

## **Amended Bylaw #1 “Notice of Zoning Hearing”**

WHEREAS, the Township of Bethlehem, hereinafter the “Township”, did, the 15<sup>th</sup> day of December, 1997, promulgate a Zoning Ordinance, hereinafter the “Ordinance”, which Ordinance took effect the 20<sup>th</sup> day of December, 1997; and

WHEREAS, the Zoning Ordinance was adopted by Bethlehem Township Ordinance #8-97, and was most recently amended on April 1, 2010; and

WHEREAS, the Ordinance does, at Section 275-11.D.3, empower the Zoning Hearing Board, hereinafter the “Board”, of the Township to enact those bylaws necessary to fulfill the mandates of the Ordinance; and

WHEREAS, 53 P.S. 10908(1), “The Municipal and Quasi-Municipal Corporation Law”, hereinafter the “Statute”, requires that public notice of a zoning hearing take that form as prescribed by the Township Ordinance or by rule of the Board;

NOW THEREFORE, the Board, authorized aforesaid to enact bylaws as may be necessitated to comply with the above Statute and Ordinance, does, by unanimous consent of the Board, and after public hearing, propound the following bylaws:

1. Should an applicant or petitioner seek to place a matter upon the formal agenda of the Board for consideration at the time of zoning hearing, the applicant-petitioner shall maintain the sole burden of establishing at time of public hearing that the applicant-petitioner has complied with the notice requirements reflected in the present bylaws.
2. It shall be the responsibility of the applicant-petitioner to obtain the current name and address of each other of real estate, and the accompanying Northampton County tax parcel identification number of every parcel of real estate, any portion of which exists within 400 feet of the lot lines of the subject lot, except such distance shall be reduced to 200 feet if an application only involves a side or rear yard setback for a dwelling or an accessory use to a dwelling. The above information shall be accompanied by a map depicting the parcel identification numbers, and identifying each such neighboring parcel in relationship to the real estate subject to the zoning appeal.
3. The applicant-petitioner shall, at time of submission of the application, present the above information to the Bethlehem Township Zoning Administrator, who shall thereon tender to the applicant-petitioner the form of written notice which must be submitted by the applicant-petitioner to the surrounding neighbors advising the latter of the date, location, and nature of the zoning hearing and zoning remedy or remedies sought.
4. The applicant-petitioner must correctly complete the written notice, and submit same to the surrounding neighbors, either through the U.S. Mail, or by personal service, within seven (7) days prior to the hearing. Proof of this service must be submitted at time of the formal zoning hearing. Proof of personal service shall be submitted at time of the zoning hearing by affidavit as required by the Board. Proof of First Class or similar mailing through the U.S. Mail shall be submitted by introduction of a postal receipt, or similar proof that such mailing

was timely pursued, with presentation to the Board at the time of hearing of any returned or unclaimed mailings.

5. The Township, Board, and Zoning Administrator shall only maintain the responsibility of advertising the formal zoning hearing in a newspaper of general circulation as required by the above Statute.
6. It shall be the responsibility of the Township Office Staff at least one week prior to the date of the public zoning hearing to conspicuously post upon the real estate written notice of the zoning hearing as required by law. At the time of the hearing, the Zoning Administrator or his authorized representative shall present testimony confirming that posting of notice has been successfully accomplished.
7. If it is alleged that compliance with the notice provisions has not occurred, the Board may entertain testimony to determine if good faith was duly exercised. Should the Board rule that good faith occurred permitting the petitioner to proceed, the petitioner may then proceed at his or her peril, subject to possible objection by the party who may not have received notice.
8. Where a neighboring property is titled in the name of an entity other than a human being, notice may be addressed or delivered to the secretary of such entity at the address listed at the Northampton County Courthouse.

These bylaws have, this \_\_\_\_ day of \_\_\_\_, 2018, been adopted by the members of the Zoning Hearing Board after discussion and vote at public meeting.

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Stephen M. Szy



David Chismar



Paul Weiss



Rodman Law

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Richard Pelizzoni