

**EAST NOTTINGHAM TOWNSHIP
ZONING ORDINANCE**

**ARTICLE XXIII
ENFORCEMENT**

SECTION 2301 ENFORCEMENT NOTICE

- A. If it appears to the Township that a violation of this ordinance has occurred, the Township shall initiate formal enforcement proceedings by sending an enforcement notice as provided in this section. The Zoning Officer may informally request compliance prior to instituting formal proceedings.
- B. The enforcement notice shall be sent to the owner of record of the parcel in 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.
- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Township intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps 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 procedure set forth in this ordinance.
 - 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.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- E. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

SECTION 2302 CAUSES OF ACTION

- A. Where any building, structure, landscaping, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this ordinance or any prior enabling laws, the Board of Supervisors or, with the approval of the Board of Supervisors, the Zoning Officer or other duly authorized officer of the Township, 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, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

- B. Where 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. No such action may be maintained until such notice has been given.

SECTION 2303 ENFORCEMENT REMEDIES

- A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this ordinance or any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.
- B. 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.
- C. All judgments, costs, and reasonable attorney fees collected for the violation of this ordinance shall be paid over to the Township.