
ARTICLE 1309
Administration, Enforcement, and Appeals

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1309.01 ZONING OFFICER

The City of Franklin shall appoint the Zoning Officer, who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall not hold any elective office in the City.

1309.02 DUTIES OF THE ZONING OFFICER

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. The Officer shall be considered as qualified to perform his duties by meeting the qualifications established by the City. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

- (a) Applications for Building/Zoning Permits: The Zoning Officer shall receive applications for Building/Zoning Permits. A Building/Zoning Permit shall be obtained prior to the start of construction or development. The application will describe the proposed activity in sufficient detail so that the Zoning Officer may determine whether it meets the requirements of this and other applicable City ordinances. Applications conforming to such ordinances shall be approved, those not conforming to City ordinances shall be denied.
- (b) Inspections: The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Building/Zoning Permit or a Zoning Certificate has been requested. Such inspections may be made from time to time during construction and shall be made upon the termination of construction and prior to the issuance of a Certificate of Occupancy.

- (c) Permits, Applications, Appeals and Certificates: The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where appropriate, and shall receive all applications for conditional uses, special exceptions and variances and forward same to the appropriate body. Said applications shall be on forms as approved by the City and shall be accompanied by a fee as set by the City Council. It is the intent of this Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate state law. The filing of appeals, conditional uses, special exceptions, and variances shall be within such time limits as set by the Pennsylvania Municipalities Planning Code and this Ordinance.
- (d) Enforcement: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.

1309.03 PERMITS AND CERTIFICATES

- (a) Building/Zoning Permits: In order to be approved, an application for a Building/Zoning Permit must show compliance with this and other appropriate City ordinances. Applications shall contain information relative to the proposed construction, development and use in sufficient detail to inform the Zoning Officer of the scope and extent of the same. The exact details required, including sketches and plot plans, as well as the number of copies, time limits and fees for such applications, shall be determined by this Ordinance or City Council. Permits will be required for:
 - (1) The erection, adaptation, alteration, or remodeling of any building or structure or portion thereof; when the cost of construction exceeds Seven Hundred Fifty (\$750.00) Dollars.
 - (2) The moving of any building or structure.
 - (3) The use or change in use of a building or structure.
 - (4) The change or extension of a nonconforming use.
 - (5) The erection, adaptation, or alteration of any sign, except those signs for which permits are not required as set forth in Section 1308 of this Ordinance.
 - (6) The erection, adaptation, alteration, or remodeling of any accessory building.

- (7) Any activity covered by Section 1301.05 of this Ordinance.
- (b) Certificate of Occupancy: A Certificate of Occupancy shall be required prior to the occupancy or use of any vacant land or vacant building/structure, and a Certificate of Occupancy shall be required prior to the use or occupancy of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the Certificate of Occupancy is to confirm that the construction, development or use described in the Building/Zoning Permit application has been completed in compliance with the application and this Ordinance. Certificates of Occupancy shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure.
- (c) Zoning Certificate: A Zoning Certificate shall be issued upon request to confirm that the use of land or a building within the City is in compliance with this Ordinance. The exact form of the certificate shall be determined by the Zoning Officer, and the fees charged for the issuance of the certificate shall be determined by the City Council.
- (d) Nonconforming Certificate: Upon request, the Zoning Officer will issue a certificate for a nonconforming use or structure. However, such certificates shall only be issued if the Zoning Officer can clearly establish, through independent sources, that the use or structure in question is legally nonconforming. Where the Zoning Officer cannot establish the case clearly, the request shall be denied. Upon appeal, it shall be referred to the Zoning Hearing Board for a decision.

1309.04 VIOLATIONS

- (a) Enforcement Notice: When it appears to the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. 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 the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:
- (1) The name of the owner of record and any other person against whom the City intends to take action;

- (2) The location or description of the property in violation;
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance;
 - (4) The date before which the steps for compliance must commence, and the date by which the steps for compliance must be completed.
 - (5) 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 this Ordinance; and
 - (6) 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.
- (b) Causes of Action: In case any building, structure, sign, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the City Council or, with the approval of the City Council, the Zoning Officer or any aggrieved owner or tenant of 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, sign, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this Ordinance. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least thirty (30) days prior to the time the action commences by serving a copy of the complaint on the Zoning Officer and the City Manager. No such action may be maintained until such notice has been given.
- (c) Jurisdiction: The Magisterial District Judge with jurisdiction in the City shall have initial jurisdiction over proceedings brought under this Ordinance.

(d) Enforcement Remedies: Any person that has violated, or permitted the violation of, the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City, pay a judgment of not more than Five Hundred (\$500) Dollars plus all court costs, including reasonable attorney fees incurred by the City 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 Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the City 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 Magisterial District Judge determining that there has been a violation, further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge 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 City. Nothing contained in this section shall be construed or interpreted to grant any person other than the City and its Zoning Officer the right to commence any action for enforcement pursuant to this Ordinance.