



# LOWER PROVIDENCE TOWNSHIP

100 Parklane Drive • Eagleville, PA 19403 • [www.lowerprovidence.org](http://www.lowerprovidence.org)

Administration: 610 539-8020 • Fax: 610 539-6347

Police: 610-539-5900 • Fax: 610-630-2219



## LOWER PROVIDENCE TOWNSHIP CODE 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 change also permitted the Second Class Townships to seek fines up to \$1000 per violation of the local township ordinances and/or imprisonment for each additional day or section of the ordinance violated may constitute a separate offence. Enforcement of the township zoning ordinance will be by civil procedure with a maximum fine of \$500 per violation.

Lower Providence Township will attempt to obtain compliance with township ordinances through verbal and written communication with the alleged violator. This type of enforcement emphasis is called “voluntary” compliance. This enforcement policy has been instituted to provide a fair and reasonable method for obtaining compliance.

This policy is intended to provide guidance for enforcement, but this can be deviated from or modified to fit the needs of obtaining compliance, especially when violations exist that are a serious danger to life, health, and safety. Using a verbal and written warning system and encouraging voluntary compliance, the Township’s goal is to obtain compliance without setting in motion formal sanctions such as issuing an Enforcement Notice, or filling a Summary Non-Traffic Citation or Civil Complaint Form with the local District Magistrate. The following enforcement procedure is followed to gain voluntary compliance:

- A verbal 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 a verbal warning is not possible, then the township proceeds to the next step:
- A warning letter is sent to the property owner. The letter will give specific deadline dates in order for the violator to come into compliance with the Lower Providence Township Ordinances. If the deadlines are not met for compliance, then the township proceeds to the next step.
- An Enforcement Notice (EN) is then sent to the property owner if violations continue to exist past the deadline date given in the Warning letter. Official cease and desist orders of the violations or suspension or revocation of current permits may be included within the EN. The owner at this time has a chance to appeal the alleged violations to the Zoning Hearing Board. The ZHB does not have enforcement authority to levy fines. The purpose of the ZHB is to either affirm or deny violations actually exist(ed). If the owner does not appeal the violations to the ZHB within the deadline stated in the EN, then the township will proceed to the next step.

- A Summary Non-Traffic Citation or a Civil Complaint Form is filed with the office of the local district magistrate. It is the policy of Lower Providence Township to seek the maximum fine allowed by law for each violation, each day that the violation exists. All court costs plus legal expenses incurred by Lower Providence Township in an effort to obtain compliance will be included in the final determination of the cost of the fine. Should the owner appeal the District Magistrates' decision, the cost of the fine will be raised by Lower Providence Township to the maximum extent allowed by law in the Montgomery County Court of Common Pleas plus court costs and legal fees. It is the goal of Lower Providence 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 Lower Providence Township to abate the violation. Also, if the injunction is ignored, the owner may be held in contempt of court.

