

ARTICLE 16: NONCONFORMING USES

The provisions of this section shall apply to buildings, structures, signs, lots and uses which became nonconforming as the result of the application of this Ordinance to them or from classification or reclassification of the property under this Ordinance or any subsequent amendments thereto.

16.100 Nonconforming Lots of Record

16.110 Regardless of the size of a lot legally recorded prior to the passage of this Ordinance, such lot may be developed for any use permitted in the district in which the lot is located provided that it meets the requirements of Section 10.110.

16.120 If two (2) or more contiguous lots of record in one (1) ownership occur prior to passage of this Ordinance and if one or all of these lots are less than the requirements of lot width and area as established in this Ordinance, the total contiguous area of all the lots shall be considered as undivided and no portion of the area of lots shall be used or sold unless such portion equals or exceeds the lot width and area requirements of this Ordinance; nor shall any division of the parcel be made which leaves remaining any lot with width or area less than the requirements of this Ordinance. The Zoning Hearing Board may grant a variance for development of such undersized lots where a hardship clearly exists.

16.200 Nonconforming Uses of Land

16.210 Where at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amendment, such use may be continued, so long as it remains otherwise lawful, provided the following conditions are applied.

- a. No such nonconforming use of land shall be extended by acquisition of additional land to occupy a greater area than was occupied at the time the use became nonconforming.
- b. No such nonconforming use of land shall be expanded to occupy an area more than twenty (20) percent larger than was occupied at the date of adoption or amendment of this Ordinance, such land being owned by the operator of the nonconforming use at the time of adoption or amendment.

16.220 If any such nonconforming use of land ceases for any reason for a period of one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance in the district in which such land is located.

16.230 As a result of adoption of this Ordinance, no illegal use of land which was initiated under the previous zoning ordinance, as amended, shall become nonconforming, but instead shall be subject to remedy under the provisions of this ordinance regarding violations.

16.300 Nonconforming Structures

16.310 Where a structure exists on a property at the effective date of this ordinance or any amendment to it and which was permitted under any prior ordinance or amendment at the time the structure was built, and which does not conform to the requirements of this ordinance regarding height, setbacks from street or lot lines, lot coverage, etc, such structure may remain subject to the following provisions:

- a. No such structure may be altered so that its nonconformity with respect to the location and bulk on the property is increased.
- b. Any replacement of such structure as a result of total damage shall be carried out in conformance with this Ordinance, except, however, partial or total removal of a structure due to fire or act of God, shall not terminate the nonconforming structure on the premises. Reconstruction shall not exceed what previously existed.
- c. Should such structure be moved, it shall thereafter conform to requirements of this Ordinance regarding location on the property.
- d. When a wall of a building is non-conforming in its relationship to any adjacent property line, such wall may be extended along its existing plane for a length not to exceed the existing wall length but thereafter may not be further extended.
- e. Nonconforming sign structures shall be governed by Section 14.800 of this Ordinance.
- f. The maintaining or strengthening to a safe condition of any nonconforming structure shall not be denied provided it meets all the requirements of this section of the Ordinance.

16.400 Nonconforming Uses of Structures

16.410 Where the use of a structure and/or its premises exists lawfully prior to adoption or amendment of this Ordinance, and becomes nonconforming as a result of passage of this Ordinance, it may remain in the same use indefinitely provided the following conditions are applied.

- a. No structure housing a nonconforming use but capable of being enlarged without violating other requirements of this Ordinance may be expanded or increased more than fifty (50) percent over the permissible area it occupied at the time of adoption of this Ordinance or subsequent amendments, or any previous ordinances or amendments to the same to it that would make the use nonconforming.
- b. A nonconforming use which occupies part of a structure may be extended throughout the structure it occupies (except as required for “home occupations”, see Article 11.300), but the expansion under such circumstances may not be extended to occupy land outside the structure.
- c. Provided no structural alterations are made, any nonconforming use of a structure may be changed to a different use of an existing structure which use is a permitted principle use in the Zoning District in which the structure is located.
- d. When a nonconforming use of a structure and/or premises ceases for a period of one (1) year, such use of the structure and/or premises shall not thereafter be reestablished.
- e. Where a nonconforming use of structure and premises exists in combination the removal of the structure and/or use in the structure shall terminate the nonconforming use of the premises. Partial or total removal of a structure due to fire, act of God or accident, shall not terminate the nonconforming use of the premises. Reconstruction shall not exceed what previously existed.
- f. As a result of adoption of this Ordinance, no illegal use of a structure which was initiated under the previous zoning ordinance, as amended, shall become nonconforming, but instead shall be subject to remedy under the provisions of this ordinance regarding violations.

16.500 Mapping of Nonconforming Uses

16.510 The Zoning Officer may receive applications for certification of non-conformance from all uses of land and/or buildings made nonconforming as a result of adoption of this Ordinance.

16.520 The Zoning Officer may keep the data current by the addition of non-conforming uses as amendments to this Ordinance and by the deletion of nonconforming uses as they are eliminated.

16.530 When the Zoning Officer identifies a nonconforming use, he may inform the property owner by mail, and when the owner verifies the nonconformity, the Zoning Officer shall issue a certificate describing the nonconformity and giving it legal stature.

ARTICLE 17: SEXUALLY EXPLICIT OR SEXUALLY ORIENTED BUSINESS OPERATIONS AS SPECIAL EXCEPTIONS

It is the purpose and intent of this section of this Ordinance to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the Township. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restricting the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

17.100 Definitions

- A. ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

- B. ADULT BOOKSTORE or ADULT VIDEO STORE means a commercial establishment which, as one of its business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or

 - 2. Instruments, devices, or paraphernalia which are designed for use' in connection with “specified sexual activities.”

A commercial establishment may have other business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its business purposes is the offering for sale or rental for consideration the specified materials

which depict or describe “specified sexual activities” or “specified anatomical areas.”

- C. ADULT CABARET means a nightclub, or bar, or similar commercial establishment which regularly features:
 - 1. persons who appear in the state of nudity; or
 - 2. live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
 - 3. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

- D. ADULT MOTEL means a hotel, motel or similar commercial establishment which:
 - 1. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 - 2. offers sleeping rooms for rent four (4) or more times in one calendar day during five (5) or more calendar days in any continuous thirty (30) day period.

- E. ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

- F. ADULT THEATER means a theater, concert. hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities”.

- G. ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

- H. ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes for a fee, tip, or other consideration.
- I. PERMITTEE and/or LICENSEE means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
- J. NUDE MODEL STUDIO means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- K. NUDITY or a STATE OF NUDITY means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.
- L. PERSON means an individual proprietorship, partnership, corporation, association, or other legal entity.
- M. RESTAURANT - a place where the sale of food and the sale of non-intoxicating beverages or intoxicating beverages if licensed by the Pennsylvania Liquor Control Board.
- N. SEMI-NUDE means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- O. SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its business purposes, offers for any form of consideration:
 - 1. physical contact in the form of wrestling or tumbling between persons of the opposite sex; and
 - 2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- P. SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- Q. SPECIFIED ANATOMICAL AREAS means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

R. SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

S. SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on date of enactment of this Ordinance.

T. TOWNSHIP means Township of Hampton.

U. TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business means and includes any of the following:

1. the sale, lease, or sublease of the business;
2. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. the establishment of a trust, gift, or other similar legal device which transfers the ownership control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

17.200 Classification

Sexually oriented businesses are classified as follows:

- A. Adult arcades;
- B. Adult bookstores or adult video stores;
- C. Adult cabarets; excluding restaurants;
- D. Adult motels;
- E. Adult motion picture theaters;
- F. Adult theaters;
- G. Escort agencies;
- H. Nude model studios; and
- I. Sexual encounter centers.

17.300 Permit Required:

- A. Any person who operates a sexually oriented business without a valid permit issued by the Township is guilty of a violation of the Zoning Ordinance of the Township.
- B. An application for a permit to operate a sexually oriented business must be made on a form provided by the Zoning Officer of the Township. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6"). Parking facilities must be specifically identified and meet zoning ordinance requirements. Nonconforming structures not having the required parking sites shall not be issued permits unless the sexually oriented business was in existence as a lawful use prior to the date of this ordinance.
- C. The applicant must be qualified according to the provisions of this ordinance and the premises must be inspected and found to be in compliance with the law by the Zoning Officer and the Fire Marshall.
- D. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of ten percent (10%) or greater in the corporation must sign the application for a permit as applicant.
- E. The fact that a person possesses other types of Township permits does not exempt the person from the requirement of obtaining a sexually oriented business permit.

17.400 Issuance of Permit:

- A. The Township Zoning Officer shall review the application to determine if any matter referred to in sections (1) - (10) may be applicable. The Zoning Officer shall then refer the matter to the Zoning Hearing Board. The Zoning Hearing Board shall review the application in accordance with the Municipalities Planning Code. The Zoning Hearing Board in its determination shall provide findings of fact and conclusions of law to determine if the applicant has complied with all the provisions of this Section and all other requirements of this Ordinance and any other ordinance of the Township of Hampton to determine if any of the following subsections have been violated.
1. No applicant may or will be under eighteen (18) years of age or any person performing, acting or depicted in any manner in the performance of such activity, may or will be under the age of 18.
 2. No applicant or an applicant's spouse is overdue in his payment to the Township of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
 3. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
 4. An applicant is residing with a person who has been denied a permit by the Township to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
 5. The premises to be used for the sexually oriented business have been reviewed and have been disapproved by either the Zoning Officer or the Fire Marshal as not being in compliance with applicable laws and ordinances.
 6. The permit fee required by this Ordinance has not been paid.
 7. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Ordinance.
 8. No individual applicant or any individual holding a direct or indirect interest of more than ten percent (10%) of a corporate applicant, or any of the officers and directors of a corporate applicant, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense

involving sexual misconduct within the Commonwealth of Pennsylvania, including, but not limited to, prostitution, obscenity and possession of child pornography, or convicted of any offense in any, jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this subsection, the person or persons conviction or release in connection with the sexual misconduct offense must have occurred within two (2) years of the date of application in the event of a misdemeanor and within five (5) years of the date of application in the event of a felony.

9. If live performances are to be given, that the premises in which such live performances are to be offered do not contain a stage separated from the viewing area or that the viewing area is accessible to the performers, or that the performers may readily access the viewers present.
 10. Liquor or intoxicating beverages are to be sold on the premises for which a permit is sought.
- B. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
 - C. The Zoning Officer and Fire Marshal shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the Zoning Officer. The certification shall be promptly presented to the Zoning Officer.

17.500 Inspection and Enforcement:

- A. An applicant, or permittee, shall permit representatives of the Police Department, Fire Marshall, Zoning Officer, or other Township departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time that the sexually oriented business is occupied or open for business.
- B. A person who operates a sexually oriented business or his agent or employee violates the Zoning Ordinance of the Township if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
- C. The Zoning Officer or other appointed designee shall be authorized to conduct the inspection required by the provisions contained in this Ordinance, including the filing of criminal or civil citations.

- D. Injunction: A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this Ordinance is subject to an action in equity or a suit for injunction as well as citations for violations of the Zoning Ordinance.

17.600 Expiration, Suspension, Revocation or Transfer of Permit:

17.610 Expiration of Permit

- A. Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 17.300. Application for renewal should be made at least thirty (30) days before the expiration date and, when made less than thirty (30) days before the expiration date, the pendency of the application will not prevent the expiration of the permit.
- B. If the Township Zoning Officer denies renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that after ninety (90) days have elapsed since the date of denial, the applicant may be granted a permit if the Zoning Officer finds that the basis for denial of the renewal permit has been corrected or abated.

17.620 Suspension of Permit

The Zoning Officer shall suspend a permit for a period not to exceed thirty (30) days if he determines that a permittee or an employee of a permittee or an occupant of the premises has:

- A. Violated or is not in compliance with any section of this ordinance;
- B. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- C. Refused to allow an inspection of the sexually oriented business premises as authorized by this Ordinance;
- D. Knowingly permitted gambling by any person on the sexually oriented business premises;
- E. Failed to provide attendance at manager's stations and/or maintain viewing rooms as set forth in Section 17.800.

17.630 Revocation of Permit

- A. The Zoning Officer shall revoke a permit if a cause of suspension occurs and the permit has been suspended within the preceding twelve (12) months.
- B. The Zoning Officer shall revoke a permit if he determines that:
 - 1. a permittee, or any of the persons specified in Section 17.500, is or has been convicted of the offenses specified in Section 17.400, 8;
 - 2. a permittee gave false or misleading information in the material submitted to the Township during the application process;
 - 3. a permittee or an employee of a permittee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - 4. a permittee or an employee of a permittee has knowingly allowed prostitution on the premises;
 - 5. a permittee or an employee of a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
 - 6. a permittee or an employee of a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other explicit sexual conduct to occur in or on the permitted premises;
 - 7. a permittee is delinquent in payment to the Township or State of any taxes or fees relating to sexually oriented businesses.
 - 8. any person performing, acting or depicted in the activity is under the age of 18, or any person viewing such activity or allowed admittance is under the age of 18.
- C. When the Zoning Officer revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date revocation became effective, except that if the revocation is pursuant to (B)(1) above, the revocation shall be effective for two (2) years in the event of a misdemeanor or five (5) years in the case of a felony.
- D. After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee shall have the right to appeal said action and to seek prompt judicial review of such administrative action in any court of competent jurisdiction.

17.640 Transfer of Permit

A permittee shall not transfer his permit to another person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

17.700 Location of Sexually Oriented Businesses:

- A. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business outside of the district in which a sexually oriented business is a permitted use. No sexually oriented businesses shall be located outside a district in which a sexually oriented business is a permitted use. Sexually oriented businesses as defined herein shall be permitted in Highway Commercial Zoning District as a Special Exception.
- B. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of the following institutions, nor will any permits be issued for any such business which shall be located within one thousand (1,000) feet of:
1. a church;
 2. a public or private pre-elementary, elementary, or secondary school;
 3. a public library;
 4. a child care facility or nursery school;
 5. a public park adjacent to any residential district.

Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, or nursery school; or to the nearest boundary of an affected public park.

- C. A person is guilty of a violation of the Zoning Ordinance if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership of control of a sexually oriented business, nor will any permits be issued for any such business which shall be located within five thousand (5,000) feet of another sexually oriented business. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, nursery school or public park within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

- D. A person is guilty of a violation of the Zoning Ordinance if he causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof; or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
- E. Any sexually oriented business lawfully operating on date of enactment of this Ordinance that is in violation of subsection A through D of this section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. In the event that two or more sexually oriented businesses are within five thousand (5,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.

17.800 Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos:

- A. A person who operates or, causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette, or other video or other image production or reproduction which depicts "specified sexually activities" or "specified anatomical areas" it shall comply with the following requirements:
 - 1. the application for a permit to operate a sexually oriented business shall be accompanied by a floor plan and plot plan diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all viewing rooms, partitions and doors and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various

internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Zoning Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicants
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Officer or his designee.
4. It is the duty of the owners and operators of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a managers station of every area of the premises to which any patron is permitted access for any purpose, excluding restroom. Restrooms may not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
6. It shall be the duty of the owners and operators, and it shall also be the duty of any agents and employees present on the premises to ensure that the view area specified in subsection 5 remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection 1 of this section.
7. No viewing room may be occupied by more than one (1) person at any time. No connections or openings to an adjoining viewing room shall be permitted.
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level.
9. It shall be the duty of the owners and operators and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

- B. A person having a duty under subsection 1 through 9 of subsection A is guilty of a violation of the Zoning Ordinance if he knowingly fails to fulfill that duty.

17.900 Exemptions

- A. It is a defense to prosecution under this Ordinance that a person appearing in a state of nudity did so in a modeling class operated in a viewing room.
1. by a proprietary school, licensed by the Commonwealth of Pennsylvania, or a college, junior college, or university supported entirely or partly by taxation;
 2. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 3. in a structure -
 - (a) which has no sign visible from the exterior the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - (c) where no more than one (1) nude model is on the premises at any one time.

ARTICLE 18: ADMINISTRATION

18.100 Administration and Enforcement

The Zoning Officer shall meet qualifications established by the Township Council and shall be able to demonstrate to the satisfaction of the Township Council a working knowledge of municipal zoning. He shall be appointed by Township Council and shall not hold any elected office in the municipality.

18.120 The Zoning Officer shall administer and enforce this Ordinance in accordance with its literal terms, and shall not have the power to permit construction or any use or change of use which does not conform to the Zoning Ordinance.

18.130 If the Zoning Officer shall find that any provisions of this Ordinance are being violated he shall notify the owner of the property upon which such alleged violation is occurring by certified mail, return receipt, with a copy to tenants occupying the property, if any, such notice being deemed adequate even if persons other than the owner are perpetrating the alleged violation.

18.140 Communications regarding violations shall indicate the nature of the violation and shall order the action necessary to correct it.

18.150 Such communications shall order the discontinuance of illegal uses of land or structures, or the removal or moving of illegal structures or additions or alterations thereto, as well as any other action necessary to assure compliance with or prevent violation of this Ordinance, and shall indicate the owner's alternative actions under the terms of this Ordinance.

18.160 Any apparent violation of the Zoning Ordinance observed by the Township of Hampton officials shall initiate the following enforcement proceedings:

18.161 An 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.

- 18.162 The enforcement notice shall state at least the following:
- a. The name of the owner of record and any other person against whom the municipality intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e. 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 procedure set forth in the ordinance.
 - f. 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.
- 18.170 All questions of interpretations of this Ordinance shall be first presented to the Zoning Officer and such questions shall be considered by the Zoning Hearing Board only on appeal from the decision of the Zoning Officer.
- 18.180 The Zoning Officer shall keep records of all applications either approved or disapproved, including one (1) copy of each permit issued, shall maintain a journal of his activities and shall submit a report annually to the Township Council.
- 18.190 The regulations of this Article are not intended to supersede those of the Township enacted ICC Building Code, as amended, but are instead designed to complement the Building Code. Where conflicts exist, the more stringent regulation shall govern.

18.200 Building Permits

- 18.210 A building permit issued by the Zoning Officer and/or Building Inspector shall be required for all new construction, additions or alterations affecting exterior dimensions of existing structures, or any structural changes.
- 18.211 No building permit shall be issued until the stormwater plan for the property lot has been approved in accordance with Article 7 of the Subdivision Ordinance, Article 9 or Section 10.500 of this ordinance, as appropriate. Further, the Township shall not issue the permit until any required flood plain, dam safety or obstructions, or erosion and sedimentation approvals/permits have been received from the Allegheny County Conservation District, the U.S. Soil Conservation Service (SCS) and/or the Pennsylvania Department of Environmental Protection (DEP). Copies of the approvals/permits must be filed with the Township. The application shall demonstrate that the construction of the structure for which the permit is applied for, satisfactorily complies with all applicable provisions of this Ordinance and of all other ordinances of the Township and of the County, State and Federal statutes or ordinances.
- 18.212 Building permits will not be required for painting, masonry repainting; roofing and re-siding; re-paving existing residential driveways, patios or courts; replacing windows or doors with no change of dimensions.
- 18.220 Applications for building permits shall be made to the Zoning Officer upon forms supplied by the Township.
- 18.230 Applications shall include the following, if applicable, in duplicate:
- 18.231 A site plan/survey of the property upon which the proposed construction is to occur, drawn to scale and dimensioned, showing:
- a. the boundaries of the property, indicating dimensions and total area
 - b. public streets abutting the property indicating right-of-way width;
 - c. stormwater management plan, including inlets, piping, stormwater retaining vessel and discharge system;
 - d. public utilities in the streets abutting the property and/or in easements running across the property;
 - e. existing buildings on the property and approximate location of walls of buildings or structure within fifty (50) feet of the property boundaries on adjacent properties;

- f. the proposed building or structure, indicating height, and dimensions between building or structure and all property boundaries;
- g. the location of proposed parking and loading areas and drives, if applicable, indicating the number of parking spaces;
- h. the location of proposed signs, if applicable;
- i. topographical information for the area to be developed at two (2) foot contour intervals, showing grade changes proposed and means of collecting and disposing of storm water; and
- j. for commercial buildings, the seal of approval from the State Department of Labor and Industry, if applicable, or in lieu of such seal, the M.A. number and file number of the project as carried by the Department;
- k. the name and address of the property owner and the contractor on each sheet on the submitted plans;
- l. a copy of an approved highway occupancy permit from the State, County or Township, as applicable.

18.232 A Narrative Statement Indicating:

- a. the proposed use of the structure to which the permit applies and the use of other buildings or structures on the property, if any;
- b. the number of dwelling units, whether for sale or rent, or commercial retail or service units, if applicable, that the building is designed to accommodate;
- c. if the building or structure is part of a larger complex of buildings or structures to be erected over time on the same property, an indication of location and scheduling of future construction;
- d. if the building or structure is for commercial, industrial or multi-family residential use, the area of the property to be occupied on the ground by the building or structure;
- e. a statement giving the developer permission to build if the developer and owner of the land are not the same person or corporation; and
- f. a statement that the developer has secured a highway occupancy permit if the property is to have access to a State, County or Township approved roadway.

- 18.233 The Zoning Officer may, to satisfy requirements of other development ordinances adopted by the Township of Hampton, expand the application form to secure additional information necessary to assure conformance with such other development ordinances.
- 18.234 If the Zoning Officer has reason to doubt the proposed location of new construction relative to adjacent property lines, he may require that the owner have a registered surveyor position stakes on the property line and at building corners to confirm that adequate setback of the building from the property line is maintained.
- 18.235 If the application is satisfactory, the Zoning Officer shall approve it and return one (1) copy of the application documents together with a signed building permit authorizing the applicant to proceed. The building permit shall be prominently displayed on the site during construction covered by it.
- 18.236 If the application is not satisfactory, the Zoning Officer shall return one (1) set of the application documents together with a letter indicating the specific reasons why the application cannot be approved and the changes needed to make it acceptable.
- 18.240 The Zoning Officer shall, from time to time and outside of the regularly required inspections, visit the property where on the approved construction is taking place in order to assure himself that the work is proceeding in accordance with the application documents. The Zoning Officer shall not be denied access to the property in order to inspect the construction in progress and may order the work halted pending appeal to the Zoning Hearing Board or corrected to conform to the application documents.
- 18.250 Any change to the building plans for the construction of the building from that shown on previously approved documents shall be submitted to the Zoning Officer and shall be subject to his approval.
- 18.260 A building permit shall become void if construction is not substantially completed within eighteen (18) months. Permits may be extended for not more than one (1) year at the option of the Zoning Officer if extenuating circumstances not created by the owner or contractor prevent completion within the required time limit. To continue uncompleted construction without or beyond an extension, the owner shall apply for a permit renewal for which a fee representing the work to be completed shall be collected. Failure to renew or extend a permit and to continue work after the permit or extension has expired shall be violation of this Ordinance and subject to penalties under Article 20.

- 18.270 Each separate free-standing structure shall require a building permit whether for construction or remodeling.
- 18.280 Any violation of the building permit process shall be subject to the enforcement regulations of Section 18.100 and any continued violation shall be subject to Article 20, "Violations".

18.300 Occupancy Permits

18.310 For new use or expansion of existing uses:

18.311 Upon completion of any building containing more than two (2) dwelling units or any non residential building or structure for which a building permit has been issued, the contractor or builder for such building or structure shall apply to the Zoning Officer for an occupancy permit.

18.312 The Zoning Officer shall inspect the premises and if satisfied that all conditions of the building permit and other requirements have been met, shall issue an occupancy permit certifying that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth on the building permit.

18.313 If the Zoning Officer, upon inspection finds the premises to have been developed in violation of any of the conditions of the building permit, he shall order the violations corrected to conform to the building permit and shall not issue an occupancy permit until satisfied the corrections have been made.

18.314 It shall be a violation of this Ordinance for a structure to be occupied without an occupancy permit first having been issued. The penalties of Article 20 shall apply to any developer, builder or home owner who allows such violations.

18.320 For changing existing uses in non-residential districts:

18.321 If a property owner wishes to change the principal permitted use of any building or structure of the property he owns, to any other similar principal permitted use or to a mixed use of the property or if a property owner wishes to change a mixed use of the building or property he owns to a single principal permitted use, he shall apply to the Zoning Officer for an occupancy permit. Changes for which a revised occupancy permit shall be required include addition of a dwelling unit or units in the structure, introduction of a home occupation, conversion from nonconforming to a conforming or less non-conforming use or conversion to another permitted

use. If the new proposed use has parking requirements different than the previous use, the procedures set forth in Section 10.615, Change of Principal Permitted Use, shall apply.

18.322 If such change is in conformance with all requirements of this Ordinance and of other development ordinances of the Township of Hampton, the Zoning Officer shall issue an occupancy permit.

18.323 Applications for occupancy permits for a change of use that are denied by the Zoning Officer may be appealed to the Zoning Hearing Board.

18.330 Zoning Permits:

18.331 For new tenants/occupants:

18.332 If a property owner wishes to sell, any building, structure, or property he/she owns, he/she shall apply to the Zoning Officer for a Zoning Permit.

18.333 If the existing or proposed use of the property, building, or structure meets all requirements of this Ordinance, and of all other development ordinances of the Township, then the Zoning Officer shall issue a Zoning Permit.

18.400 Re-approval Procedures

From and after the effective date hereof, any submission (Zoning Application, Subdivision Plan, Plat, Site Plan, Request for Conditional Use, Planned Residential Development, or other submission) made by a developer of land to the Township for approval, which submission has previously obtained the approval of the Township Council (after having been processed for review to and through the applicable agencies of the Township, such as the Planning Commission, and the Environmental Advisory Council, the Township Engineer and the Township Solicitor, as well as the County Planning Agency), and which development has not been constructed, implemented, or acted upon by the developer or such developer's assignees, and/or which development plans have not been recorded in the Offices of the Recorder of Deeds, as required by the Municipalities Planning Act, or which Plat, Subdivision Plan, Site Plan or such other submission has not been appropriately recorded in any other office as required, may, if the time limits for continuance of the same or completion of the same have expired, be resubmitted directly to the Township Council for action to obtain the necessary re-approvals (without the necessity of resubmitting the same or recording of the same to the Planning Commission, Environmental Advisory Council, the County Planning Agency, or any other applicable agency or require any additional hearings upon the same), provided that such submission or application for re-approval shall be submitted to the Township Engineer for his review and approval shall:

1. Have been filed within one (1) year from the date that the original submission would or did expire, and,
2. The Subdivision Plan, Site Plan, or re-submission shall not have changed in any respect, and that all of the lots, sites, structures, easements, and other required data shown on such plan shall remain exactly the same as the original submission, and
3. No amendment has been made to the Subdivision ordinance, the Zoning Ordinance, or other applicable Ordinance of the Township, which would be applicable to the submission or development in question, (unless the submission or application shall be protected by the provisions of Section 508 of the municipalities Planning Act of Pennsylvania, Act 247 of 1968, as amended, or any other Section of the Municipalities Planning Act which may be applicable thereto) and, the developer or applicant seeking re-approval shall not be in default or shall not have breached any developer's agreement entered into between the developer, or applicant, and the Township, and,
4. No application or submission has been made to the Township of Hampton for a different activity or type of development involving the same land, since the date of the original approval for the land involved, and,
5. The developer or land owner submitting the application for re-approval is able to demonstrate good cause why the approval had not been recorded or acted upon by the developer or landowner within the appropriate time period. The Township Council, may, in its discretion, after having reviewed such submission for re-approval, approve the application or submission and establish a new expiration date within which the re-approved application must be recorded, or acted upon, or the Township Council may deny the application for re-approval, and require the developer or landowner to proceed anew following the entire review process required for an original application.

ARTICLE 19: AMENDMENTS TO THE ORDINANCE

The regulations, restrictions and zoning district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed provided that no such action may be taken until after a public hearing upon such proposal.

19.100 Initiation

An amendment, supplement, change or repeal of this Ordinance may be initiated by:

19.110 A resolution or request by the Township Council;

19.120 An official proposal by the Planning Commission; or

19.130 A petition presented to the Township by a landowner, as defined herein.

19.200 Procedure

19.210 Upon receipt of a petition for an amendment to this Ordinance or its map, the Planning Commission and the Environmental Advisory Council shall review the proposal and submit recommendations, with specific reasons in support of either adopting or rejecting the proposal to the Township Council within sixty (60) days of referral of the petition.

19.220 The Planning Commission may hold a public hearing, pursuant to public notice, if it feels the proposal is of such a controversial nature or is so widespread in its jurisdiction that additional testimony should be gathered.

19.230 Requirements

- a. In the case of a petition to change a zoning district boundary, such petition shall be signed by the property owner proposing the amendment. The petition shall contain the legal description of the area proposed to be rezoned.

If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

Owners of property situate within the area for which a zoning change is being sought shall be informed by first class mail at their addresses of record by letter, sent at least thirty (30) days prior to the hearing indicating the date, time and place of the hearing.

Owners of property within three hundred (300) feet of any boundary of a property or properties for which a change in the zoning district is being sought, shall be informed by first class mail at their addresses of record by letter, sent at least fifteen (15) days prior to the hearing, indicating the date, time and place of the hearing.

- b. In the case of a petition to change the text of this Ordinance, such petition shall bear the names of at least ten (10) property owners in the Township, not more than one (1) such representing any one property. The proposed text change shall be specifically stated in the petition. Petitions shall attest that the requirements of this paragraph have been met.

19.240 The Township Council shall review the Planning Commission recommendations and shall call a public hearing, pursuant to public notice, after which the Township Council shall vote approval or disapproval of the proposed amendment within ninety (90) days of the conclusion of the hearing.

19.250 When the Township Council proposes an amendment it shall allow the Planning Commission at least thirty (30) days to review the proposal and submit recommendations before holding a public hearing.

19.260 Before holding a public hearing the Township Council shall submit the proposed change to the Allegheny County Planning Agency at least thirty (30) days prior to the hearing for recommendation, stating the date of of the scheduled hearing.

19.270 If a proposed amendment is revised before final approval to include property not previously affected or to further alter the text, the Township Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the change.

19.280 Appeal from a decision of the Township Council on an amendment proposal shall be to the Allegheny County Court of Common Pleas.

19.300 Rehearing

If a petition for amendment, supplement, change or repeal of this ordinance is denied by the Township Council another petition for a similar change shall not be filed within a period of one (1) year from the date of denial, except upon the initiation of the Township Council or with the recommendation of, or upon the initiation of, the Planning Commission based upon a change in circumstances which would warrant a rehearing.

19.400 Procedure for Landowner Curative Amendments

- 19.410 A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 (a) of the Municipalities Planning Code. The governing body shall commence a hearing thereon within sixty (60) days of the request. The curative amendment and challenge shall be referred to the planning agency or agencies as provided in Section 609.1 (a) of the Municipalities Planning Code and notice of the hearing thereon shall be given as provided in Section 908 of the Municipalities Code.
- 19.420 The hearing shall be conducted in accordance with Section 15.230 and all references therein to the Zoning Hearing Board shall, for purposes of this section be references to the governing body. If a municipality does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and/or map, but only for those provisions which specifically relate to the landowners curative amendment and challenge.
- 19.430 The governing body of a municipality which has determined that a validity challenge has merit may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The governing body shall consider the curative amendment, plans and explanatory material submitted by the landowner and shall also consider:
- a. the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

- b. if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
- c. the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- d. the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- e. the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

19.500 Procedure for Municipal Curative Amendments.

If a Township Council determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- 19.510 A Township Council shall declare by formal action, its zoning ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the governing body of the municipality shall:
 - a. references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. reference to a class of use or uses which require revision; or
 - c. reference to the entire ordinance which requires revisions.
- 19.511 By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
 - a. references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. reference to a class of use or uses which require revision; or
 - c. reference to the entire ordinance which requires revisions.
- 19.512 Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.

- 19.520 Within 180 days from the date of the declaration and proposal, the Township Council shall enact a curative amendment to validate or reaffirm the validity of, its zoning to validate, or reaffirm the validity of, its zoning ordinance pursuant to the provisions required by Section 19.200 in order to cure the declared invalidity of the zoning ordinance.

- 19.530 Upon the initiation of the procedures as set forth in Section 19.510, the governing body shall not be required to entertain or consider any landowner's curative amendment filed under Section 19.400 nor shall the Zoning Hearing Board be required to give a report request under Section 15.400 and or 15.530, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Section 19.511 (a). Upon completion of the procedures as set forth in Section 19.510 and 19.511, no rights to a cure pursuant to the provisions of Sections 15.530 and 19.400 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended zoning or ordinance for which there has been a curative amendment pursuant to this section.

- 19.540 A Township Council having utilized the procedures as set forth in Sections 19.510 and 19.520, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its zoning ordinance, pursuant to Section 19.520 provided, however, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon the Township Council by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township Council may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

ARTICLE 20: VIOLATIONS

- 20.100 Any person, partnership or corporation, who or which has violated or permitted the violation of the provisions of this zoning ordinance as enacted and amended pursuant to Act 247 shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed 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 judgments, cost and reasonable attorney fees collected for the violation of Zoning Ordinances shall be paid over to the Township.
- 20.200 The Court of Common Pleas, upon petition, may grant an order of stay, tolling the per diem fine pending a final adjudication of the violation and judgment.
- 20.300 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.

ARTICLE 21: SCHEDULE OF FEES

21.100 General Requirements

21.110 The Township Council, shall, from time to time, establish, by resolution, a schedule of fees, charges, and expenses, and a collection procedure, for building permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be made available in the Township Office and may be amended only by official action of the Township Council.

21.120 No permit, certificate, application, or variance shall be issued unless, or until such costs, charges, fees or expenses have been paid in full; nor shall any action be taken on proceedings before the Zoning Hearing Board unless or until preliminary charges and fees have been paid in full.

ARTICLE 22: CONSTITUTIONALITY, SEVERABILITY, OR INVALIDITY

The provisions of this Ordinance are severable and, if any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance and each section, subsection, sentence, clause and phrase hereof has been prepared, proposed, adopted, approved, and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

ARTICLE 23: REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect, except however those portions of Ordinances 39, 58, 63 and 84 needed to give this Ordinance full force and effect.

ARTICLE 24: EFFECTIVE DATE

This ordinance is necessary for the immediate preservation of the public health, safety, morals, and general welfare and shall be effective immediately upon its passage and publication.

Duly presented and adopted at the meeting of the Council of Township of Hampton, Allegheny County, Pennsylvania, held on the 22nd day of October, 2003.

ATTEST:

TOWNSHIP OF HAMPTON


TOWNSHIP MANAGER


PRESIDENT OF COUNCIL

APPROVED this 22nd day of October, 2003.

WITNESS:

