

# **GREAT BEND TOWNSHIP**

## **ORDINANCE # 53**

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO ABIDE BY THE FOLLOWING RULES AND REGULATIONS UPON NEW CONSTRUCTION AND DEVELOPMENT WITHIN THE TOWNSHIP OF GREAT BEND.

BE IT ENACTED AND ORDAINED BY the Township of Great Bend, Susquehanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

### Section 1.0 – Statement of Intent

The intent of this Ordinance is to promote the general health, welfare, and safety of the community.

### Section 1.1 – Abrogation and Greater Restrictions

This Ordinance supersedes any provisions currently in effect. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

### Section 1.2 – Severability

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

### Section 1.3 – Municipal Liability

This Ordinance shall not create liability on the part of the Municipality or any officer or employee thereof for any damages, that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

### Section 2.0 – Setback Requirements

1. No building or structure, or any addition to an existing building or structure, shall be constructed within thirty five (35) feet of the front lot line.
2. No building or structure, or any addition to an existing building or structure, shall be constructed within ten (10) feet of the side lot line.
3. No building or structure, or any addition to an existing building or structure, shall be constructed within ten (10) feet of the rear lot line.
4. The minimum required setback from all bodies of water at the normal high water mark shall be not less than seventy-five (75) feet.

### Section 3.0 – Nonconforming Uses

The regulations prescribed in this Ordinance shall not be construed to require removal or other changes or alterations of any structure not conforming to the regulations set forth herein existing as of the effective date of this Ordinance. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction, or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

### Section 4.0 – Variance

Any person desiring to erect, alter, or construct a building or structure not in compliance with the regulations set forth herein, may apply to the Board of Appeals for a variance from such regulations. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty, unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Any variance granted may be made subject to any reasonable conditions that the Board of Appeals may deem necessary to effectuate the purposes of this Ordinance.

#### Section 4.1 – Variance Request

A request for variance must be addressed in writing to the Board of Appeals stating reason for request and all pertinent information relating to the request. A hearing will be scheduled within forty-five (45) days of receipt of such request. The Board of Appeals will have thirty (30) days to deliver its decision.

### Section 5.0 – 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 Official or any other authorized employee of the Municipality, shall be guilty of an offense and, upon conviction shall pay a fine to the Municipality of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), plus costs of prosecution, filing, attorney, mileage, service, constable, witness, and wages. 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 noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time.

### Section 6.0 – General

Upon specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

#### Section 6.1 – Specific Definitions

- A. LOT LINE – any boundary line of a lot.
- B. FRONT LOT LINE – any dividing line between the street and the lot. The dividing line between the street and the lot shall be the same as the legal right-of-way for the street provided where a future right-of-way width for a road or street has been

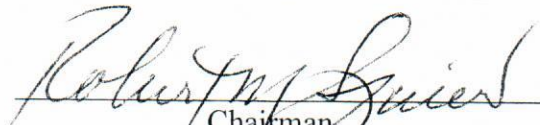
- established, that width shall determine the location of the dividing line between the street and the lot. A lot may have more than one front lot line if it borders upon more than one roadway or street. In the case of a lot with no street or road frontage, the line closest to any public roadway or street shall be considered the front lot line.
- C. SIDE LOT LINE – any lot line which is not a front lot line or a rear lot line. In the case of triangular lot those lot lines other than the front lot line shall be considered side lot lines.
- D. REAR LOT LINE – any lot line which is parallel to or within forty-five (45) degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line the farthest from any street shall be considered a rear lot line. Where there is only one lot line other than front lot lines, it shall be considered the rear lot line.
- E. STRUCTURE – anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, barns, other out buildings, and other similar items.
- F. BOARD OF APPEALS – constitutes the Board of Supervisors or its designees.

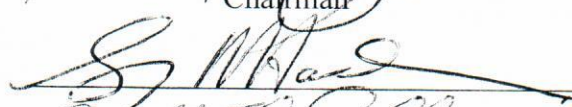
Section 7.0 – Effective Date

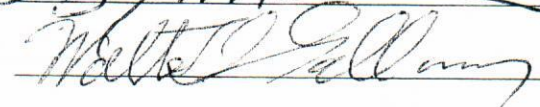
This Ordinance shall become effective on April 4<sup>th</sup>, 2005, and shall remain in force until modified, amended, or rescinded by the Township of Great Bend, Susquehanna County, Pennsylvania.


Adopted this 4<sup>th</sup> day of April, 2005.

Great Bend Township Board of Supervisors

  
Chairman





Attest:   
Secretary

SEAL