

NORTH WHITEHALL TOWNSHIP ENFORCEMENT POLICY

As of February 16, 1997, Act 172 of 1996 of the Pennsylvania Second Class Township Code was changed. Incorporated within this change was a section which provides mandatory criminal enforcement for ordinances regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air and noise pollution violations. This changed also allowed the Second Class Townships to seek fines up to \$1000 per violation of the local township ordinances and/or imprisonment and each additional day or section of the ordinance violated may constitute a separate offense. Enforcement of all other township ordinances will now be by civil procedure with a maximum fine of \$600 per violation. But with these recent changes in enforcement authority in the Second Class Township Code, North Whitehall Township will attempt to obtain compliance with the township ordinances through verbal and written communication with the alleged violator rather than fining immediately for punishment. This type of enforcement emphasis is called voluntary compliance.

When an enforcement policy is adhered to by the zoning and codes enforcement officer, voluntary compliance can be achieved. Remember, it is the zoning officer's discretion of the policy should be applied to all types of violations for each case encountered. Stated another way, this enforcement policy is intended to provide guidance for enforcement, but this policy can be deviated or modified to fit the needs of obtaining compliance, especially when violations exist that are a serious danger to life, health, and safety. Many citizens are unaware that they have committed a violation. With voluntary compliance, using an oral and written warning system, the zoning and codes enforcement officer is likely to obtain compliance without setting in motion formal sanctions such as issuing an Enforcement Notice, filing a Summary Non-Traffic Citation or Civil Complaint form with the local District Magistrate upon the alleged violator. There are always non-believers who will never respond in the desired fashion to friendly verbal or written warning notice. This type of response calls for an escalation of enforcement. The following enforcement procedure is typically how North Whitehall Township and the zoning and codes enforcement officer will attempt to gain voluntary compliance:

1. Oral warning is given, via telephone call (if the phone number is known) or by on-site meeting when possible and if the violation is not serious. If an oral warning is not possible, then the zoning officer proceeds to the next step:
2. A formal Inspection Report is given either by an on-site meeting or sent by certified mail with a violation warning letter. The inspection report will give specific deadline dates in order for the violator to come into compliance with the North Whitehall Township Ordinances. The inspection report documents site conditions, type and nature of violation(s), and other pertinent information required by the officer to properly conduct the inspection. If deadlines are not met for compliance, then the zoning officer proceeds to the next step:

3. An Enforcement Notice (EN) is then sent to the owner of the property if violations continue to exist past the deadline date given in the inspection report or waning letter. Official cease and desist orders of the violations or suspension or revocation of current permits maybe included within the EN. The owner at this time has a chance to appeal the alleged violations to the zoning hearing board. The zoning hearing board does not have enforcement authority to levy fines. The purpose of the zoning hearing board is to either affirm or deny violations to the zoning hearing board within the deadline stated in the EN, then the zoning officer will proceed to the next step:
4. Filing of a Summary Non-Traffic Citation or a Civil Complaint Form with the office of the local district magistrate is the next step. It is the policy of North Whitehall Township to seek the maximum fine allowed by law for each violation, each day that the violation exists (\$1000 per day per violation). All court costs plus legal expenses incurred by North Whitehall Township to try to obtain compliance will also be included in the final determination of the cost of the fine. Should the owner appeal the Districts Magistrates decision, the cost of the fine will be raised by North Whitehall Township to the maximum extent allowed by law in the Lehigh County Court of Common Pleas plus court costs and legal fees. It is the goal of North Whitehall Township however not to take any case this far unless all methods of voluntary compliance have failed. In certain circumstances where there is a continuing violation existing that is a serious threat and danger to life, health, and safety of the adjoining properties or individuals, an injunction may be filed by North Whitehall Township to abate the violation. This is a costly procedure for the township and usually will be used as a last resort to achieve compliance. Also, if the injunction is ignored, the owner may be held in contempt of court.

This enforcement policy has been instituted to provide a fair reasonable method for obtaining compliance. Along with this policy, the North Whitehall Township zoning and codes enforcement officer will only respond to non-structural items such as noise, lighting, and environmental issues by written complaint. This eliminates the officer being accused of going out on a “witch hunt” for ordinance violations and helps eliminate the township from being involved with neighbor disputes.

NORTH WHITEHALL TOWNSHIP

COMPLAINT FORM

This form must be completed for all filings of non-structural, grading and environmental (noise, light, odors etc.) zoning complaints. All complaints should be made in writing and filed with the zoning office of North Whitehall Township. The person or persons filing this complaint shall understand that by signing and/or attesting to the information contained herein may be asked and/or summoned by subpoena to provide testimony on this complaint. Accordingly, North Whitehall Township can only respond to your complain if the requested information on this form is provided. Remember, all complainants' names are kept confidential unless otherwise forced by the courts.

NAME OF COMPLAINANT _____

ADDRESS _____

TELEPHONE NUMBER (WORK/HOME) _____

NAME OF OWNER AND PROPERTY'S ADDRESS WHERE ALLEGED ZONING VIOLATION IS OCCURRING:

PLEASE DESCRIBE THE ALLEGED ZONING VIOLATION IN DETAIL: (times and dates of alleged violations are needed with pictures, if possible)

PLEASE SIGN HERE THAT YOU AGREE THAT THIS COMPLAINT DESCRIBED ABOVE IS TRUE AND ACCURATE TO THE BEST OF YOUR KNOWLEDGE:

_____ **DATE:** _____

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TAX MAP # _____

DATE OF INSPECTION REPORT: _____