

ORDINANCE NO. 5 -2002

**AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION, OR ENLARGEMENT OF ANY BUILDING; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; AND PROVIDING FOR PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.**

The following is hereby enacted and ordained by Supervisors of Fishing Creek Township, Columbia County, Pennsylvania.

Section 1. Statement of Intent

- A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the construction of any new building or the construction of any addition or enlargement to any existing building, unless an approved building permit has been obtained from the Building Permit Officer.
- B. A building permit shall not be required for repairs to existing buildings.

Section 2. Definitions

For the purposes of this ordinance, the following definitions shall apply:

- A. Building- a combination of materials to form a permanent structure having walls and a roof, with water and sewage facilities, and intended to be used for human habitation. Included shall be all mobile homes and trailers to be used for human habitation.
- B. Construction- the act of assembling the materials to form a building. In the case of a mobile home or trailer, construction shall refer to those acts associated with the placement of a mobile home or trailer upon realty located within the geographical confines of the Township.
- C. Person - any person, persons, partnership, business or corporation.
- D. Building Permit Officer - that person appointed by resolution of the Board of Supervisors to administer and enforce the provisions of this Ordinance.
- E. Township - Fishing Creek Township, Columbia County, Pennsylvania.

### Section 3. Application Procedure

Application for such a building permit shall be made in writing to the Building Permit Officer on forms supplied by the Township. Such application shall contain at least the following:

- A. Name and address of applicant.
- B. Name and address of owner of land on which proposed construction is to occur.
- C. Name and address of contractor.
- D. Site Location.
- E. Brief description of proposed work and estimated cost.
- F. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings.

### Section 4. Issuance of Permit

The Building Permit Officer shall issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations.

### Section 5. Permit Changes

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without written consent or approval of the Building Permit Officer.

### Section 6. Placards

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

### Section 7. Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction shall be considered to have started with the first placement of permanent construction of the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a building without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling; excavation for basements, footings, piers, or foundations; erection of temporary forms; the installation of piling under proposed subsurface footings; or the installation of sewer, gas, and water pipes, or electric or other service lines from the street.

Section 8. Inspection and Revocation

During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Board of Township Supervisors for whatever action it considers necessary.

Section 9. Fees

Applications for a building permit shall be accompanied by a fee, payable to the Township, based upon the estimated cost of proposed construction as determined by the Building Permit Officer at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$ 0.00 to \$2,000.00	\$20.00
Each additional \$1,000.00 or part thereof beyond the first \$2,000.00	\$1.00 per thousand

The Township Supervisors may by resolution from time to time revise the fee schedule.

Section 10. Appeals

Any person aggrieved by the Building Permit Officer's estimate of the cost of the proposed construction may appeal to the Township Supervisors. Such appeal

must be filed, in writing, within thirty (30) days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Township Supervisors shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination of the estimated cost by the Township Supervisors shall be final in all cases.

#### Section 11. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee the municipality shall be guilty of a summary offense and, upon conviction, shall pay a fine to the Township of Five Hundred (\$500.00) Dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this ordinance. The imposition of a fine or penalty for any violation or, or non-compliance with, this ordinance shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time. Any building constructed or enlarged in non-compliance with this ordinance may be declared by the Township Supervisors to be a public nuisance and be abatable as such.

#### Section 12. Severability Clause

If any section, paragraph, sentence or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

#### Section 13. Effective Date

This Ordinance shall become effective at the earliest permissible date

under applicable law.

Adopted this 12<sup>th</sup> day of September, 2002.

BOARD OF SUPERVISORS OF  
FISHING CREEK TOWNSHIP

Randy A. Hack

Roy W. Beishline

Randall Laubach

ATTEST:

Patricia M. Russo  
SECRETARY

(SEAL)