

FISHING CREEK TOWNSHIP
PRE-CONSTRUCTION ORDINANCE NO. 01-2018
COLUMBIA COUNTY, PENNSYLVANIA

This Ordinance supersedes all prior Pre-Construction Ordinances and any updates to the Pre-Construction Ordinance. The following is hereby enacted and ordained by Supervisors of Fishing Creek Township, Columbia County, Pennsylvania.

Section 1. STATEMENT OF INTENT

It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, any construction unless an approved Pre-Construction Permit has been obtained from the Permit Officer.

A. A building permit shall be required for any the construction of any new building, construction of any addition or enlargement to any existing building

B. A building permit shall be required for the erection, construction, or placement of detached utility and miscellaneous use structures, such as private garages, carports, greenhouses, gazebos and sheds accessory to single family homes, if greater than 500 square feet in building area.

C. Where detached utility and miscellaneous use structures, such as private garages, carports, greenhouses, gazebos and sheds accessory to single family homes of 500 square feet or *less* in building area are connected to a utility, an appropriate permit for the utility connection is required. A utility is any electric, gas (including propane tanks), water, or sewer service.

D. A building permit shall be required for residential alterations or repairs which involve utilities

E. Before a recreational cabin occupancy is changed to a permanent residential occupancy, the owner must, in addition to all other requirements:

(1) Obtain a permit from the Township;

(2) Obtain a septic inspection and bring any on-site septic system into compliance with currently existing codes and regulations;

(3) Obtain a building permit and upgrade the structure to comply with existing codes and required inspections; and,

(4) Receive an occupancy permit from the appropriate agency.

F. A Pre-Construction Permit shall not be required for repairs to existing buildings that do not involve utilities.

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. 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

The Supervisors, by duly adopted resolution, shall from time to time establish the form for the Pre-Construction Permit and application therefor. The application shall require the applicant for the Pre-Construction Permit to describe the nature and scope of work contemplated.

Section 4. ISSUANCE OF PERMIT

Upon submission of the properly completed application and payment of applicable fee therefor, the Permit Officer shall issue a Pre-Construction Permit. The issuance of a Pre-Construction Permit is a condition precedent to the commencement of construction; however, the issuance of the Pre-Construction Permit shall not be considered an authorization to proceed with construction, except in those instances where the proposed construction is not subject to the Pennsylvania Uniform Construction Code. All construction within the Township must be in compliance with all applicable ordinances, laws, ordinances and regulations.

Section 5. PERMIT CHANGES

After the issuance of a Pre-Construction Permit by the 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 Permit Officer.

Section 6. PLACARDS

In addition to the Pre-Construction Permit, the 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 Pre-Construction Permit, the date of its issuance and be signed by the 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 Pre-Construction Permit or the permit shall expire unless a time extension is granted, in writing, by the 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 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. In the event the Permit Officer discovers that the work does not comply with the permit application or that there has been a false statement or misrepresentation by any applicant, the Permit Officer shall report such violation to the Board of Township Supervisors for whatever action it considers necessary.

Section 9. FEES

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

BUILDING PERMITS

\$0.00 to \$2,000.00	\$40.00
Each additional \$1,000.00 or part thereof beyond the first \$2,000.00	\$ 2.00

BUILDING PERMITS IN FLOOD ZONE

\$0.00 to @2,000.00	\$50.00
Each additional \$1,000 or part thereof beyond the first \$2,000.00	\$ 2.00

Additional permits are required for driveways, and demolition of buildings.

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

Section 10. APPEALS

Any person aggrieved by the 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 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

- A. Any person who begins construction without first obtaining the proper permits from the Township Permit Officer shall be assessed a penalty of double the applicable permit fee.

- B. 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 Permit Officer or any other authorized employee of the Township shall be guilty of a summary offense.
- C. Any person shall be guilty of a summary offense when such person:
 - 1. Violates any provision of this Ordinance; or
 - 2. Fails to comply with any condition or requirement in accordance with any provision of this Ordinance.
- D. A separate summary offense shall arise:
 - 1. For each day or portion thereof in which a violation is found to exist; or
 - 2. For each provision of this Ordinance which is found to have been violated; or
 - 3. For each condition of requirement of this Ordinance which is found not to have been complied with.
- E. Any person, upon conviction of any summary offense under this Ordinance, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs per violation, and, may be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses.
 - 1. The enforcement of any violation of this Ordinance as being a summary offense shall be brought by an appropriate action before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. As permitted by the Second Class Township Code, 53 P.S. §66601(c.1)(2), the Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under the Pennsylvania Rules of Criminal Procedure relating to trial in summary cases.
- F. All fines and costs collected for any violation as prescribed in this Ordinance shall be paid to the Township Secretary/Treasurer.
- G. The Board may institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate a violation of this Ordinance. Such action or proceeding shall be in addition to all other remedies available to the Township under the provisions hereof.
- H. 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.

Section 12: EXCEPTIONS

This Ordinance does not pertain to construction in the flood zone. In instances where proposed construction is in the flood zone, applicant must obtain a pre-construction permit from the Township. Applicant must then follow the current Fishing Creek Township Floodplain Ordinance. Restrictions apply in certain locations.

Section 13. SEVERABILITY CLAUSE

If any section, paragraph, sentence or phrase of this ordinance should be declared invalid for any reason whatsoever, such declaration 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 14. EFFECTIVE DATE

This ordinance shall become effective the 3rd of April, 2018

TOWNSHIP OF FISHING CREEK SUPERVISORS

BY: James L. Kline
CHAIRMAN

BY: Carl H. Bepko
VICE-CHAIR

BY: Jerry R. Besthe
SUPERVISOR

ATTEST:

Cheryl Kindt
SECRETARY

(SEAL)