beauty parlor, tearoom, tourist home, animal hospital, or real estate office shall not be deemed to be a Home Occupation.

Amend Section 205-5 by deleting the definition of Lot and adding the new definition as follows:

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Amend Section 205-5 by adding the definition of Mediation as follows:

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Amend Section 205-5 by deleting the definition of Mobile Home and adding the new definition as follows:

MOBILEHOME - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which

c) The owner shall not lease or rent the in-law quarters as an apartment or separate dwelling.

d) Upon the sale, transfer, or other alienation of the property, there shall be no more than one kitchen and/or cooking facility located thereon. Any additional kitchen or cooking facility on the property must be removed prior to sale, transfer, or other alienation of the property.

e) There shall always be maintained the standard doorway and/or passageway between the principal residence and the in-law quarters.

f) The applicant shall prepare and file with the Recorder of Deeds a deed restriction, in a form acceptable to the Township Solicitor, setting forth the conditions set forth in subsection B(4)(a) through (e) above, which shall reflect that the property is encumbered with those specific conditions.

g) A one year renewable permit issued by the Township Zoning Officer shall be required to insure compliance with this Chapter. The fee for this permit shall be established by resolution of the Board of Supervisors.

Amend Chapter 205 by adding Section 205-21.1 as follows:

§ 205-21.1 Standards For Family Day Care Homes , Group Day Care Homes and Day Care Centers.

A. The following provisions shall apply to Family Day Care Centers, Group Day Care Homes and Day Care Centers:

1. An approved Pennsylvania Department of Public Welfare registration certificate or license, as appropriate must be obtained, and all Department of Public Welfare regulations

including those standards governing adequate indoor space, accessible outdoor play space and any applicable State or local Building and Fire Safety Codes must be met.

2. Each owner or operator shall register with East Norriton Township prior to the issuance of a Use and Occupancy Permit. The owner or operator must certify compliance with all applicable Township and State requirements for child care.

3. Fire Safety. The owner or operator shall allow the premises to be inspected by the Township Fire Marshall and shall implement all required corrective measures and within the time limits stated by the Fire Marshall.

4. Inspection. The owner or operator shall permit inspection of the premises for compliance with the requirements of all applicable Township and State requirements by Township employees as are designated to perform such inspections.

B. The following provisions shall apply to Group Day Care Homes and Day Care Centers:

1. Buffer Standards.

a) All side or rear property lines abutting residential uses in the Township or in an adjacent municipality shall be screened so as to provide an appropriate visual and noise buffer between the adjacent land uses. The following standards apply to all required buffers.

i) Buffers shall contain combinations of evergreen and deciduous vegetation, earthen berms, fences and/or walls. The buffer shall be a minimum of five feet in width. No

more than 25 percent of the screen shall be composed of fences or walls. Earthen berms shall not exceed four (4) feet in height.

ii) The required buffer is to be a minimum of six (6) feet in height at the time of installation.

iii) All plant material shall be guaranteed for two (2) years. All plant material which dies within that time shall be replaced by the applicant.

2. Parking for Employees and Clients. At least one (1) on-site parking space must be provided for each 200 square feet of floor area dedicated to child care. This parking is in addition to any required for any other use on the site.

3. Drop-Off Area. A minimum of one (1) vehicle space for drop-off and pick-up shall be provided for each eight (8) children cared for. These spaces must be located so as not to conflict and interfere with vehicular traffic or cause a "stacking" of cars waiting to enter the drop-off and pick-up area.

The drop-off and pick-up area shall be made up of two (2) one-way aisles. One aisle shall be used for drop-off or receiving of children and shall have a width of 12 feet. The second aisle shall be used for passing and shall have a 10-12 foot width. The minimum required length for each space is 22 feet.

4. Entrance/Exit Accessibility. The entrances/exits of the child care service use should be visible from the pick-up/delivery area. Parents and children should be able to access the center from the drop-off/pick-up area and parking areas

without crossing vehicular traffic lanes or other dissimilar uses.

When located in a multi-use building complex, entrances/exits should have direct access to the child care center without walking through other significant portions of the building. In all cases, a secondary entrance/exit should be provided for emergency use.

5. Entrance/Exit Control. The center should control the entrance and exit to the child care center to prevent unauthorized access to the portion of the child care use housing the children without being physically admitted by a staff member. Anyone leaving the center should similarly come under the direct control of center personnel.

6. Play Area Setback. All structured play areas or other areas of high activity shall not be located in any required or provided front yard. Such uses when located at other locations on the property shall be so located and designed so as to address the question of separation and protection from noise for the adjoining properties. This may be accomplished by means of landscaping as set forth elsewhere herein, and sound deadening devices and other suitable methods. These uses shall not be located within ten (10) feet of a rear or side yard property line.

7. Recreational Spaces.

Location. An outdoor play area as required by State regulations shall be provided and shall be located immediately adjacent to the child care center.

Amend Section 205-46 by adding new Subsections D. and E. as follows:

D. A Group Day Care Home.

E. A Day Care Center.

Amend Chapter 205 by deleting from Section 205-46.

B. Barber Shops or Beauty Parlors.

Amend Section 205-56 by adding new Subsection K. as follows:

K. A Day Care Center.

Amend Section 205-58 by adding new Subsection A. (2) as follows:

(2) A Group Day Care Home.

Amend Section 205-61 by adding new Subsection E. as follows:

E. A Day Care Center.

Amend Section 205-68 by adding new Subsection F-1 and by deleting Subsection G. (10):

F-1. A Day Care Center.

Amend Chapter 205 by deleting Section 205-134

Amend Section 205-136 by adding the following to that section:

A Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall be able to demonstrate to the

satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

Amend Section 205-139 by deleting the following language, "except that no more than one (1) member of the Board may also be a member of the Planning Commission".

Amend Section 205-141 by deleting paragraph A., and adding the new paragraph A., as follows:

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, the Township Planning Commission, the Township Engineer, the Township Secretary and to any person who has made timely request for the same. Written notices shall be given by first class mail to be posted at least ten (10) days prior to the hearing or by personal delivery ten (10) days prior to the hearing. The notice shall state the location of the building or lot and the general nature of the question involved but shall be sufficient to provide adequate notice of the questions to be considered. In addition to the written notice provided herein, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

Further amend 205-141 by adding the following as the first sentence of paragraph B of that Section:

The hearing shall be held within sixty (60) days of the

applicant's request, unless the applicant has agreed in writing to an extension of time.

Further amend Section 205-141 by deleting paragraph G and adding new paragraph G, as follows:

G. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board, if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

Further amend Section 205-141 by deleting paragraph I., and by adding the new paragraph as follows:

I. The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is

deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection A of this section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a Court of competent jurisdiction.

Amend Article XXII by adding Section 205-141.1, as follows:

§ 205-141.1 Mediation Option.

A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In

proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall encourage and assure that in each case, the mediating parties, assisted by the mediator as appropriate, shall develop terms and conditions for:

1. funding mediation.
2. selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
3. completing mediation, including time limits for such completion.
4. suspending time limits otherwise authorized in this Article and other applicable law, provided there is written consent by the mediating parties, and by an applicant or the Township decision making body if either is not a party to the mediation.
5. identifying all parties and affording them the opportunity to participate.

6. subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

7. assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedure set forth in this Article and other applicable law.

C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Amend Section 205-142 by deleting that Section in its entirety and by adding the new Section 205-142 as follows:

§ 205-142. Jurisdiction.

A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the governing body.

2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an

appeal taken within thirty (30) days after the effective date of said ordinance.

3. Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

4. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

5. Applications for variance from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance.

a) The board shall hear requests for variances where it is alleged that the provisions of the zoning ordinances inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:

i) 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 unnecessary hardship is due to such conditions and

not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

ii) 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 zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

iii) That such unnecessary hardship has not been created by the appellant.

iv) 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.

v) 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.

b) In granting any variance the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and the zoning ordinance.

6. a) Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such

provisions within a land use ordinance. The Board shall hear and decide requests for special exceptions, in accordance with the following standards and criteria:

i) The suitability for the property for the use desired.

ii) The effect of the proposed use upon the safety and health of the immediate neighborhood and the general public therein.

iii) The effect of the proposed use upon the character of the immediate neighborhood so as to conserve the value of existing buildings and encourage the most appropriate use of the land.

b) In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this Zoning Ordinance. The Board is charged with using its most sound discretion in considering special exceptions in that the uses subject to the special exceptions have not been permitted in a given district but rather must be considered on a case-by-case basis. The burden of proof in any application for a special exception shall be on the applicant to prove that the use is one which is permitted by special exception and that the proposed use will not adversely affect the general public.

c) Any variance or special exception shall lapse six (6) months after the date of its grant unless a building

permit shall have been obtained to affect such variance or special exception.

7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.

8. Appeals from the zoning officer's determination pursuant to a request for a preliminary opinion.

9. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same do not relate to application for subdivision or land development under the subdivision and land development ordinance or the planned residential development ordinance, if any.

Amend Section 205-145 by deleting the heading and paragraph A., and adding the new heading and new paragraph A., as follows:

§ 205-145 Investigation of violations and notice.

A. It shall be the duty of the Zoning Officer to take cognizance of violations of this chapter. He shall investigate each violation which comes to his attention, whether by observation or communication. If it appears to the Zoning Officer or the Township that a violation of any zoning ordinance

has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

1. 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.

2. An enforcement notice shall state at least the following:

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 the ordinance.

d) The date before which the 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 procedures set forth in the ordinance.

f) The failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with the possible sanctions clearly described.

Amend Section 205-146 by deleting this Section and adding new Section 205-146 as follows:

§ 205-146. Enforcement, 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 or other statute shall, upon being found liable therefore 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 payable until the date of the determination of a violation by the District Justice. District Justices shall have initial jurisdiction over proceedings brought under this section. 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 the 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 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

attorneys' fees collected for violation of the zoning ordinances shall be paid over to the Township.

B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending 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 Township the right to commence any action for enforcement pursuant to this section.

Amend Section 205-147 by deleting that Section and adding the new Section 205-147 as follows:

§ 205-147. Remedies.

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 any ordinance or other statute, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person shall be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served

upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township. No such action may be maintained until such notice has been given.

Amend Article XXIV by adding Section 205-147.1, as follows:

§ 205-147.1. Finances and Expenditures.

A. The Board of Supervisors may appropriate funds to finance the preparation of Zoning Ordinances and shall appropriate funds for administration, for enforcement and for actions to support or oppose, upon appeal to the courts, decisions of the Zoning Hearing Board.

B. The Board of Supervisors shall make provision in the budget and appropriate funds for the operation of the Zoning Hearing Board.

C. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the Township Solicitor. The Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the Board of Supervisors for this use.

D. For the same purposes, the Board of Supervisors may accept gifts and grants of money and services from private sources and from the county, State and Federal Governments.

E. The Board of Supervisors may prescribe reasonable fees with respect to the administration of the zoning ordinance and with respect to hearings before the Zoning Hearing Board. Fees for these hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The cost, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

Amend Section 205-149 by deleting paragraph B and adding the following:

B. Amendment Procedures.

1. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

2. In the case of an amendment, other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

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

4. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the County Planning Commission for recommendations.

5. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the County Planning Commission.

C. Publication, Advertisement and Availability of Ordinances.

1. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a

reference to the place within the Township where copies of the proposed ordinance or amendments may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor and setting forth all of the provisions in reasonable detail. If the full text is not included:

a) a copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

b) an attested copy of the proposed ordinance shall be filed in the Montgomery County Law Library.

2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall at least ten (10) days prior to enactment readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

3. Zoning ordinances and amendments may be incorporated into the official ordinance books by reference with the same force and effect as if duly recorded therein.

SECTION 2.

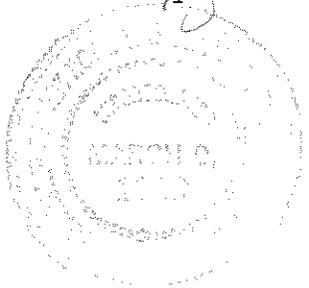
This Ordinance shall in no other way affect, amend or modify the said Zoning Ordinance contained in Chapter 205 of the Code of East Norriton Township.

ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, this 25th , day of June , 1990 .

Board of Supervisors
East Norriton Township

By: John W. [Signature]
Chairman

Attest: [Signature]
Secretary



DOCUMENT SUMMARY SHEET

ATTY: MRO
CLIENT: ENT
PERM. FORM #: --
JOB NAME: ENT444Z.ORD
RE: ENT ZONING ORDINANCE
FILE #: ENT

<u>Date</u>	<u>Typist</u>	<u>No. Orig. Pgs.</u>	<u>No. Pgs. Revised</u>	<u>Total Printed</u>
10/27/89	rew	31		31
10/31/89	rew	31		31
12/8/89	rew			31