

ORDINANCE NO. 1-75

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT OR EXEMPTION CERTIFICATE FOR THE CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, OR RELOCATION OF ANY BUILDING OR STRUCTURE: 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 the
Board of Supervisors of the Township of Middle Town,

Susq. 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, reconstruction, enlargement, or relocation of any building or structure unless an approved building permit or exemption certificate has been obtained from the Municipal Building Permit Officer.
- B. A building permit or exemption certificate shall not be required for repairs to existing buildings or structures, provided that no structural changes are involved.

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. Included shall be all mobile homes and trailers to be used for human habitation.
- B. Person-any person, persons, partnership, business or corporation.
- C. Structure-a combination of materials to form anything permanently affixed to or in the ground or to any other building or structure permanently affixed to or in the ground. Included shall be such things as driveways, carports, porches, swimming pools, etc.
- D. Flood Hazard Area-that area having a flood frequency of once every 100 years.

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 municipality. 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, if other than applicant.

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 or structures

Section 4.

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

B. Issuance of Exemption Certificate-the Building Permit Officer shall promptly issue an Exemption Certificate when it has been determined that the proposed construction is not within the flood hazard area. In areas outside the flood hazard area no regulations shall apply and no inspection shall be required.

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, without notifying the Building Permit Officer.

Section 6. Posting

The Building Permit or Exemption Certificate shall be displayed on the premises during the time construction is in progress.

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 exemption certificate or the permit shall expire unless a time extension is requested in writing, to 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 structure 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 basement, 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 except when the exemption certificate has been issued 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 Supervisors for whatever action it considers necessary.

Section 9. Fees

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

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 to \$1,000.00	\$5.00
Each additional \$1,000.00 or part thereof beyond the first \$1,000.00	\$1.00

- B. Application for exemption certificate shall be accompanied by a fee payable to the municipality in the amount of one dollar and fifty cents (\$1.50).

Section 10. Appeals

Any person aggrieved by the Building Permit Officer's estimate of the cost of the proposed construction may appeal to the Board of 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 Board of Supervisors shall appoint a three person Hearing Committee of impartial parties of which 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 Hearing Committee 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 of the municipality shall be guilty of an offense and, upon conviction,

shall pay a fine to Township of _____ of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) 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 of, or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any structure or building constructed, reconstructed, enlarged, or relocated, in non-compliance with this ordinance may be declared by the Board of Supervisors to be a public nuisance and 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 on Dec
30, 1975, and shall remain in force until...
modified, amended, or rescinded, by the * Supervisor
of Middletown Twp. **, _____,
Susp. _____ County, Pennsylvania.
Adopted this 6th day of October
_____, 1975.

Signed: _____

Andrew Condon

Robert H. Davis

Attest:

Robert H. Davis