

TOWNSHIP OF WASHINGTON  
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE # 122

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA, BY AUTHORITY OF AND PURSUANT TO THE PROVISIONS OF ARTICLE VI OF ACT NO. 247, AS AMENDED, OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, APPROVED JULY 31, 1968, KNOWN AS CITED AS THE "PENNSYLVANIA MUNICIPALITIES PLANNING CODE": AND ANY AMENDMENTS AND SUPPLEMENTS THERE TO, AMENDING ORDINANCE NO. 105, ADOPTED BY THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP ON MAY 16, 1988, AND KNOWN AS THE WASHINGTON TOWNSHIP ZONING ORDINANCE.

WHEREAS, the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, adopted on May 16, 1988, Washington Township Ordinance No. 105, known as the Washington Township Zoning Ordinance: and

WHEREAS, the Pennsylvania Municipalities Planning Code was amended by Act 170 of 1988: and

WHEREAS, as a result of amendments to the Pennsylvania Municipalities Planning Code, Ordinance #105 now needs to be amended to comply with revisions in the code: and

WHEREAS, the Federal Emergency Management Agency on June 17, 1991 updated and revised the Washington Township Flood Insurance Study: and

WHEREAS, as a result of revisions to the Township's Flood Insurance Study, Ordinance #105 now needs to be amended to comply with requirements of the Federal Emergency Management Agency: and

WHEREAS, the Board of Supervisors of Washington Township deems it to be in the interest and welfare of the residents of the Township to amend the Washington Township Zoning Ordinance as described below.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, that Ordinance No. 105 known as the Washington Township Zoning Ordinance, be amended as follows:

**SECTION 1. INDEX, ARTICLE XXI, SECTION 2105** shall be changed such that the third word reads "Effective" instead of "Effectie".

**SECTION 2. ARTICLE I, SECTION 102.1** is hereby amended as follows:

1. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

**SECTION 3. ARTICLE I, SECTION 103.1** is hereby amended as follows:

1. To provide for the current and projected future residential, commercial and industrial needs of the Township, while at the same time preserving prime agricultural, forest lands, wetlands, aquifers and floodplains.

**SECTION 4. ARTICLE I, SECTION 104, Glossary and Definition of Terms** is hereby amended as follows:

- A. The definition of "conditional use" shall be added to the Ordinance as follows: A use permitted within a particular zoning district which is subject to express standards and criteria set forth in this Ordinance and is allowed or denied by the Board of Supervisors pursuant to public notice, public hearing and recommendations by the Township Planning Commission.
- B. The definition of "Lot" is changed to read as follows: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by the Ordinance for a lot in the district in which

such land is situated, and having its principal frontage on a street. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

- C. The definition of "Manufactured Home" shall be added to the Ordinance as follows: See Mobile Home
- D. The definition of "Mobile Home" is changed to read as follows: "Mobile Home" means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for towing purposes, which arrives at a site essentially complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. This does not include recreation or travel trailers and may not be used as an accessory building. For the purpose of Article XVIII of this Ordinance (Flood Plain Districts) only, the term mobile home is replaced by the term manufactured home and the definition of this term is: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- E. The definition of "Mobilehome Lot" shall be added to the Ordinance as follows: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.
- F. The definition of "Mobilehome Park" is changed to read as follows: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.
- G. The definition of "Nonconforming Lot" shall be added to the Ordinance as follows: A lot the area or dimension of which was lawful prior to the

adoption or amendment of this Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

- H. The definition of "Planned Residential Development" is changed to read as follows: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.
- I. The definition of "Public Hearing" shall be added to the Ordinance as follows: A formal meeting held pursuant to public notice by the Township Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.
- J. The definition of "Public Notice" is changed to read as follows: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.
- K. The definition of "Street" is changed to read as follows: A public street, avenue, boulevard, road, highway, freeway, or parkway which affords vehicular access to abutting properties.
- L. The definition of "Structure" is changed to read as follows: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- M. The definition of "Subdivision" is changed to read as follows: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the

subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling shall be exempted. For the purpose of this Ordinance in deciding what is a subdivision, multiple lots, tracts or parcels which have been conveyed on one deed regardless of number of lots, tracts or parcels and regardless of the method of taxation, shall be considered to be a single lot, tract or parcel; and shall be subject to the provisions of this ordinance if any division, redivision or resubdivision of such lots, tracts or parcels is desired.

**SECTION 5. ARTICLE III, SECTION 303.4 is hereby amended as follows:**

4. Accessory Buildings may be constructed in accordance with the following provisions:

(1) On conforming lots:

(a) An accessory building shall not be within any front or side yard.

(b) An accessory building located in a rear yard shall not be erected closer than ten (10') feet to any lot line.

(2) On existing non-conforming lots in the Forest Conservation and Agricultural Districts which have less than required lot width:

(a) An accessory building shall not be erected within any front yard, but may be erected within fifteen (15') feet of the side yard property line.

(b) An accessory building located in a rear yard shall not be erected closer than ten (10') feet to any lot line.

**SECTION 6. ARTICLE III, SECTION 303.7 is hereby amended by adding Subsection e as follows:**

e. Items not specifically permitted in the above subparagraphs are not permitted to be constructed in such a manner that they project into yards in any district

**SECTION 7. ARTICLE III, SECTION 309 is hereby amended by adding Subsection 4 as follows:**

4. Mobile Homes, or manufactured homes, may not be utilized as accessory buildings in any district.

**SECTION 8. ARTICLE IV, SECTION 400 is hereby amended as follows:**

**Section 400 Registration of Nonconforming Uses**  
The Zoning Officer shall identify and register all nonconforming uses, nonconforming lots, and nonconforming structures.

**SECTION 9. ARTICLE V, SECTION 501 is hereby amended as follows:**

**Section 501 Signs in the Residential, Forest Conservation and Agricultural Districts**  
The following types of signs and no others shall be permitted in the following Zoning Districts R-1, R-2, R-3, F-C, A, and A-C.

**SECTION 10. ARTICLE XIII, SECTION 1303 is hereby amended as follows:**

**Section 1303:** Screen plantings are required between any Commercial District and any Residential District, and shall be in accordance with the General Regulations of this Ordinance. Screen plantings are not required between the Commercial District and Forest Conservation and Agricultural Districts.

**SECTION 11. ARTICLE XVIII, SECTION 1801 is hereby amended as follows:**

- A. Section 1801.1 shall be changed such that the first three words in line 5 are changed to read "June 17, 1991" instead of "June 3, 1986".
- B. Section 1801.1.a shall be amended by adding the following sentence to the end of the paragraph: "The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study."
- C. Section 1801.1.b shall be changed such that the fourteenth word is changed to "(100)" instead of "(10)".
- D. Section 1801.1.c shall be amended by adding the following sentence after the second sentence in the paragraph: "...Federal Emergency Management Agency. In helping to make this necessary elevation determination, as well as to determine the floodway areas, other sources of data, where available, shall be used such as:"

**SECTION 12. ARTICLE XVIII, SECTION 1801, Subsection 2.9** shall be changed such that the fourth word from the end of the subsection reads "1803" instead of "1703".

**SECTION 13. ARTICLE XVIII, SECTION 1803** is hereby amended as follows:

- A. 1803.1.c second paragraph shall read: Any structure or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this article. Additional information may be obtained from the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972). All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
- B. Add 1803.1.e which shall read:
  - e. Enclosures below the lowest floor (including basement) are prohibited.
- C. 1803.2.f shall be changed such that the 27th word reads "1803.3" instead of "1703.3"
- D. 1803.4 is hereby amended as follows:
  - 4. Special Requirements for Manufactured Homes  
Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:
    - (a) Placed on a permanent foundation.
    - (b) Elevated so that the lowest floor of the manufactured home will be one and one half feet or more above the elevation of the one hundred year flood.
    - (c) Anchored to resist flotation, collapse or lateral movement.
    - (d) Frame ties shall be provided at each corner of the manufactured home, with five additional ties per side at intermediate locations for units fifty feet or more in length, and four additional ties per side for units less than fifty feet in length.
    - (e) Adequate surface drainage is provided.
    - (f) Adequate access for a hauler is provided.
    - (g) Where pilings are used for elevation, and lots shall be large enough to permit

steps; piling foundations shall be placed in stable soil no more than ten feet apart; reinforcement shall be provided for pilings that will extend for six feet or more above the ground level.

**SECTION 14. ARTICLE XIX, SECTION 1908** is hereby amended as follows:

A. 1908.6 is hereby amended as follows:

6. Registration of nonconforming uses, lots and structures.

B. 1908.8 is hereby amended as follows:

8. Enforcement Notice

**SECTION 15. ARTICLE XIX, SECTION 1909** is hereby amended as follows:

Section 1909      Enforcement Notice

1. Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and bases thereof, shall be filed with the Zoning Officer.

If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice or by posting the property with a Cease and Desist Order as provided in this section.

2. Enforcement Notice

a. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record, or by posting the property with a Cease and Desist Order.

b. An enforcement notice shall state at least the following:

(1) The name of the owner of record and



- any other person against whom the Township intends to take action.
- (2) The location of the property in violation.
  - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
  - (4) The day before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Ordinance.
  - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

### 3. Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township, or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township. No such action may be maintained until such notice has been given.

4. Jurisdiction

District Justices shall have initial jurisdiction over proceedings brought under Section 1909.5.

5. Enforcement Remedies

- a. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgements, the Township may enforce the judgement pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to believe that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.
- b. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.
- c. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action

for enforcement pursuant to this section.

**SECTION 16. ARTICLE XIX, SECTION 1912.3** is hereby amended as follows:

3. Public Hearing

The Township Planning Commission shall not recommend any application for a conditional use approval without first holding a public hearing, public notice of which must be given in accordance with this ordinance, and notice of said hearing may be posted by first class mail, at least five (5) days before the hearing, to the following:.....

**SECTION 17. ARTICLE XX, SECTION 2000** shall be changed such that the last sentence "One member of the Zoning Hearing Board may also be a member of the Planning Commission." is deleted from the Ordinance.

**SECTION 18. ARTICLE XX, SECTION 2001** is hereby amended as follows:

- A. The last three words "once a year" shall be changed to read "as requested by the Board of Supervisors".
- B. Add the following sentence to the end of this Section: "The Board of Supervisors may appoint alternate members to the Zoning Hearing Board as per Section 903 (b) of the Pennsylvania Municipalities Planning Code in the event of the disqualification of two (2) or more members of the Board for any single case.

**SECTION 19. ARTICLE XX, SECTION 2002** is hereby amended as follows:

- A. Section 2002.1 shall be changed to read as follows:
  - 1. Notice

Notice shall be given to the public, the applicant, the Zoning Officer, and to any person who has made timely request for same. Notice shall be given at such time and in such manner as shall be prescribed by the Zoning Hearing Board and shall consist of public notice in a local newspaper of general circulation in accordance with this ordinance, and a posting of the affected property with a conspicuously posted sign indicating the date, time and place of the hearing, as well as a brief description of the purpose for the

hearing, as a minimum of notices.

- B. Section 2002.3, the 16th line shall be changed such that the words "forty-five (45)" shall read "thirty (30)".

**SECTION 20. ARTICLE XX, SECTION 2004.1** is hereby amended by adding the following sentence to the end of the paragraph:

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

**SECTION 21.** In all other respects the provisions of Ordinance No. 105 shall remain in full force and effect.

**SECTION 22.** This Ordinance shall take effect five (5) days after adoption.

**DULY ENACTED AND ORDAINED** this 4th day of November, 1991, by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session duly assembled.

WASHINGTON TOWNSHIP  
BOARD OF SUPERVISORS

ATTEST:

  
\_\_\_\_\_  
Juanita L. Ausherman, Secretary

  
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Richard D. Eigenbrode, Chairman

I, Juanita L. Ausherman, Secretary of the Board of Supervisors, Washington Township, Franklin County, Pennsylvania do certify that the foregoing is a true and correct copy of an Ordinance adopted at a regular meeting of the Washington Township Supervisors held November 04, 1991, in regular sessions duly assembled.

  
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Juanita L. Ausherman, Secretary



