

**ARTICLE XV**  
**ADMINISTRATION & ENFORCEMENT**

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**1501 Duties of the Zoning Officer**

- A. A Zoning Officer shall be appointed by the Governing Body to administer and enforce this Zoning Ordinance. The Zoning Officer may not hold any elective office in the Township.
  
- B. The provisions of this Ordinance shall be administered and enforced by the Hereford Township Zoning Officer, as designated by the Board of Supervisors. The duties of the Zoning Officer shall be:
  - 1. To examine all applications for permits to build upon or use land.
  - 2. To issue permits only for construction and uses which are in accordance with this Ordinance and as it may be subsequently amended.
  - 3. To record and file all applications for permits and accompanying plans and documents and keep them for public record.
  - 4. To issue permits for uses, authorized variances, and special exceptions after approval by the Zoning Hearing Board or directed by a competent court in accordance with this Ordinance.
  - 5. To report all violations of the Ordinance to the Board of Supervisors and to issue orders to cease and desist to all the violators.
  - 6. Upon the request of the Planning Commission or the Zoning Hearing Board, to present to such body facts, records, and any similar information on specific requests to assist such body in reaching its decision.

**1502 Zoning Permits**

No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of a special exception, variance, or as otherwise provided for by this Ordinance, any applicable laws, or any court of competent jurisdiction.

- A. Form of application
  - 1. All applications shall be made in writing and shall be accompanied by three (3) sets of plans showing at least the following information:

- a. Actual dimensions and shape of the lot to be built upon.
  - b. The exact size and location on the lot of buildings, structures, and signs existing, proposed extensions thereto, or to be constructed thereon.
  - c. The number of dwelling units, if any, to be provided.
  - d. Parking spaces and loading facilities to be provided.
  - e. A statement indicating the existing and proposed use.
  - f. Where new construction or additions or replacement of existing structures is proposed, the plan shall indicate the height of proposed structures, buildings, and signs.
  - g. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
- 2. One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on said copy.
  - 3. One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records, and one (1) copy shall be sent to the Township Secretary.
  - 4. Such approval and Zoning Permit shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such forms as the Zoning Officer may prescribe.
- B. Expiration of Zoning Permit
- 1. A Zoning Permit shall expire six (6) months after the date of issuance, if the work described upon such permit has not begun.
  - 2. If work described by any Zoning Permit has begun within said six (6) month period, said permit shall expire two (2) years from its date of issuance.
- C. Renewal of Zoning Permit
- 1. A Zoning Permit may be renewed by the Zoning Officer only under the following conditions.
    - a. Renewal shall be upon written request of the permit holder. The permit holder shall not be required to resubmit plans as required for an

original permit by Section 1502.A, unless, in the opinion of the Zoning Officer, there have been substantial changes to the project. In such case, a new Zoning Permit shall be required rather than a renewal of the existing Permit.

- b. Such written request must be received by the Zoning Officer within one (1) month of the expiration date of the preceding permit.
  - c. Renewal is required due to the magnitude of the project or circumstances beyond the control of the applicant which prevented him from completing his project within the original two (2) year period.
- 2. Time limitations for the renewed permit shall be the same as for the original permit, as described above in Section 1502.B.
  - 3. The Renewal of Zoning Permit shall be issued or refused within ten (10) working days of the date of receipt by the Zoning Officer of the written request required in Section 1502.C.1.a and Section 1502.C.1.b.
  - 4. If, in the opinion of the Zoning Officer, the conditions for renewal described in Section 1502.C.1.c do not apply, the Zoning Officer shall not issue a Renewal of Zoning Permit, but shall require the applicant to reapply for a Zoning Permit according to the procedure described in Section 1502.A.
  - 5. Nothing in this section shall be interpreted to compel the Zoning Officer to renew a Zoning Permit.

**1503. Certificate of Use and Occupancy**

A Certificate of Use and Occupancy shall be required upon the completion of the work for which a Zoning Permit was issued. It shall be unlawful to use or occupy any structure, building, or land or portions thereof in any manner until a Certificate of Use and Occupancy has been issued.

**A. Form of application**

The application for a Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe.

**B. Issuance of Certificate of Use and Occupancy**

- 1. The Zoning Officer shall inspect structures, buildings, signs, and land or portions thereof to determine conformance with the Zoning Permit issued therefor. If he is satisfied that the completed work is in conformity with this

Ordinance and with the work listed in the Zoning Permit, he shall issue a Certificate of Use and Occupancy.

2. A Certificate of Use and Occupancy shall be granted or refused in writing within ten (10) days of the date of application.
3. In zoning districts in which performance standards are imposed, no Certificate of Use and Occupancy shall become permanent until the Zoning Officer has re-inspected the facility and determined that it is in compliance with all performance standards.
  - a. The owner of such facility shall request in such form as the Zoning Officer may prescribe that the Zoning Officer re-inspect the facility. Such request shall be made no less than thirty (30) nor more than forty-five (45) days after the facility is fully operating, but in no event shall such request be made more than one hundred twenty (120) days after the Certificate of Use and Occupancy has been issued.
  - b. The Zoning Officer shall re-inspect the facility within thirty (30) days of receipt of the owner request.
  - c. Within ten (10) days of the re-inspection, the Zoning Officer shall notify the applicant that either:
    - i. the facility is in full compliance with all performance standards and the Certificate of Use and Occupancy is permanent, or
    - ii. the facility does not comply with the performance standards and that the Certificate of Use and Occupancy is still temporary and may be revoked if the applicant does not correct all violations.
  - d. Requests for additional re-inspections and action by the Zoning Officer for correction of violations shall follow the same procedure and requirements as described in this subsection 1503.B for inspections.
  - e. If the Zoning Officer fails to re-inspect a facility within thirty (30) days of receipt of notification requesting re-inspections, the facility shall be deemed to be in full compliance with all performance standards and the Certificate of Use and Occupancy shall be considered permanent without further action on the part of the applicant.

**1504. Conditional Uses**

- A. Conditional uses specified in this ordinance may be permitted by the Board of Supervisors, after public hearing, based upon the express standards and criteria set forth in this Ordinance.
- B. Application for Conditional Use Approval.
  - 1. An application for conditional use shall be in writing on the specified form and shall be submitted to the Township Secretary. Such applications shall include all information specified for a zoning permit application, and any other information necessary to allow the Board of Supervisors to determine if all the requirements of this Ordinance have been met, including a Site Plan as stipulated below. An application shall not be considered complete unless accompanied by all required information and the appropriate filing fee as required by the Resolution of the Board of Supervisors.
  - 2. Site Plan. The application for conditional use shall be accompanied by a proposed site plan to include the following information:
    - a. Site Plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet.
    - b. Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines.
    - c. Dimensional features showing compliance with the applicable area, width, coverage, yard, and design standards as specified in the Township Zoning Ordinance.
    - d. Location, dimension, and arrangements of proposed facilities including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, and lighting for these areas.
    - e. Location, dimensions, and arrangement of all areas devoted to open space, ground cover, trees, plantings, and recreation.
    - f. Provisions for handling of stormwater drainage, treatment of disposal of sewage, and supply of water.
    - g. A copy of the last recorded subdivision plan of which the property is part.
    - h. Locations and design of all on-site and off-site improvements related to access control and traffic capacity.

- C. The Board of Supervisors shall refer the application for conditional use to the Township Engineer, the Township Planning Commission, and/or the Township Zoning Officer for review and comment; provided however that such referral shall not delay the public hearing or decision of the Supervisors.
- D. The Board of Supervisors shall schedule a public hearing on the application for conditional use within sixty (60) days after the complete application is received by the Township Secretary.
- E. Public notice of the hearing shall be given in accordance with the requirements of the Municipalities Planning Code.
- F. The Board of Supervisors shall issue a written decision, either granting or denying the conditional use, within forty-five (45) days after the last evidentiary hearing, and shall mail the same to the Applicant within one (1) day after it is issued in writing.
- G. In granting a conditional use, the Board of Supervisors may attach reasonable conditions and safeguards, in addition to those set forth in this Ordinance, as the Board deems necessary to implement the purposes of this Ordinance and the Municipalities Planning Code.
- H. Conditional uses shall meet any specific standards established by this Ordinance for each use, shall meet all other applicable regulations set forth in the particular zoning district in which the conditional use is to be conducted, and shall meet general regulations and performance standards established by this Ordinance, when applicable. In addition, the following standards shall be met;
  - 1. The proposed conditional use shall be one which is specifically authorized as a conditional use in the applicable zoning district regulations.
  - 2. The use shall not conflict with the goals, objectives, and policies of the Hereford Township Comprehensive Plan.
  - 3. The size, scope, extent and character of the proposed conditional use shall not conflict with the spirit, purposes and intent of all applicable provisions of all Township ordinances and regulations.
  - 4. The proposed conditional use shall not conflict with pertinent state and federal laws, regulations and requirements.
  - 5. Water, sewage disposal, utilities and other necessary services shall be available to adequately serve the proposed conditional use.
  - 6. The size, scope, extent and character of the proposed conditional use shall not generate traffic that will result in hazardous or congested conditions.

7. The size, scope, extent and character of the proposed conditional use shall not adversely affect the general health, safety and welfare, or adversely impact the use of adjacent property, or the neighborhood.
8. Sufficient safeguards relating to such matters as parking, traffic control, screening, buffer areas and setbacks shall be imposed to remove any potential adverse effect upon the use of adjoining property, and the neighborhood.
9. The granting of a proposed conditional use shall not relieve the Applicant from full compliance with all other applicable provisions and requirements of the ordinances of Hereford Township, including specifically the Subdivision and Land Development Ordinance and any building codes.
10. Determine whether the Applicant will be required to comply with any applicable impact assessments.
  - I. All proposed conditional uses shall comply with all applicable provisions of this Article and, prior to any such use being established in Hereford Township, a land development plan shall be submitted for review and approval in accordance with the Subdivision and Land Development Ordinance, unless waived by the Township Supervisors

**1505 Enforcement**

- A. If it appears to the Board of Supervisors or the Township Zoning Officer that a violation of any provision of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending a Notice of Violation as provided for in this Section.
- B. The Notice of Violation shall be delivered or sent via certified mail to the owner of record, and the lessee as may be applicable, of the parcel on which the violation has occurred, to any person who has filed a written request to receive such Notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. The Notice of Violation, as a minimum, shall state:
  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 which have not been met, citing in each instance the applicable provisions of this Ordinance.

4. The date by which steps toward compliance must be initiated and the date by which full compliance must be achieved.
  5. That failure to comply with the Notice within the time specified, unless extended by appeal to the Zoning Hearing Board, will constitute a violation of this Ordinance, subject to the penalties described in Section 1507 of the Ordinance.
  6. The recipient of an enforcement notice shall have thirty (30) days within which to appeal the notice before the Zoning Hearing Board. This appeal period shall not apply where the specific violation poses a clear and imminent threat to the public health, safety, or welfare.
- D. In addition to a Notice of Violation, a Stop Order may be issued under the following circumstances and in the same manner as a Notice of Violation:
1. If activities regulated by this Ordinance are undertaken without the required Zoning Permit or Certificate of Use and Occupancy being granted by the Township.
  2. If an activity undertaken under a Zoning Permit deviates from the approved application either during or after completion of the work.
  3. If a use is conducted or a building or structure is established in a way which is in violation of the use restrictions; the area, yard, impervious coverage, or structure height regulations; performance standards; general regulations; or any other requirements of this Ordinance.
  4. If an activity permitted by special exception, variance, or condition is not conducted in accordance with the terms of the granting of the special exception, variance, or conditional use.
- E. The Stop Order shall state, as a minimum:
1. The name of the owner of record, and the lessee as may be applicable, against whom the Order is written.
  2. The location of the property.
  3. The specific violation with a description of the requirements which have not been met, citing the applicable Township regulation(s) or ordinance(s) and section(s) thereof or conditions attached to a variance, use by special exception, or conditional use.
  4. The conditions under which work may continue.



5. That continuance of activity in violation of the stop order shall constitute a violation of this Ordinance, subject to the penalties described in Section 1507 of this Ordinance.

**1506 Remedies**

In case any building, structure, or use of land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Board of Supervisors or a duly appointed officer of the Township may, in addition to other remedies, institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or use of land; or to prevent in or about such premises any act, conduct, business, or use constituting a violation.

**1507 Penalties**

- A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, before a District Justice, pay a judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.
- B. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by a District Justice.
- C. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- D. 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 such case, there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice; thereafter, each day that the said violation continues shall constitute a separate violation.
- E. All judgments, costs, and reasonable attorney fees collected for the violation of this Ordinance shall be paid to the Township of Hereford.
- F. 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.
- G. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than duly authorized representatives of the Township of Hereford the right to commence any action for enforcement pursuant to this Section, unless otherwise authorized by the Pennsylvania Municipalities Planning Code.

**1508 Appeals**

Proceedings for securing review of any ordinance, decision, determination, or order of the Board of Supervisors, its agencies, or officers adopted or issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning Code.

**1509 Amendment**

The Board of Supervisors may from time to time amend, supplement, change, modify, or repeal this Ordinance, including the Zoning Map, by proceeding in the manner prescribed by this Section.

**A. Amendment by the Board of Supervisors**

1. The Board of Supervisors, by resolution adopted at a public meeting, shall fix the time and place of a public hearing on a proposed amendment and cause notice thereof to be given as provided in Section 1509.F of this Ordinance.
2. The Board of Supervisors shall refer each proposed change or amendment to the Township Planning Commission and the Berks County Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commissions an opportunity to submit recommendation on the proposed amendment. The Planning Commissions shall consider whether or not the proposed change or amendment would be, in the view of the Commissions, consistent with the purposes and objectives set forth in Community Development Objectives contained in Section 104 of this Ordinance and desirable in the furtherance of the plan therein referred to for future land development.

**B. Amendment by Citizens' Petition**

1. Whenever the owners of fifty (50) percent or more of the area for which a change of zoning regulations or classification is sought shall present to the Board of Supervisors a petition duly signed and acknowledged requesting an amendment, supplement, change, modification, or repeal of the regulations prescribed for or of the Zoning Map including such district or part thereof, it shall be the duty of the Board to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed above.
2. Applicants to the Board of Supervisors for the amendment, supplement, change, or modification of the provisions of this Ordinance shall, upon the filing of such application, pay the appropriate fees established by the Township for each application to cover the costs of advertising and aforesaid notice, the cost of stenographic services and any other expense incurred in connection with such application, provided, however, that if the total of the

aforsaid costs and expenses does not exceed the amount provided, any difference shall be refunded to the applicant.

C. Landowner curative amendments

1. A landowner who desires to challenge on substantive grounds the validity of this Ordinance, any provision thereof, or the Zoning Map which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors along with a written request that his challenge and proposed amendment be heard and decided as provided for in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code, as amended.
2. Petition for curative amendment shall contain the reasons for the challenge of the validity of the Zoning Ordinance together with the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map.
3. The Board of Supervisors shall commence a hearing upon such request within sixty (60) days of receipt of such request, in accordance with §916.1 of the Pennsylvania Municipalities Planning Code.
4. The curative amendment shall be referred to the Berks County Planning Commission and the Hereford Township Planning Commission in accordance with Section 1509.A.2 of this Ordinance, and notice of the hearing thereon shall be given as provided in Section 1509.F herebelow. The hearing shall be conducted in accordance with Section 1604 of this Ordinance; all references therein to the Zoning Hearing Board shall, for purposes of this Section, be references to the Board of Supervisors.
5. The Board of Supervisors shall render its decision within 45 days after the conclusion of the last public hearing. A denial of the curative amendment is deemed to have occurred on the 46<sup>th</sup> day after the close of the last hearing if the Board of Supervisors fails to render a decision within 45 days after the last hearing.
6. The Board of Supervisors which has determined that a validity challenge has merit may accept a landowner’s curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and also shall consider:
  - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

- b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
- c. The suitability of the site for the intensity of use proposed by the site’s soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features;
- d. The impact of the proposed use on the site’s soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

7. The curative amendment shall be deemed denied when:

- a. The Board of Supervisors fails to commence the hearing within sixty (60) days;
- b. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment;
- c. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner; or
- d. The Board of Supervisors fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Board of Supervisors.

D. Municipal curative amendment

- 1. If the Board of Supervisors determines that the Zoning Ordinance or any portion thereof is substantially invalid, it shall declare by formal action that its ordinance or portions thereof are substantially invalid and shall propose to prepare a Curative Amendment to overcome such invalidity.
- 2. Within thirty (30) days following the declaration and proposal the Board of Supervisors shall:
  - a. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include the following:

- i. Reference to specific uses which are not permitted in sufficient quantity;
      - ii. Reference to a class of use or uses which require revisions; or
      - iii. Reference to the entire ordinance which requires revisions.
    - b. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
  - 3. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Section 1509.A, E, and F in order to cure the declared invalidity of the Zoning Ordinance.
  - 4. Upon the initiation of the procedures set forth in paragraph 1 of this section, the Board of Supervisors shall not be required to entertain or consider any landowner’s curative amendment filed under Section 1509C nor shall the Zoning Hearing Board be required to give a report requested under Section 1605 subsequent to the declaration and proposal based upon grounds identical or substantially similar to those specified in the resolution.
  - 5. If the Board of Supervisors utilizes the procedures set forth in paragraphs 1 and 2, the Board may not utilize said procedure for a 36 month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Board of Supervisors by virtue of a change in statute or by virtue of a Pennsylvania Appellant Court decision, the Board of Supervisors may then utilize provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.
- E. Public hearing.
- 1. The Board of Supervisors shall hold a public hearing before voting on the enactment of any amendment or change.
  - 2. If, after a public hearing held upon an amendment or change, the proposed amendment is changed substantially or is revised, further revised to include land previously unaffected by the amendment or change, the Board of Supervisors shall hold another public hearing, pursuant to public notice as required by the Municipalities Planning Code, prior to voting on the amendment or change.

3. The vote by the Board of Supervisors concerning the amendment or change shall be no more than forty-five (45) days after the last public hearing.
- F. Notice and publication requirements:
1. Notices of public hearings shall be published according to the requirements contained in the Municipalities Planning Code.
  2. Proposed zoning ordinances and/or amendments shall not be enacted unless notice of the proposed enactment is given as required by the Municipalities Planning Code.
- G. Enactment
1. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Berks County Planning Commission.

**1510 Schedule of Fees**

- A. The Board of Supervisors shall establish by resolution a schedule of fees, charges, expenses, and collection procedures for zoning permits, certificates of use and occupancy, special exceptions, variances, appeals to the Zoning Hearing Board, curative amendment hearings, and other matters pertaining to the administration of this Ordinance.
- B. Said schedule of fees shall be available for inspection in the office of the Zoning Officer.
- C. The schedule of fees may be altered or amended by resolution of the Board of Supervisors.
- D. Application for permits or hearings shall be incomplete until payment in accordance therewith has been made.

**1511 Nuisances**

- A. The following are uses which may become a nuisance-in-fact by reason of the circumstances of the location and surroundings or manner in which it is performed or operated. The list is illustrative and not intended to limit other such uses which may become nuisances-in-fact;
  1. Storing or accumulating the following:
    - a. Garbage or rubbish;

- b. Junk Material, including, but not limited to, unused or abandoned machinery, equipment or appliances.
  - c. Other junk, including, but not limited to, any and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials.
  - d. The unsheltered storage or maintenance of junk or the storage or maintenance of garbage, rubbish or any other material if any of the following conditions exist with respect thereto;
    - i. Broken glass or metal parts with sharp or protruding edges; or
    - ii. Openings or areas which are conducive to the harboring of vermin; or
    - iii. Storage in any manner which would allow the junk, garbage, rubbish or material, or any part thereof to easily shift, tilt, or fall from its original storage position; or
    - iv. The presence of any liquid or material of hazardous or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents or poisons; or
    - v. Any other condition which the Supervisors shall deem to be a health hazard, potential health hazard or dangerous to the health, safety and welfare of the citizens of Hereford Township.
2. Storing or accumulating abandoned or junked motor vehicles which shall include, but shall not be limited to, one or more of the following:
- a. A vehicle for which a Certificate of Junk has been issued by the Pennsylvania Secretary of Revenue or the official designated by any other state to issue such certificates;
  - b. A vehicle in or on which it is found that any of the following exist;
    - i. It is inoperative; or
    - ii. Its engine, engine parts, drive train parts, or drive train have been removed for more than thirty (30) days; or
    - iii. Its tires have been deflated or removed or its wheels have been removed for more than thirty (30) days; or

- iv. It bears no official inspection sticker or any such sticker is not current by more than sixty (60) days; or
- v. Broken windshields, mirrors or other glass, with the sharp edges; or
- vi. One or more flat or open tires or tubes which could permit vermin harborage; or
- vii. Missing doors, windows, hood, trunk or other body parts which could permit vermin harborage; or
- viii. Any exposed body parts with sharp edges including holes resulting from rust; or
- ix. Missing tires resulting in unsafe suspension of the motor vehicle; or
- x. Upholstery which is torn or open which could permit vermin harborage; or
- xi. Broken head lamps or tail lamps with sharp edges; or
- xii. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose on the vehicles; or
- xiii. Protruding sharp objects from the chassis; or
- xiv. Any vehicle or part thereof suspended from the ground in an unstable manner; or
- xv. Leaking or damaged oil pan or gas tank; or
- xvi. Exposed battery containing acid; or
- xvii. Inoperable locking mechanism for doors or trunks; or
- xviii. Open or damaged floorboards including trunk and fire wall; or
- xix. Damaged bumpers pulled away from the perimeter of the vehicle; or
- xx. Broken grill with protruding edges; or
- xxi. Loose or damaged metal trim and clips; or



- xxii. Broken communication equipment, antennae; or
  - xxiii. Such other defects which the Supervisors might deem a threat to the health, safety and welfare of the citizens of Hereford Township.
- c. The following vehicles shall not be deemed abandoned or junked motor vehicles:
- i. A vehicle under repair which the owner establishes by competent evidence is intended for use;
  - ii. A vehicle which the owner establishes by competent evidence is actually used for off highway purposes;
  - iii. A vehicle kept by farm operators for parts or for use in connection with their farming operation;
  - iv. Vehicles designated by the Commonwealth of Pennsylvania, Department of Transportation as being “classic vehicles” and/or “antique vehicles”, to the extent that “persons” in the business of conducting antique and/or classic vehicle sales prior to the effective date of this Ordinance shall be permitted to maintain a total of five (5) inoperative classic and/or antique vehicles so long as they are capable of restoration provided that no parts shall be sold from said classic or antique vehicle and, in addition, five (5) inoperative classic and/or antique vehicles, so long as such inoperative vehicles are being offered for sale.
3. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind from property along any public highway, road, street, avenue, lane or alley in the Township into or upon any said highway, road, street, avenue, lane or alley; or from any property into or upon any adjoining property.
4. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situate upon property along public highway, road, street, avenue, lane or alley in the Township into or upon the cartway or travel portion of any said highway, road, street, avenue, lane or alley, except where provision has been made in said cartway or travel portion for said drainage by means of a drainage ditch or otherwise.
5. Burning of garbage, tires or tar products.

6. Maintaining or causing to be maintained any dangerous structure, including but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair which shall pose or constitute any of the following conditions or hazards;
  - a. A fire hazard to adjoining structures or otherwise property within the Township; or
  - b. A danger of infestation by vermin; or
  - c. An area which is or might potentially serve as an area for play or attraction for children of the Township or the public in general; or
  - d. Buildings or structures whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a block line passing through the center of gravity falls outside of the middle third of its base; or
  - e. Buildings or structures which, exclusive of the foundation, show thirty percent (30%) or more of damage or deterioration of the supporting members, or fifty percent (50%) or more of damage or deterioration of the non-supporting interior or outside walls or covering; or
  - f. Buildings or structures which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used; or
  - g. Buildings or structures which have been damaged by fire, wind, or other causes so as to have become dangerous to life or safety of the occupants or to others in the vicinity; or
  - h. Buildings or structures which have become so dilapidated, decayed or unsafe that they are unfit for human habitation or are likely to cause injury to occupants or to others in the vicinity; or
  - i. Buildings or structures having inadequate facilities for egress in the case of fire or panic, those having insufficient stairways, fire escapes or other means of access or ingress; or
  - j. Buildings or structures, parts of which are so attached that they may fall and injure members of the public or cause damage to property; or
  - k. Any other condition which the Supervisors shall deem to be a health hazard, potential health hazard or injurious to the health, safety and welfare of the citizens of Hereford Township.

7. Permitting the growth of vegetation beyond the following restrictions: permitting the growth of noxious weeds, not edible or planted for some useful, legal or ornamental purpose, in excess of a height of twelve inches (12”), or permitting any such grass, weeds, or vegetation to throw off any unpleasant or noxious odor, or to conceal any rubbish, garbage, trash or any other filthy deposit, with the exception, however, that this subsection pertaining to the permissible height of vegetation shall not apply to any property which is utilized predominantly for agricultural purposes within the Township.
  8. Permitting or allowing any well or cistern to be, or remain, uncovered.
  9. Interfering with the flow of a stream, creek or other waterway by means of a dam or other construction, unless authorized by law.
  10. Removing the embankment of a stream so as to alter the natural flow of the stream.
  11. Pushing, shoveling or otherwise depositing snow, dirt or any other material upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
  12. Allowing or permitting any excavation, or material excavated or any obstruction on or adjoining any highway, street, or road, to remain open or exposed without the same being secured by barricade, temporary fence, or other protective materials.
- B. Wherever a condition or use such as those described in section A is determined by the Board of Supervisors to be a nuisance-in-fact due to the circumstances of the location and surroundings or the manner in which it is performed or operated as rendering it difficult to keep public and private premises orderly and unobstructed and creating conditions which will attract rodents, induce mischief, endanger the health, safety and welfare of the citizens and the people of the Township, the Board of Supervisors will cause written notice to be served upon the owner in one of the following manners:
1. By making personal delivery of the notice to the owner; or
  2. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
  3. By fixing a copy of the notice to the door at the entrance of the premises in violation; or

4. By mailing a copy of the notice to the last known address of the owner by certified mail; or
  5. By publishing a copy of the notice in a local newspaper of general circulation within Berks County, Pennsylvania, once a week for two (2) consecutive weeks.
- C. Such notice shall set forth in what respect such condition constitutes a nuisance-in-fact, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations or by fencing or boarding, or in some way confining and limiting the nuisance-in-fact. Such notice shall require the owner to commence action in accordance with the terms thereof within twenty (20) days and thereafter to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any of the conditions or circumstances require immediate corrective measures so as to protect against imminent harm, such notice shall require the owner to immediately comply with the terms thereof and an immediate injunction shall lie.
- D. If the owner, after receiving due notice, refuses to comply with the terms of the notice shall be guilty of violating the provisions of this Zoning Ordinance and shall be subject to the penalty provisions provided in Section 1507 of this Zoning Ordinance. Moreover, if the owner is found to have created a nuisance-in-fact and has refused to comply with the terms of the notice issued, the owner will be in violation of the Zoning Ordinance and any permits issued pursuant to the provisions of the ordinance will be revoked.

#### **1512 Preliminary Opinion of Zoning Officer**

- A. The landowner may submit plans or materials describing his proposed use for development to the Zoning Officer for a preliminary opinion as to their compliance with the within Zoning Ordinance and map. Such plans and other material shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
- B. If the Zoning Officer's preliminary opinion is that the use or development complies with the Zoning Ordinance or map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plan and other materials may be examined by the public. Anyone may appeal a favorable preliminary approval to the Zoning Hearing Board under this section if done so no later than 30 days from the date when the second notice was published in a newspaper of general circulation.