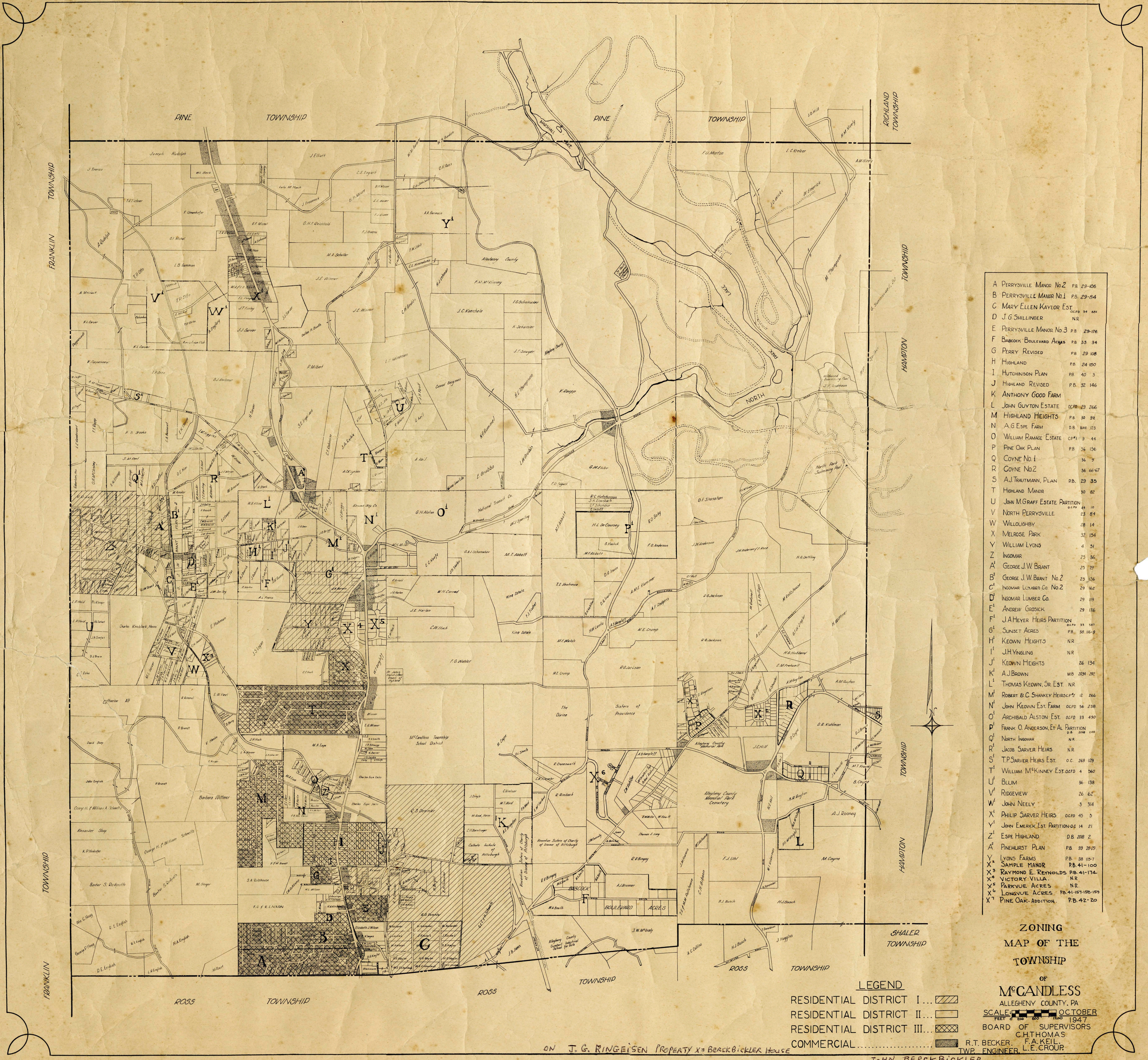



ON J. G. RINGEISEN PROPERTY X= BERCKBICKLER HOUSE

JOHN BERCKBICKLER

# OFFICIAL ZONING NOTICE
## McCANDLESS TOWNSHIP
### ORDINANCE NO. 6

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. 504 of the year 1937, and by Act No. 567, of the year 1947, and for the purpose of promoting the health, safety, morals and general welfare of the inhabitants of McCandless 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 McCandless 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 in full force and effect as to buildings hereafter erected or altered, in order to regulate and restrict the height and size of buildings, the size of lot occupied and unoccupied, the density of population and the location of trade, industry, residence and other uses throughout the Township.

ARTICLE I

**Section 100.** SHORT TITLE. This ordinance shall be known as the Zoning Ordinance and the Map, mentioned herein, shall be known as the Zone Map, which map is on file and may be examined at the Township Office, Township Municipal Building.

ARTICLE II
DEFINITIONS

**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 Signboard.

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 traveled portion of the street shall be considered the equivalent of the curb level, and where the building does not adjoin the street the average level of the proposed grade line of the ground immediately adjacent to the building as shown on the building plans shall be considered as the curb level.

Dwelling: Any building which is designed for or occupied in whole or in part as the home, residence or sleeping place of one or more persons, either permanently or transiently.

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 housekeeping 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 subdivision.

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

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 Use District in which it is situated.

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

Porch: A roofed, open structure projecting 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 in 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 walls, partitions, columns, beams or girders.

Yard: An open, unoccupied space, on the same lot with the 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 building to the front line of the lot.

Side Yard: A yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard.

Rear Yard: A yard across the full width of the lot extending from the rear line of the building to the rear line of the lot, exclusive of open porches and permitted accessory uses or buildings.

Wayside Stand: A structure designed and used for the purpose of display and sale of farm products produced upon the lot on which the stand is located.

Accessory Building: Any building or structure other than a private residence or private garage.

ARTICLE III
USE DISTRICTS 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 four (4) Districts which shall be known as follows:

1. Residential District I; (Short Title U-1 District);
2. Residential District II; (Short Title U-2 District);
3. Residential District III; (Short Title U-3 District);
4. Commercial District; (Short Title U-4 District).

The location and boundaries of the said Use 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 Use 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.** PROHIBITED USES: No land may be used or buildings erected, altered or used for the following purposes:

(1) Abattoirs;
(2) Manufacturing of any kind except bakeries where the major portion of the product is to be sold at retail on the premises;
(3) Cement, Lime, Gypsum or Plaster of Paris manufacture;
(4) Fertilizer, Animals; Manufacture;
(5) Gun Powder, Fireworks, or Other Explosives; Manufacture or Storage;
(6) Garbage, Offal, Dead Animals or Refuse; Incineration, Reduction or Storage;
(7) Pyroxyline, Plastic Manufacture or the Manufacture of Articles therefrom;
(8) Stock Yards;
(9) Acetylene Gas (Manufacture of Compound Acetylene in excess of 15 pounds pressure per square inch);
(10) Acid Manufacture; Chlorine or Bleaching Powder Manufacture or Refining;
(11) Asphalt Manufacture or Refining;
(12) Blast Furnaces, Rolling Mills or Smelters;
(13) Boiler Works;
(14) Celluloid Manufacture or Storage;
(15) Coke Ovens;
(16) Automobile Wrecking Yard;
(17) Liquor or Spirits; Brewing or Distillation;
(18) Creosote Manufacture or Treatment;
(19) Disinfectant or Insecticide; Manufacture;
(20) Distillation of Coal, Wood or Bones;
(21) Dyestuff Manufacture; Dyeing Plants;
(22) Emery Cloth and Sand Paper; Manufacture;
(23) Fat Rendering, Soap, Tallow, Grease or Lard; Manufacture and Refining;
(24) Gas, Manufacture or Storage in excess of 10,000 Cubic Feet;
(25) Gasoline, storage in excess of an amount necessary for use on the Premises or to supply retail trade at service station;
(26) Glue, Size or Gelatin; Manufacture;
(27) Iron or Steel Foundry or Works;
(28) Junk, Scrap, Metal, Paper or Rags; Storage, Sorting or Baling;
(29) Match Manufacture;
(30) Oil Cloth and Linoleum; Manufacture;
(31) Ore Reduction and General Smelting Operations;
(32) Paint, Oil, Shellac, Turpentine or Varnish; Manufacture;
(33) Paper and Pulp; Manufacture;
(34) Petroleum Refining;
(35) Petroleum and Petroleum By-Products; Storage in excess of an amount necessary for use on the premises;
(36) Polish Manufacture;
(37) Rock Crushing;
(38) Rubber Caoutchouc or Gutta Percha; Manufacture or Treatment;
(39) Soda Ash, Caustic Soda and Washing Compound; Manufacture;
(40) Tanning, Curing or Storage of Raw Hides or Skins;
(41) Tar Distillation or Manufacture;
(42) Tar Roofing or Tar Waterproofing Manufacture;
(43) Cemeteries;
(44) Licensed or Unlicensed Airports or Landing Fields;
(45) Brick, Tile or Terra Cotta Manufacture;
(46) Carpet or Rag Cleaning Establishment;
(47) Coal and Coke Storage;
(48) Lumber Yard;
(49) Manufacture of any kind, other than the manufacture of Products the Major Portion of which is to be sold at Retail on the Premises to Ultimate Consumer;
(50) Milk Bottling and Distributing Station;
(51) Oiled or Leather Goods; Manufacture;
(52) Saw, Planing or Woodworking Mill;
(53) Stone or Monument Works;
(54) Storage Warehouse;
(55) Multiple Dwelling;
(56) Amusement Park;
(57) Strip Mining;
(58) Tourist or Trailer Camp;
(59) And in general, those Uses which may be Noxious, 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 residence community.

**Section 302.** COMMERCIAL DISTRICT: In this district the land may be used and buildings may be erected, altered or used as permitted in Residence District II, Section 303, plus all other legitimate business and commercial activity, such as retail shops, offices, parking lots, restaurants, theaters and stores, but not including night clubs, taverns, outdoor theaters, bill boards or sign boards, excepting, however, signs used to advertise the business conducted on the premises.

In Commercial Districts a Public Garage shall be established, erected or enlarged under the following conditions:

(a) No repair facilities are maintained on the front portion of the lot or in the front portion of the first story of the building within thirty (30) feet of the street.
(b) The vehicular entrance door shall be set back a distance of at least fifteen (15) feet from the street line and an open, unoccupied space shall be maintained, for the height of the first or entrance story, which height shall in no case be less than twelve (12) feet from the curb elevation and said entrance shall have a width of at least ten (10) feet on each side of the center of such door or doors, which width shall be increased to a width of at least twenty-five (25) feet on each side of the center line of the said door or doors at the street line.
(c) The proposed structure shall be erected within an area bounded by two or more streets within which there is, at the time, no public, parochial or other duly organized school, playground, hospital, church or public library; and any entrance or exit of such garage, for vehicles, shall not be within two hundred (200) feet of an entrance or exit of any such institution located on the same street or way.

**Section 303.** RESIDENTIAL DISTRICTS I, II and III. In these Districts the land may be used and the buildings may be erected, altered, or used only for the following Permitted Uses, as established for each respective District:

RESIDENTIAL DISTRICT I (U-1):

(1) One Family Dwelling;
(2) Church; Public and Parochial Schools (schools must be certified by State Board of Education);
(3) Doctors' and Dentists' Offices (in residence occupied by the practitioner);
(4) Telephone Central Exchange, Sub-Station of Electric Light Works without Rotary Machinery, Gas Regulating Station, or Water Pumping Station;
(5) Garden;
(6) Nursery, Horticultural; for private use only;
(7) Greenhouse; for private use only;
(8) Accessory Uses incident to any of the principal uses above listed and not involving the conduct of a business. These accessory uses shall be:
(a) Accessory uses customarily incident to the above uses; the keeping, maintaining and raising of fowl, bird or animal for personal use are permitted provided however that the housing for more than one fowl, bird or animal (house pets not included) must be placed not less than 50 feet from any property or street line and in no event shall more than two dogs be kept, maintained or raised.
(b) A private garage located not less than one hundred (100) feet from the front lot line if a separate building, or in a suitable room within or attached to the dwelling. In the case of a corner lot no wall of the garage shall be nearer the street line than the side line of the main building, and also it shall be as far from the street as the line fixed by this ordinance for building on adjoining lots or as near thereto as the width of the lot will permit. In the case of a through lot no wall of the garage shall be nearer than fifteen (15) feet to the property line. 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) feet square 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 therein provided.

RESIDENTIAL DISTRICT II (U-2):

(1) All Residential District I uses.
(2) Two Family Dwelling, Duplex, or Double House.

RESIDENTIAL DISTRICT III (U-3):

(1) All Residential District II uses.

ARTICLE IV.
USE DISTRICT EXCEPTIONS

**Section 400.** 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.

**Section 401.** In Commercial Districts a 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 fifteen (15) feet, nor closer thereto than the line fixed by the ordinance for buildings upon the adjoining lots.

**Section 402.** In any district, the cultivation of the soil, the raising of crops and sale of the same on the premises may be permitted.

**Section 403.** 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.

ARTICLE V.
NON-CONFORMING USES

**Section 500**

(a) 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 nonconforming 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.
(b) The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure, and provided further that such extension does not displace any residence use in a Residence District. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a higher classification.
(c) Whenever a Use District shall be hereafter changed, any then existing nonconforming use in such changed district may be continued or changed to another non-conforming use of the same or a higher classification, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure.
(d) Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

ARTICLE VI
REGULATIONS GOVERNING OCCUPIED AREAS.

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 building 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 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 follows:

RESIDENTIAL DISTRICT I

(1) **Front Yard.** Having a depth of not less than 80 feet from the center line of all main County or State Highways, and a depth of 65 feet from the center line of all other streets or roads.
(2) **Side Yard.** On each side of One Family Dwelling, minimum width on any side, 15 feet; total width required, 50 feet.
(3) **Lot Area.** One Family Dwelling: minimum 20,000 square feet.
(4) **Lot Width.** Minimum 90 feet.
(5) **Lot Coverage.** Main building shall not cover more than 15% of the lot area.
(6) **Rear Yard.** Not less than 25% of total depth of lot and in no event less than 50 feet in depth.
(7) **Accessory Buildings.** Shall not be closer than a minimum of 5 feet from the rear lot line.

RESIDENTIAL DISTRICT II

(1) **Front Yard.** Same as Residential District I.
(2) **Side Yard.**
(a) On each side of One Family Dwelling, minimum width on any side, 15 feet; total width required, 40 feet.
(b) On each side of Two Family Dwelling or Duplex, minimum width on any side, 15 feet; total width required, 50 feet.
(c) On each side of a Double House, minimum width on any side, 25 feet.
(3) **Lot Area.**
(a) One Family Dwelling, minimum 15,000 square feet.
(b) Two Family Dwelling, Duplex or Double House, minimum 25,000 square feet.
(4) **Lot Width.** Minimum 75 feet.
(5) **Lot Coverage.** Main building shall not cover more than 25% of lot area.
(6) **Rear Yard.** Not less than 25% of total depth of lot and in no event less than 40 feet in depth.
(7) **Accessory Buildings.** Shall be placed a minimum of 140 feet from the center line of any street or road, 5 feet from the rear lot line and 15 feet from any side line and the area of accessory building or buildings shall be limited to 1% of the total of the lot area.

RESIDENTIAL DISTRICT III

(1) **Front Yard.**
(a) For One Family Dwelling, minimum depth of 45 feet from center line of street or road.
(b) For Two Family Dwelling, Duplex or Double House, minimum depth of 55 feet from center line of street or road.
(2) **Side Yard.**
(a) On each side of a One Family Dwelling, minimum width for any side, 10 feet; total width required, 35 feet.
(b) On each side of a Two Family Dwelling or Duplex, minimum width of any side, 15 feet; total width required, 50 feet.
(c) On each side of a Double House, minimum width on any side, 25 feet.
(3) **Lot Area.**
(a) One Family Dwelling, minimum 7500 square feet.
(b) Two Family Dwelling, Duplex or Double House, minimum 15,000 square feet.
(4) **Lot Width.** Minimum, 75 feet.
(5) **Lot Coverage.** Main building shall not cover more than 30% of lot area.
(6) **Rear Yard.** Not less than 25% of total depth of lot, and in no event less than 30 feet in depth.
(7) **Accessory Buildings.** Shall not be closer than a minimum of 5 feet from the rear lot line.

COMMERCIAL DISTRICT

(1) All buildings erected, altered or repaired in whole or in part for commercial use shall not be erected less than twenty (20) feet from the side line of the street and in no case less than sixty (60) feet from the center line of main County or State Highways or forty-five (45) feet from the center line of all other streets or roads.
(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 2,000 square feet 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, Two Family Dwellings, Double House or Duplex, the minimum requirements for Front Yard, Side Yard and Lot Area shall be the same as prescribed for the Residential District II.
(4) **Side Yard.** None need be provided, except on corner lots when the property to the rear on the intersecting street is used for Residence purposes, and then a side yard shall be provided equal to the front yard required along the intersecting street. This space may be used for the parking of cars.
(5) **Lot Width** Minimum, 25 feet.
(6) **Lot Coverage.** Main building shall not cover more than 50% of lot area along main County and State Highways, and not more than 60% of lot area along other streets or roads.
(7) **Parking.** All commercial uses along Main County and State Highways shall provide, on the same or adjoining lot, space for the parking of cars in the ratio of one car space per three hundred (300) square feet first floor area and one car space per five hundred (500) square feet second floor area of building.

ARTICLE VII.
AREA DISTRICT EXCEPTIONS

**Section 700:** 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.

**Section 701:** A porch may be erected in a front yard, provided it shall not be constructed closer to an adjoining property line than the required width of the side yard.

**Section 702:** 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 seperate ownership from the adjoining lots.

ARTICLE VIII.
BUILDING HEIGHT REGULATIONS

**Section 800.** 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 (2½) stories, exclusive of that portion of the building commonly used as the basement or cellar.

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

ARTICLE IX.
BUILDING HEIGHT EXCEPTIONS

**Section 900.** 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 district, the height does not exceed a forty-five (45) degree angle from any property line, and further, that the requirements of the Pennsylvania Departmen. of Labor and Industry have been complied with.

ARTICLE X.
ADMINISTRATION

**Section 1000.** The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the Building Inspector, who shall have such powers as are conferred on him by this ordinance and are reasonably implied for that purpose.

**Section 1001.** PLATS. All applications for building permits shall be accompanied by a plot in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location thereon, and such other information as may be necessary. A file of such applications and plats shall be kept in the office of the Building Inspector, All building permits issued after the passage of this ordinance shall lapse after ninety (90) days from issuance unless actual construction has been started on the building itself.

**Section 1002.** OCCUPANCY PERMITS. No new building, structure or land use shall be permitted without the issuance by the Building Inspector of a certificate of occupancy and compliance 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, 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 coincident with the application for building permit and shall be issued within ten (10) days after the erection or structural alteration of such building or part have been completed in conformity with the provisions of this ordinance. 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.

No permit for excavation or the erection of any building or part of a building or for repairs to or alterations of a building shall be issued before application has been made for certificate of occupancy and compliance.

**Section 1003.** 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:

(a) 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.
(b) 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.
(c) In undivided property, the district boundary lines on the Zone Map shall be determined by use of the scale of the map.

**Section 1004.** INTERPRETATION.

PURPOSE.

(a) 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 annul any ordinance, rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use 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 larger open spaces than are required by such ordinances, rules, regulations or permits, this ordinance shall control.
(b) All buildings for which permits have been obtained and the construction of which or a portion of which has been begun, or for which a contract or contracts have been let pursuant to a permit issued prior to the passage of this ordinance may be completed and used in accordance with the plans on which said permit was granted.
(c) All permits for buildings which were issued within sixty (60) days prior to the passage of this ordinance are declared void, if, at the time of the passage of this ordinance,
(a) No substantial construction of such building shall have been made,
(b) No contract or contracts have been let pursuant to said permit, provided such building or its use does not conform to the provisions of this ordinance.

**Section 1005.** VIOLATION: PENALTY. 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 ($100.00) 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 requirement shall be considered a separate offense.

All fine 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 therof 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 violation to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE XI.
CHANGES AND AMENDMENTS

**Section 1100.** The Township Supervisors shall, upon petition signed by the owners of a majority of the property according to frontage in any district or portion thereof, or may upon their own initative, 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 and by at least ten (10) printed or typewritten handbills 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) per cent. or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof, extending one hundred (100) feet therefrom, or of those directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite lots, 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 1101.** 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 favorably, and the Ordinance 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 XII.
BOARD OF ADJUSTMENT

**Section 1200.** CREATION: 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 hearings. Vacancies shall be filled by the Appointing Authority for the unexpired term of any member whose term becomes vacant.

**Section 1201.** 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 cases 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 herin 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 1202.** DUTIES OF AND APPEALS FROM 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 of record on application, on notice to the officer from whom the appeal is taken and due cause shown.

**Section 1203.** POWERS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall fix a reasonable time for the hearing of the 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 or determination made by the Building Inspector or an administrative officer in the enforcement of this ordinance.
(b) To hear and decide special exceptions to the terms of the ordinance as herein specified.
(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 hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

PART II — Special Exceptions and Special Questions:

Upon appeals the Board may grant the following permits and make the following decisions provided such acts will not tend to affect adversely the use and development of neighboring properties and the general neighborhood in accordance with the Zoning Ordinance:

(a) Permit in residence districts, the temporary use, on a yearly basis, of vacant land for gardening (including wayside stand), recreation purposes (such as miniature golf or golf driving range) or the extraction of natural resources (such as sand, gravel, stone or timber), subject to 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.
(b) Permit in any residence district a commercial greenhouse provided they be located on a lot of not less than five (5) acres, and no building is or shall be within one hundred (100) feet of an adjoining property line.
(c) 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 Section 1003 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 or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

Any person, firm, partnership or corporation, jointly or severally aggrieved by any decision of the Board of Adjustment, 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 XIII.
VALIDITY

**Section 1300.** 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 XIV.
CONFLICT

**Section 1400.** That any ordinance or part of ordinance, conflicting with the provisions of this ordinance, be and the same is hereby repealed, so far as the same affects this ordinance.

Ordained and enacted into a law by the Board of Township Supervisors on the 3rd day of October, 1947, to become effective October 14, 1947.

ORDAINED and enacted, or reordained and reenacted, or ordained and enacted and reordained and reenacted into a law by the Board of Township Supervisors on the 7th day of November, 1947 to become effective November 18, 1947.

McCANDLESS TOWNSHIP
BOARD OF SUPERVISORS
By Chas. H. Thomas
President.

Attest
Frank A. Keil
Secretary.

10/2