

TOWNSHIP OF HERRICK

ORDINANCE No. 38

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO ABIDE BY THE FOLLOWING RULES AND REGULATIONS UPON DEVELOPMENT OF A HABITABLE STRUCTURE WITHIN THE TOWNSHIP OF HERRICK, SUSQUEHANNA COUNTY, PENNSYLVANIA.

BE IT ENACTED AND ORDAINED BY the Township of HERRICK, 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 – Issuance of Building Permit

- A. No building permit for any type of structure shall be issued without first obtaining a sewage disposal system permit, if necessary and required by the Pennsylvania Sewage Facilities Act 537. Any applicant for a building permit must obtain a sewage disposal system permit or demonstrate that no such permit is required prior to the issuance of any building permit.
- B. Prior to the issuance of any building permit the building permit officer shall review the application for permit to determine if all other necessary government permits such as those required by State and Federal laws have been obtained, such as those required by the Dam Safety and Encroachments Act; the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act. No permit shall be issued until this determination has been made.

### Section 3.0 – 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 one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00), 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 4.0 – General

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

### Section 5.0 – Effective Date

This Ordinance shall become effective on April 7, 2008, and shall remain in force until modified, amended, or rescinded by the Township of HERRICK, Susquehanna County, Pennsylvania.

Adopted this 7<sup>th</sup> day of April, 2008.

Board of Supervisors of HERRICK Township

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Chairman

David Gray

Nancy Hawatie

Attest: Nancy Hawatie  
Secretary

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