

AN ORDINANCE AMENDING ORDINANCE NO. 482, ARTICLE 7, (ZONING ORDINANCE), AS AMENDED, AND ORDINANCE NO. 592, SECTION 2 (PENALTY ORDINANCE), FOR THE PURPOSE OF INCORPORATING AN ENFORCEMENT NOTICE, ENFORCEMENT REMEDIES AND CAUSES OF ACTION AS PROVIDED FOR IN AMENDMENTS TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

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WHEREAS, the Pennsylvania Municipalities Planning Code was re-enacted and amended December 21, 1988, by Act 170 of 1988, which has necessitated certain revisions to be made to the Borough of Ford City Zoning Ordinance,

THE COUNCIL OF THE BOROUGH OF FORD CITY HEREBY ORDAINS AS FOLLOWS:

SECTION I: Article 7 of Ordinance No. 482, is hereby amended to read as follows:

("ADMINISTRATION AND ENFORCEMENT")

Section 7.01: This Ordinance shall be administered and enforced in accordance with and exercising the authority of the Pennsylvania Municipalities Planning Code, Act 247, as amended and its subsequent amendments.

SECTION 7.02: Prior to the Borough initiating enforcement proceedings, an "enforcement notice" as provided in Section 616.1 of the Pennsylvania Municipalities Planning Code 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. The recipient of the enforcement notice shall have the right to appeal to the Zoning Hearing Board, as provided, within thirty (30) days of the enforcement notice mail date.

SECTION 7.03:

(a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of the Ford City Borough Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500.00 plus all Court costs, including reasonable attorney's fees incurred by the Borough 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. If the defendant neither pays nor timely appeals the judgment, the Borough 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. Thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of the Ford City Borough Zoning Ordinance shall be paid over to the Borough General Fund.

(b) 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.

(c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

Section 7.04:

(a) 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 enacted under this act or prior enabling laws, governing body, with the approval of the governing body, an officer of the Borough, or any aggrieved owner or tenant or real property who shows that his property or person will 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 violation is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty days prior to the time the action is begun by serving a copy of the complaint on the governing body. No such action may be maintained until such notice has been given.

(b) Zoning Officer or any aggrieved party may file with the Zoning Hearing Board a statement of such violation which, after notice and hearing as provided, shall revoke a Zoning Certificate issued by the Zoning Officer, if it finds such violation to exist.

SECTION II: Ordinance No. 592, (VIOLATIONS - REMEDIES), shall be partially repealed by deleting only that part that reads as follows:

" Ordinance No. 482, Zoning Ordinance Section 6.802, setting forth the amount of penalty not to exceed \$100.00 is hereby amended to read "an amount not to exceed \$1,000.00."

DONE, ORDAINED AND ENACTED at a regular meeting of the Council of the Borough of Ford City held at the Council Chambers on the 19th day of December . 1989.

BOROUGH OF FORD CITY

ATTEST:

BY

Patricia Lyaroff
President

Connie Habowsky
Secretary

Approved this 20th th day of December , 1989.

Gerry Mills
Mayor