

Rec 4/4/96 mf
COPY

ORDINANCE NO. 96-2

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT 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 OF PROVISIONS OF THIS ORDINANCE.

The following is hereby enacted and ordained by the Board of Supervisors of the Township of Franklin, Susquehanna County, Pennsylvania, in regular meeting and in exercise of the powers authorized in "The Second Class Township Code" (53 P.S. 65101.) as follows:

SECTION 1. STATEMENT OF INTENT

- A. There shall be a building permit obtained by the contractor or landowner before any earth is moved or disturbed, from the appropriate Township official,
- B. 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 has been obtained from the Municipal Building Permit Officer.
- C. A building permit shall not be required for repairs to existing buildings or structures, provided that no structural changes are involved.
- D. A satisfactory percolation test, or other approval by the Sewer Inspector, shall be mandatory for all new structures (including placement of mobile homes), which require on-site sewage systems, before building permit will be issued.
- E. A driveway permit is required before a building permit is issued.
- F. When necessary to build a driveway to provide access to a public road, a standard sluice pipe of the minimum of fifteen inches in diameter shall be installed at property owner's expense.
- G. All new buildings or structures shall be erected and placed a minimum of fifty (50) feet from the center of any public highway.
- H. Sides and rear overhang of buildings shall be at least ten (10) feet distance from the property boundary line. This



Section applies to new buildings or additions to existing structures.

I. Any contractor performing any work or construction as defined in the Ordinance shall obtain the required building permit or have a copy of the same as requires herein prior to the beginning of any construction, demolition or alteration of any structure within Franklin Township.

J. No building permit shall be issued for any property which will require access to a highway under the jurisdiction of the Department of Transportation, unless the permit contains a notice that highway occupancy permit is required pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," (FNIPP) before driveway access to a State highway is permitted.

SECTION 2. DEFINITIONS

For the purpose of this ordinance 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 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, ect. in ground or above.

D. Flood Hazard Area - that area having a flood frequency of once every 100 years.

E. Recreational Vehicle: A vehicle with or without motive power which may be towed or driven on the public highways by passenger automobile without special hauling permit, and which is designed for human occupancy under transient circumstances, such as camping, travel, or other recreation, sometimes variously known as "travel trailer" or a "camping trailer" or "mobile home".

F. No recreational vehicle shall be erected and maintained for living purposes in this (municipality) except in a duly licensed mobile home park or campground, unless connected to its own septic. Unoccupied recreational vehicle may be parked or stored in a private garage, carport, or rear or side yard, but same shall not be stored or parked on a public road. Exception: This shall not apply to a recreational vehicle if occupied on a temporary basis if no



more than fifteen (15) days in a thirty (30) day period unless recreational vehicle is on a separate parcel of land with its own water, septic and electric.

G. Mobile homes - means a transportation, single family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

SECTION 3. APPLICATION PROCEDURES

Application for such building permit shall be made in writing to the building Permit Officer of 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 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 site and location of the proposed construction as well as any other existing buildings or structures.

SECTION 4. 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 application requirements and regulations.

SECTION 5. PERMIT CHANGES

After the issuance of the 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 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 twelve (12) months after the date of the issuance of the building permit 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 of 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 installment of sewer, gas, and water pipe, or electrical or other service lines for the street or highway.

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 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

Application 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:

00.00 to \$2,000.00 - Permit Fees shall be \$25.00

\$2,001.00 and over - Permit Fees shall be \$2.00 for each additional \$1,000.00 or fraction thereof over \$2,000.00



In determining the cost basis of the construction of any structure as defined in the Ordinance, the cost of labor, foundation and excavation as well as materials shall be calculated in determining the cost of the building permit as issued. The Township may require a signed contract detailing the costs between the contractor and owner to be provided before the issuing of any building permit required hereto.

Should the fees present under this ordinance be subject to change in future the same shall be changed by adoption of resolution by the Board of Township Supervisors.

SECTION 10. APPEALS

Any person aggrieved by the Building Permit Officer or authorizing official'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 the Township of Franklin of Three Hundred (\$300.00) 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 the 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-compliance within a reasonable time. Any structure of 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 the ordinance are hereby declared to be severable.

ORDAINED AND ENACTED at a duly assembled public meeting by the Township Supervisors of Franklin Township, this 2nd day of April , 1996.


Township Supervisor


Township Supervisor


Township Supervisor

Attest:

