

**BOROUGH OF SWARTHMORE  
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 05 OF 2023

**AN ORDINANCE OF THE BOROUGH OF SWARTHMORE, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING SECTION 1242.99 OF THE SWARTHMORE BOROUGH ZONING ORDINANCE ENTITLED “PENALTY,” FOR PURPOSES OF CONFORMING THE PENALTIES FOR VIOLATIONS OF THE ZONING ORDINANCE TO THE REQUIREMENTS OF THE MUNICIPAL PLANNING CODE**

WHEREAS, the Pennsylvania Municipalities Planning Code (the “MPC”) governs the remedies that may be imposed for violations of a municipality’s zoning ordinance; and

WHEREAS, the Borough Council desires to update its Zoning Ordinance to conform the provision regarding penalties for violations of the Zoning Ordinance to those authorized by the MPPC.

NOW THEREFORE, IT IS HEREBY enacted and ordained by the Borough Council as follows:

**Section 1. Amendment of Section 1242.99 of the Zoning Ordinance Entitled “Penalty.”** Section 1242.99 of the Codified Ordinances of Swarthmore, entitled, “Penalty,” is hereby deleted in its entirety and replaced with the following:

Section 1242.99. Penalties.

(a) In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the Borough, or the Zoning Officer in the name of the Borough, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land or to prevent in or about such premises, any act, conduct, business or use constituting a violation. In addition to other remedies, the Borough may exercise any and all of the enforcement remedies set forth and pursuant to the requirements of the Pennsylvania Municipalities Planning Code, as amended, Section 617, which are incorporated herein by reference and made part hereof. See 53 P.S. § 10617

(b) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. Each day that a violation continues shall constitute a separate violation.

**Section 2. Severability:** The provisions of this Ordinance are severable, and if any sections, sentences, clauses, parts or provisions thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted as if such

illegal, invalid or unconstitutional, sections, sentences, clauses, parts or provisions had not been included therein.

**Section 3: Saving Provision:** Nothing in this Ordinance, as hereby amended, shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under this Ordinance prior to the adoption of this amendment.

**Section 4: Immediate Effect:** This Ordinance shall take effect and be in force from and after its approval of this amendment.

**ENACTED AND ORDAINED,** by the Borough of Swarthmore, Delaware County, Pennsylvania, this 11<sup>th</sup> day of September, 2023.

**BOROUGH OF SWARTHMORE**

Attest:

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Mary J. Walk, Council President

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William Webb, Borough Manager/Secretary

Approved this 11<sup>th</sup> day of September, 2023

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Martin Spiegel, Mayor