

OHIO TOWNSHIP ORDINANCE NO. 4

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; THE LOCATION AND USE OF BUILDINGS AND LAND FOR TRADE, INDUSTRY, RESIDENCE, AND OTHER PURPOSES; CREATING AND ESTABLISHING DISTRICTS AND BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN REGULATIONS, RESTRICTIONS, AND BOUNDARIES; DEFINING CERTAIN TERMS USED THEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT AND IMPOSING PENALTIES.

In pursuance of authority conferred by Act No. 567 approved July 10, 1947, and for the purpose of promoting the health, safety, morals, and general welfare of the inhabitants of Ohio Township, by lessening congestion in the streets, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue congestion of population; facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, and by other means, in accordance with a comprehensive plan, now therefore, be it ordained and enacted by the Supervisors of Ohio Township, and it is hereby ordained and enacted by the authority of the same, that from and after the passage and approval of this ordinance, the following districts shall be established and the following regulations shall be used in full force and effect as to buildings and lands, hereafter erected, used, or altered, in order to regulate size of buildings, the size of lot occupied and unoccupied, the density of population, the location of trade, industry, residence, and other uses throughout the Township.

ARTICLE I

Section 100. Short Titles. This ordinance shall be known as the Zoning Ordinance and the Map, mentioned herein, a copy of which is attached, shall be known as the Zone Map, which map is on file and may be obtained from the Township Supervisors.

ARTICLE II

Section 200. For the purpose of this ordinance, certain terms and words are herein defined. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the words "used for" include the meaning "designed for".

Bill Board: See Signborad.

Building: A structure which is built on a space of land and for a permanent use as a house, factory, etc.

Curb Level: The level of the curb in front of the center of the building or portion thereof under construction. Where no curb level has been established, the level of the ground at the center of the travelled portion of the street shall be considered the equivalent of the curb level.

Dwelling: Any building which is intended for or occupied in whole or in part as the home, residence, or sleeping place, of one or more persons, either permanently or transiently. Occupied trailers are also defined as dwellings under this ordinance and are required to conform to all the regulations applicable to a stationary dwelling.

One Family Dwelling: A separate dwelling designed for or occupied exclusively by one family.

Two Family Dwelling: (Duplex) A separate building designed for or occupied exclusively by two families, one above the other.

Double House: A dwelling designed for or occupied exclusively by two families with separate entrances for each, but under one roof and with a wall or party wall between, but no interior connection between the two.

Family: Two or more persons related by blood or marriage, living together; or one or more persons maintaining wholly or partly other persons, all living together in one household or householding unit.

Garage, Private: A building used only for storage of not more than two (2) motor-driven vehicles, one of which may be rented to or used by persons not occupants of the premises.

Garage, Public Service: A garage other than a Private Garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire, or sale.

Lot: A Parcel of ground which is or may be occupied by a building and accessory building including the open space required under this ordinance having its frontage upon a public street, a street dedicated to public use or a street in a recorded plan of a subdivision.

Depth of Lot: The mean horizontal distance between the front line and the rear line of the lot.

Width of Lot: The horizontal distance across the lot at the building line, parallel to the fronting roadway.

Corner Lot: A lot abutting upon two or more streets at their intersection.

Interior Lot: A lot, the side line of which does not abut on a street.

Through Lot: An interior lot having frontage on two streets, neither of which is less than forty (40) feet in width.

Non-Conforming Use: A use of a building or land that does not agree with the regulations of the Zone District in which it is situated.

Occupancy Mixed: Occupancy of a building or land for more than one use.

Porch: A roofed, open structure projection from the front, side or rear wall of the building.

- Signboard:** Any structure or any part thereof on which lettered or pictorial matter is displayed for advertising purposes.
- Stable:** Any building, structure or portion thereof which is used in whole or part for the shelter or care of horses, cattle, or other similar animals, either permanently or transiently.
- Structure:** Anything constructed or erected, the use of which demands a permanent location on the soil; or attached to something having a permanent location on the soil.
- Structural Alteration:** Any change in the supporting members of a building or structure such as bearing wall, partitions, columns, beams or girders.
- Yard:** An open unoccupied space, on the same lot with the dwelling or principle building, open and unobstructed from the ground to the sky, except as otherwise provided herein.
- Front Yard:** A yard across the full width of the lot extending from the front line of the dwelling or principle building at the first floor level to the front line of the lot.
- Side Yard:** A yard between the dwelling or principle building and the adjacent side line of the lot extending from the front yard to the rear yard.
- Rear Yard:** A yard in the rear of the dwelling or principle building and extending across the full width of the lot, inclusive of open porches and exclusive of permitted accessory buildings.
- Wayside Stand:** A structure designed and used for the purpose of display and sale of farm or garden products produced upon the lot on which the stand is located.
- Accessory Buildings:** Any building or structure which is incidental to the principal use and does not involve the conduct of a business.
- Height of Buildings:** The vertical distance measured from the curb level to the highest point of the roof for flat roofs, to the deck line of mansard roofs; and to the mid-point between eaves and ridge for gabled, hipped, and gambrel roofs.
- Farm or Woodland:** Any piece of property of five (5) or more acres in area not classified as residential or commercial.

ARTICLE III

DISTRICT CLASSIFICATION AND REGULATIONS

Section 300. GENERAL CLASSIFICATIONS: In order to designate, regulate, and restrict the location of commerce, business, trades, and industries, and the location of all buildings designed, erected, altered, or occupied for

specific uses, the Township is hereby divided into Districts which shall be known as follows:

1. Residential District 1. (Short Title R-1 District);
2. Residential District 2. (Short Title R-2 District);
3. Commercial District 1. (Short Title C-1 District);
4. Commercial District 2. (Short Title C-2 District);
5. Farm and Woodland District 1. (Short Title F-W-1 District);

The location and boundaries of the said Districts are hereby established as shown on the Zone Map which accompanies this ordinance and is hereby declared to be a part hereof. Except as otherwise provided herein, no building, structure or land shall hereafter be erected, altered, or used for any purpose other than is permitted in the District in which such building, structure or land is located. In case of Mixed Occupancy, regulations for each use shall apply to the portion of the building or land so used.

Section 301. USES PROHIBITED IN THE ENTIRE TOWNSHIP: No land may be used or building erected, altered or used for the following purposes:

1. Abattoirs;
2. Acetylene Gas (Manufacture or Compound Acetylene in excess of 25 pounds pressure per square inch);
3. Acid Manufacture: Chlorine or bleaching Powder Manufacture or Refining;
4. Asphalt Manufacture or Refining;
5. Amusement Park;
6. Automobilerecking Yard;
7. Blast Furnaces, Rolling Mills, or Smelters;
8. Brick, Tile, or Terra Cotta Manufacture;
9. Carpet or Bag Cleaning Establishments;
10. Celluloid Manufacture or Storage;
11. Coke Ovens;
12. Cement, Lime, Gypsum, or Plaster of Paris Manufacture;
13. Coal and Coke storage;
14. Cresote Manufacture or Treatment;
15. Disinfectant or Insecticide Manufacture;
16. Distillation of Coal, Wood, or Bones;
17. Dyestuff Manufacture; Dyeing Plants;
18. Emery Cloth and Sand Paper Manufacture;
19. Fat Rendering, Soap, Tallow, Grease or Lard Manufacture and Refining;
20. Fertilizer Production or Manufacture;
21. Garbage, Offal, Dead Animals or any type of Refuse Incineration Reduction, Dumping, or Storage;
22. Gas, Manufacture, or Storage in excess of 10,000 cubic feet;
23. Gasoline Storage in excess of an amount necessary for use on the premises or to supply retail trade at service station;
24. Glue Size or Gelation Manufacture;
25. Gun Powder, Fireworks, or other explosives, Manufacture or Storage;
26. Iron or Steel Foundry or Works;
27. Junk, Scrap Metal, Paper or Rags Storage, Sorting or Bailing;
28. Licensed or Unlicensed Airports or Landing Fields;
29. Liquor or Spirits Brewing or Distillation;

30. Match Manufacture;
31. Oil Cloth and Linoleum Manufacture;
32. Ore Reduction and General Smelting Operations;
33. Paint, Oil, Shellac, Turpentine or Varnish Manufacture;
34. Paper and Pulp Manufacture;
35. Petroleum Refining;
36. Petroleum and Petroleum By-Products Storage in excess of an amount necessary for use of the premises, or to supply retail trade at service station.
37. Potash Manufacture;
38. Pyroxyline, Plastic, Manufacture;
39. Rock Crushing Industrial;
40. Rubber Caoutchouc or Gutta Percha Manufacture or Treatment;
41. Sign or Bill Boards exceeding 30 Sq. Ft. in area;
42. Soda-Ash, Caustic Soda and Washing Compounds Manufacture;
43. Stock Yards;
44. Strip Mining;
45. Tanning, Curing or Storage of Raw Hides or Skins;
46. Tar Distillation or Manufacture;
47. Tar Roofing or Tar Water-Proofing Manufacture;
48. Tourist or Trailer Camp; Motels, Cabins, and other buildings designed for overnight lodging.

49. and in general, those Uses which may be Moxious, Offensive, or Dangerous by reason of the Emission of Odor, Dust, Smoke, Gas, vibration, or Noise, which may be inconsistent with the primary use of property in this Township as an essentially residential community.

Section 302. GENERAL AREA REQUIREMENTS FOR ENTIRE TOWNSHIP: Except as otherwise provided herein, no building shall hereafter be erected, and no existing building be enlarged or replaced nor shall any open space surrounding any buildings be encroached upon in any manner except in conformity with the regulations hereby established for the District in which such building is located. No Yard, Court or other open spaces provided about any building for the purpose of complying with the provisions of these regulations shall again be considered as a yard, court, or other open space for another building.

In order to regulate and determine the area of yards, courts, and other open spaces in connection with the buildings, hereafter erected, or altered, the yards and open spaces which are required, and the minimum size, dimensions and distances required of such yards, open spaces and areas for each lot in the respective Residential and Commercial Districts as established and as shown on the Zone Map which accompanies this Ordinance, shall be as shown specifically for Area Requirements in each Zone.

Section 303. RESIDENTIAL DISTRICTS (R-1): In these Districts the land may be used and the buildings may be erected, altered, or used only for the following:

Uses:

- (1) One Family Dwelling;
- (2) Church; Public and Parochial Schools--(Schools should meet building standards of State Board of Education);
- (3) Registered Doctors' and Dentists' Offices--(In residence occupied by the practitioner);

- (4) Accessory Uses incident to any of the principal uses above listed and not involving the conduct of a business.
- (a) The keeping of all types of domestic fowl and animals for personal use only shall be permitted, provided they are not permitted to roam at large.
 - (b) Private Garage—No Commercial Vehicle not in active use may be stored on any lot in a residential district unless the same is stored in a private garage on such lot.
 - (c) A sign or signboard, not exceeding eight (8) square feet in area; appertaining to the lease or sale of the premises.
 - (d) A name plate, not exceeding one (1) square foot in area.
 - (e) A sign or bulletin board, not exceeding twelve (12) square feet in area, erected upon the premises of a church or other institution for the purpose of displaying the name and activities or services provided.

Area Requirements:

- (1) Front Yard. A depth of not less than 65 feet from center line of road and 35 feet from edge of road.
- (2) Side Yard. On each side of One Family Dwelling, minimum width on any side 20 feet; total width required 50 feet.
- (3) Rear Yard. A minimum of 15 percent of the depth of the lot, but need not exceed 30 feet, except as otherwise required.
- (4) Lot Coverage. Maximum total building area of 10 percent of the area of the lot. (accessory buildings shall not account for more than 2 percent of total lot area).
- (5) Lot area. One Family Dwelling; minimum 1 acre.
 - (a) Any tract of land less than 1 acre must meet the requirements of R-2.
- (6) Lot width. Minimum 150 feet.
 - (a) Any tract of land less than 150 feet in width must meet requirements of R-2.
- (7) Accessory Buildings. Shall be not closer than a minimum of 125 feet from the center line of the street or roadway and 5 feet from the rear lot line and 15 feet from any side line.
 - (a) Accessory buildings, used for housing more than two (2) permitted animals, birds, or fowls, shall not be closer than 125 feet from center line of any street or 50 feet from any property line.
 - (b) Wayside stands shall not be closer than 20 feet from any street or 50 feet from any property line.

Height Requirements: Except as otherwise provided herein, the height of all buildings to be erected, altered or raised is limited to thirty feet and not more than two and one-half (2-1/2) stories, exclusive of that portion of the building commonly used as the basement or cellar.

- (1) Accessory Buildings shall not hereafter be erected, altered, or raised to exceed fifteen (15) feet in height.

Section 304. RESIDENTIAL DISTRICTS (R-2): In these districts land may be used and the buildings be erected, altered or used only for the following:

Uses:

- (1) All (R-1) Residential District Sect. 303 Uses. (except item 4a).
- (2) The keeping and raising of fowl, birds, or animals for personal use only excepting horses, mules, cows, pigs, goats, sheep, pigeons, and geese, provided they are not permitted to roam at large.

Area Requirements:

- (1) Front Yard. Same as R-1.
- (2) Side Yard. On each side of One Family Dwelling, minimum width on any side 20 feet.
- (3) Rear Yard. Same as R-1.
- (4) Lot Area; One Family Dwelling minimum 1/2 acre.
- (5) Lot Width; Minimum 100 feet.
- (6) Lot Coverage; Maximum total building area of 15 percent of the area of the lot. (Accessory building area shall not account for more than 3 percent of total lot area.)
- (7) Accessory Buildings including Garage not integral with the house shall not be closer than a minimum of 5 feet from the rear or side lot line, and not closer than 125 feet from center line of road.
- (8) Accessory Buildings used for housing more than two (2) permitted animals, birds, or fowls shall not be closer than 125 feet from any street or 30 feet from any property line. Wayside stands shall not be closer than 20 feet from any street or 50 feet from any property line.

Height Requirements: Same as R-1 Residential Districts.

Section 305. COMMERCIAL DISTRICTS (C-1): In this district the land may be used and buildings may be erected, altered or used only for the following:

Uses:

- (1) All R-2 Residential Districts Sect. 304 Uses.
- (2) Two family dwellings and double houses or duplex.
- (3) All other neighborhood business or commercial activity such as retail shops, offices, parking lots, restaurants, theaters, and stores, but not including gasoline service stations, public service garage or automobile repair shops, night clubs, taverns, bill boards or sign boards, excepting however; signs used to advertise the business conducted on the premises.

Area Requirements:

- (1) All buildings erected, altered or repaired in whole or in part for commercial use shall not be erected less than 65 feet from center line of road or street or 35 feet from edge of road, or street right of way.
- (2) In case of Mixed Occupancy, no building shall be used, erected, or altered to accommodate more than two (2) family units and further, any building so used, erected, or altered shall be provided with open spaces totaling not less than one-twentieth of an acre per family exclusive of the front yard area as hereinbefore provided and further, said building shall require a rear yard of not less than thirty (30) feet in depth.
- (3) One Family Dwelling, the minimum requirements for Front Yard, Side Yard, and Lot Area shall be same as prescribed for R-1 Residential Districts.
- (4) Two Family Dwellings, Double House or Duplex, the minimum front yard shall be not less than 65 feet from center of road and not less than 35 feet from the edge of road, the side yard 20 feet on one side and 50 feet on both. The lot area shall be not less than 1/2 acre per family unit, the lot width 150 feet and the accessory buildings for such dwellings shall be not closer than 5 feet from the rear lot line.
- (5) Side Yard. None need be provided for buildings used for commercial purposes except on corner lots and then a side yard shall be provided equal to the front yard required along the intersection street. This space may be used for parking of cars.
- (6) Lot width. Minimum fifty (50) feet for Commercial Buildings.
- (7) Parking: All commercial uses shall provide space for parking cars on same or adjoining lot equal to the first floor area of building.
- (8) Buffer Strip: A strip 15 feet in width shall be provided for planting and screening purposes wherever the commercial district abuts a residential district.

Height Requirements: No building shall be more than a maximum of 30 feet and two (2) stories for commercial and mixed uses; and 30 feet and 2-1/2 stories for residential uses.

Section 306. COMMERCIAL DISTRICTS (C-2): In this district the land may be used and buildings may be erected, altered or used only for the following:

Uses:

1. All C-1 Section 305 uses.
2. Any other business, light industry or precision manufacturing, with a limited number of employees, the operation of which is not inconsistent with the intent of this ordinance.

Area Requirements:

1. All buildings erected altered, or repaired in whole or in part for commercial or industrial use shall not be erected less than 45 feet from the center line of the road or street, or 15 feet from edge of road or street right of way.
2. In case of mixed occupancy (same as C-1)
3. One family dwelling (same as C-1)
4. Two family dwelling, double house or duplex (same as C-1)
5. Side yard (same as C-1)
6. Lot width (same as C-1)
7. Parking (same as C-1) except if parking in connection with the business or industry will occur between the building and the roadway on which it fronts, the building shall not be erected less than 35 feet from the edge of the street or road right of way.
8. Buffer strip (same as C-1)

Height Requirements:

No building shall be more than a maximum of 30 feet and 2 stories for commercial, industrial or mixed uses or residential uses, nor shall the height of any portion of the building exceed an angle of 25 degrees from the center of the road at any place within a 65 foot range of the center line of the street or road on which it faces.

Section 307. FARM AND WOODLAND DISTRICTS (F+L): In this district the land may be used and buildings may be erected, altered or used for only the following:

Uses:

- (1) All R-2 Residential District Section 304 Uses.
- (2) Farm Buildings and Structures;
- (3) Greenhouses;
- (4) Wayside Stands and Accessory Buildings;
- (5) All standard agriculture of woodland practices.

Area Requirements:

- (1) Yard minimum of 75 feet surrounding all dwellings and other principal buildings;
- (2) Lot Area Minimum of 5 acres;

- (a) Any tract of land less than five (5) acres in area sold from an existing piece of farm land must meet the requirements of Residential District I.
- (3) Accessory Buildings shall not be closer than 50 feet to any property line and 100 feet to a public highway right of way line.
- (4) Wayside Stands may not be within 50 feet of any property line and 20 feet of the edge of any street or road.

Height Requirements:

- (1) One Family Dwellings, maximum height of 30 feet and 2-1/2 stores.
- (2) All other Buildings, a maximum height of 50 feet.

ARTICLE IV

DISTRICT EXCEPTIONS

Section 400. Use Exceptions:

- (1) In Residence Districts fences and enclosure walls may be erected, provided:
 - (a) A solid fence, or wall shall not exceed three (3) feet in height.
 - (b) An ornamental fence may be erected to a reasonable height, provided that the ratio of the solid portion of the fence to the open portion shall not exceed one to four.
- (2) In Residence Districts the renting of rooms to not more than two (2) persons, not members of the family, may be permitted provided no additional facilities for cooking and serving meals are involved or required.
- (3) In Commercial Districts a gasoline service station, for the storage and service of fuel, lubricating oil and accessories for motor vehicles may be erected or extended, provided no portion of same or any of its equipment shall be placed closer to the street line than the line fixed by this ordinance for buildings upon the adjoining lots and further provided the property to be used is not within 200 feet in any direction of any entrance to a public or parochial school, playground, hospital, church, library, or other public gathering place. Public garages or automobile repair shops shall be permitted in Commercial Districts, provided the repair facilities are located at least 30 feet back of the front face of the buildings and that they be the same distance away from public gathering places as required for gasoline service stations.
- (4) In any district the cultivation of the soil, the raising of crops, and sale of the same on the premises may be permitted.
- (5) In any district the use of a part of the dwelling, or an accessory building, for the pursuit of an avocation (for pleasure or profit) shall be permitted so long as it shall not result in, or require, an alteration in the general appearance of the building nor create a nuisance in the neighborhood.

- (6) In no district shall a building be erected over, or any structure or alteration to ground levels decrease the natural channel capacity of, any stream.
- (7) In any district a dwelling, existing at the time of passage of this ordinance, may be converted to a two family unit, provided that, it is situated on a lot of not less than one acre having a minimum width of 150 feet and further provided that the first and second floor space within the building is not less than ~~2000~~ ¹⁵⁰⁰ square feet.

Section 401. Area Exceptions:

- (1) In measuring the width and depth of yards prescribed herein, a cornice projecting not more than twelve (12) inches, or a fence, shall not be held to reduce such required dimension.
- (2) Where the average ground level 35 feet from the edge of the road varies more than 6 feet from the curb level, the prescribed minimum front yard depth on negative slopes may be reduced by a distance equal to the difference, in excess of 6 feet, in elevation of the curb level and the ground at the edge of the building adjacent to the road. This reduction however, shall not exceed 15 feet. On positive slopes the prescribed minimum front yard depth shall be increased by a distance equal to the difference, in excess of 6 feet, in elevation of the curb level and the ground at the edge of the building and adjacent to the road.
- (3) Nothing in the area district requirements of this ordinance relating to lot area shall be held to prohibit the erection of a One Family Dwelling upon a lot the area of which is less than that prescribed as the lot area in the district in which said lot is located, provided such lot, at the time of the passage of this ordinance was held under a separate ownership from the adjoining lots or provided that such lot is located within and defined and designated upon a property subdivision approved by the Township Supervisors prior to the passage of this ordinance.

Section 402. Building Height Exceptions: Schools, churches, public or semi-public buildings and farm buildings and structures may be erected, used or altered without regard to the Building Height Regulations of this ordinance providing that, in addition to meeting the area requirements for the ordinance the height does not exceed a forty-five (45) degree angle from any property line, and further that the requirements of the Pennsylvania Department of Labor and Industry have been complied with. Where the average ground level of the building site varies appreciably from the curb level the height of a building may be measured from the normal ground level of the building, as determined by the Building Inspector.

Section 403. Non-Conforming Uses:

- (1) The lawful use of land or a building existing at the time of the adoption of this ordinance, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued and abandoned for a period of one (1) year, any future use of said land or building shall be in conformity with the provisions of this ordinance.

Within a period of three (3) months after the passage of this ordinance a certificate of occupancy will be required for all buildings, dwellings, structures, or land uses existing at that time which are not conforming. No change, extension or renewal of the use which is or would be non-conforming or different from that allowed on the property by this ordinance shall be permitted without a written certificate from the Building Inspector. Certificates of occupancy and compliance either for the whole or a part of a building, shall be applied for ten (10) days after the application for building permit and shall be issued within part have been completed in conformity with the provisions of such building or No such permit or certificate shall be issued for the occupancy of a basement or cellar for living purposes for more than two (2) years, if the floor elevation is more than three (3) feet below the average ground level surrounding the building. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected.

Section 504. Boundaries of Districts: Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zone Map, the following rules shall apply:

- (1) The district boundaries are streets unless otherwise shown, and where the designation on the Zone Map indicates a boundary approximately upon a street line, such street shall be construed to be the boundary.
- (2) Where the district boundaries are not shown to be streets and where the property has been or may hereafter be divided into blocks, and lots, the district boundaries shall be construed to be the block or lot lines; and where the designation on the Zone Map indicates a district boundary approximately upon block or lot lines, said block or lot lines shall be construed to be the boundary.

- (3) In undivided property, the district boundary lines on the Zone Map shall be determined by use of the scale of the Map on such photographic features as may be shown thereon.

Section 505. Interpretation: In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. It is not intended to interfere with, abrogate or annual any ordinance, rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, in relation to the uses of buildings or land. Where this ordinance imposes greater restrictions upon the use of a building or land or upon the height and bulk of a building, or prescribes large open spaces than are required by such ordinances, rules, regulations, or permits, this ordinance shall control.

Section 506. Violation and Penalties: Any person, firm, partnership, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be liable to a fine not exceeding One Hundred (\$100) Dollars together with costs for each offense, and upon failure to pay such fine, by imprisonment in the Allegheny County Jail for a period not exceeding thirty (30) days. Each day that any person, firm, partnership, or corporation shall

continue to violate or fail to comply with any of the requirements of this ordinance or of such order of requirements, shall be considered a separate offense. All fines and penalties imposed by this ordinance shall be recoverable by summary proceedings before any Justice of the Peace in said Township and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the Township and upon recovery thereof all such fines and penalties shall be paid to the Township Treasurer. In addition to the penalties provided herein for the violation of this ordinance, if any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building structure or land is used in violation of this ordinance, the Board of Township Supervisors may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration repair, conversion, maintenance or use to restrain, correct or abate such violations to prevent the occupancy of such buildings, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE VI

CHANGES AND AMENDMENTS

Section 600. The Township Supervisors shall, upon petition signed by owners of a majority of the property according to frontage in any district or portion thereof, or may upon their own initiative, prepare an ordinance amending, supplementing or changing the district boundaries or the regulations herein established. Subsequent to the introduction of any such ordinance and at least fifteen (15) days prior to the passage thereof, notice of the introduction thereof shall be given to the persons concerned by at least one advertisement in the official newspaper of said Township or one of general circulation in the Township and by at least ten (10) printed or typewritten hand bills posted in conspicuous places located within the area of the territory affected by the changes proposed by such ordinance. This notice shall set forth a date for a public hearing for consideration of such proposed amendment, supplement or change. When written protest against such proposed amendment, supplement or change, signed by the owners of twenty (20) percent of more either of the area of the lots included in such proposed change or of the area of lots adjacent thereto and whose frontage extends two hundred (200) feet therefrom the area of lots directly opposite and whose frontage extends two hundred (200) feet therefrom and the area of lots directly opposite thereto in the rear shall have been filed with the Township Supervisors, such amendment shall not become effective except by the favorable vote of all of the Township Supervisors.

Section 601. In the event that any owner or owners of property petition for the supplementing or changing the District boundaries or regulations herein established, prior to such petition being heard by the Township Supervisors, there shall be deposited for the payment of costs of advertising notice of hearing in such case and preparation of ordinance, the sum of \$25,00. If said petition is not acted upon, or the ordinance is not drawn and advertised in accordance with said petition the money so deposited shall be refunded to the petitioner; otherwise, it shall be applied toward such costs. No petition shall be considered with respect to any District concerning which a petition for change has been presented and considered within one (1) year previously.

ARTICLE VIIBOARD OF ADJUSTMENT

Section 700. Creation and Membership: The Board of Township Supervisors shall, upon the enactment of this ordinance, appoint a Board of Adjustment consisting of three (3) members, one of whom shall be designated to serve until the first day of January following the adoption of this ordinance, one until the first day of the second January thereafter, and one until the first day of the third January thereafter. Their successors shall be appointed by the Appointing Authority at the expiration of their respective terms, to serve three (3) years. The members of the Board shall be removable, for cause, by the Appointing Authority upon written charges and after public hearing vacancies shall be filled by the Appointing Authority for the unexpired term of any member whose term becomes vacant.

Section 701. Organization of the Board of Adjustment: The Board shall adopt rules, and regulations in accordance with the provisions of this ordinance, which said rules and regulations may, in appropriate case of undue hardship and subject to appropriate conditions and safeguards, make special exceptions to the terms of this ordinance in harmony with its general purpose and intent and in accordance with general or specific rules herein contained.

The Board shall hold meetings at the call of the Chairman and at such other times as the Board may determine. The Chairman of the Board, and in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 702. Duties of, and Appeals for Decisions of, Administrative Officers: Any person, firm, partnership, or corporation aggrieved by the decision of the Building Inspector or any Township administrative officer may appeal to the Board of Adjustment. Such appeal shall be taken within twenty (20) days from the date of the decision of the Building Inspector or any Township administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal, specifying the grounds thereof.

The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion cause imminent peril to life and property. In such case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a Court record on application, on notice to the Officer from whom the appeal is taken and due cause shown.

Section 703. Powers of the Board of Adjustment: The Board of Adjustment shall fix a reasonable time for the hearing of an appeal; give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time. Upon hearing, any party may appear in person, by agent or by attorney. In conducting such hearing the Board shall have the following Powers:

Part I-----General:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision of determination made by the Building Inspector or Administrative Officer in the enforcement of this ordinance.
- (b) To hear and decide special exceptions to the terms of the ordinance as herein specified. These exceptions shall apply principally to land and building uses such as for public service or governmental purposes or temporary use by annual permit for recreation, extrac-tion of natural resources or for other similar purposes.
- (c) To authorize, upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hard-ship and so that the spirit of the ordinance shall be observed and substantial justice done. These variations shall apply princi-pally to height and area requirements such as where topographic or other conditions exist which clearly show a hardship would be caused in requiring full compliance with the requirements.

In issuing such exceptions or variations, the Board shall consider whether such acts will tend to affect adversely the use and develop-ment of neighboring properties and the general neighborhood, in accordance with the Zoning Ordinance. The Board may as a condition of issuing such exception or variation, require such safeguards and restrictions as will protect the neighborhood and not prevent or impair the future use of the land in accordance with the Zoning Ordinance.

Part II-----Special Exceptions and Special Questions:

- (a) To decide, upon an appeal, any controversy as to the exact location of a zone or district boundary line, such decision to be made strictly in accordance with the Zone Map and the provisions of the Section 504 of this Ordinance. In exercising the above-mentioned powers the Board may reverse or affirm wholly or partly or may modify the order, requirement, decision of determination as ought to be made and to that end shall have all the powers of the officers from whom the appeal is taken. Any person, firm, partnership, or corporation, jointly or severally aggrieved by any decision of the Board of Adjust-ment, or any Taxpayer, or any officer of the Township, may within thirty (30) days after the filing of the decision in the office of the Board, appeal to the Court of Common Pleas of Allegheny County, Pennsylvania.

ARTICLE VIII

VALIDITY

Section 800.. Should any section or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE IX

Ordained and enacted into a law by the Board of Township Supervisors on the 18th day of September 1949

OHIO TOWNSHIP BOARD OF SUPERVISORS

By Robert M. H. Fryer
(President)