

ORDINANCE NO. 2009-2

PENN TOWNSHIP CONSTRUCTION ORDINANCE

AN ORDINANCE OF THE SUPERVISORS OF PENN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, ADOPTING AND ESTABLISHING REGULATIONS FOR THE ERECTION, RECONSTRUCTION, RESTORATION AND/OR STRUCTURAL ALTERATION OF STRUCTURES, FENCES, DRIVEWAYS AND FIXING PROCEDURES, FEES AND PENALTIES.

In order to comply with the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. 7210.101 - 7210.1103, as amended from time to time, and its regulations of construction under conditions favorable to the health, safety, morals and general welfare of the citizens of the Township, it is hereby ordained by the Supervisors of Penn Township, Cumberland County, Pennsylvania, that the following regulations be adopted and established for said Township.

This ordinance shall be known as and may be cited as the "Penn Township Construction Ordinance."

SECTION 1: DRIVEWAY REQUIREMENTS

A. Prior to the new construction (or relocation) of any driveway that enters or exits to a township road, or any inadequate existing driveway, a new culvert pipe shall be installed. Specifications determining the location, size, length and depth of the pipe will be determined by the Township Roadmaster. Driveways that enter or exit to private roads will be determined by current plot plan.

B. Driveway access to any highway under jurisdiction of the Pennsylvania Department of Transportation shall require a State Highway Occupancy Permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 4228). A copy of this permit must be presented to obtain a Penn Township Permit.

C. At the point of entry of the driveway into the road right-of-way and the paved or improved portion thereof, the surface and grade of road shall not be altered; no material of any kind, temporary or permanent, shall be placed with the improved portion of the road or gutter where the paved or improved area meets the berm; and the work shall not interfere with maintenance, snowplowing and drainage.

D. No driveway permit will be issued without a valid ZONING permit.

SECTION 2: PERMITS

NOTE No UCC Building Permit or Township permit will be issued without a valid zoning permit.

A. No Permit will be issued for new construction or additions unless a valid sewage permit adequate for the final structure has been issued.

B. No building or structure in the township shall be constructed, erected, reconstructed or restored, or structurally altered (hereafter, "constructed" and "construction") without either a UCC Building Permit, or if applicable a Township Permit as defined in this Ordinance, duly issued upon application to the Township; however, no permit, inspection or fee is required if the proposed construction does not meet any of the conditions of this section. A valid ZONING Permit will be required.

1. Construction that is covered under the statewide Uniform Construction Code will require a UCC Building Permit and inspection by the Uniform Construction Code Official(s) designated by the Township.

2. State-owned or commercial buildings shall follow any applicable requirements as specified in the Pennsylvania Construction Code Act, Act 45 of 1999 and as amended, as promulgated by the Department of Labor and Industry.

3. Construction (such as "structures of 1,000 square feet or less") otherwise exempted from the Uniform Construction Code shall be regulated by this Ordinance via a Township Permit as further defined in paragraph (J) below.

4. Any permit issued based on misleading or false information which violates the provisions of this ordinance shall be null and void and of no effect, without the necessity for any proceedings or revocations of nullification thereof; and any work undertaken or use established pursuant to any such permit shall be unlawful.

C. Every application for a UCC Building Permit shall be accompanied by the required fee and by a plot plan drawn to scale and signed by the person responsible for such drawing. If no such plot plan is already available, a survey is required. The plot plan shall indicate:

1. The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected, or of the lot in which it is situated if an existing building.

2. The block and lot numbers as they appear on the latest tax records.

3. The exact size and locations on the lot of the proposed building or buildings or alteration of an existing building and of other existing buildings on the same lot.

4. The dimensions of all yards in relation to the subject building and the distances between such buildings and any other existing buildings on the same lot.

5. The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units the building is designed to accommodate.

6. Such topographic or other information with regard to the building, the lot or neighborhood lots as may be necessary to determine that the proposed construction will conform to the provisions of this Ordinance.

D. Every application for a Township Permit shall be accompanied by the required fee and by a rough sketch signed by the person responsible for such drawing. The rough sketch shall indicate:

1. The shape and approximate dimensions of the lot on which the building is proposed to be erected, or of the lot in which it is situated if an existing building.

2. The block and lot numbers as they appear on the latest tax records.

3. The approximate size and locations on the lot of the proposed building or buildings or alteration of an existing building and of other existing buildings on the same lot.

4. The approximate distances between building being constructed and any other existing buildings on the same lot.

5. Such topographic or other information with regard to the building, the lot or neighborhood lots as may be necessary to determine that the proposed construction will conform to the provisions of this Ordinance.

E. No permit shall be issued for the construction or alteration of any building upon a lot without approved access to a street or highway.

F. No permit shall be issued for any building where the plot plan of such building is subject to approval by the Township except in conformity with the final plot plan approved by the Board of Supervisors of the Township.

G. The permit application and all supporting documentation shall be made in triplicate. On the issuance of a permit, the Township shall return one copy of all filed documents to the applicant.

H. The Township shall, within ten working days after the filing of a complete and properly prepared application, either issue or deny a permit. If a permit is denied the Township shall state in writing to the applicant the reasons for such denial.

I. Every permit shall expire if the work authorized has not commenced within six (6) months after the date of issuance, or has not been completed within twelve (12) months from such date for construction costing less than \$1,000,000. Construction costing \$1,000,000.00 or more must be

completed within thirty-six (36) months from date of issuance. If no zoning amendments or other codes or regulations affecting the subject property have been enacted in the interim, the Township may authorize in writing the extension of either above periods of an additional six months, following which no further work is to be undertaken without a new permit.

J. Township Permits

1. A Township Permit shall be required for all commercial, industrial and residential structures. Utility and miscellaneous use structures (such as, but not limited to, garages, carports, greenhouses, fences and/or sheds accessory to existing structures) regardless of size and/or cost require a Township Permit.

2. Fences for agriculture purposes are exempt.

3. A fee shall be required for Township Permits.

4. The Township will maintain the record of any Township Permit.

SECTION 3: CERTIFICATE OF OCCUPANCY

A. For UCC-regulated activities, a Certificate of Compliance issued by the Uniform Construction Code official(s) must be presented prior to issuance of a Certificate of Occupancy.

B. For UCC-regulated activities, the following shall be unlawful until a Certificate of Occupancy shall have been applied for and issued by the designated Uniform Construction Code official(s) and received by the Township.

1. Occupancy and use of a building erected, reconstructed, restored, structurally altered, moved, or any change in use of existing building.

2. Occupancy, use or any change in the use of the land.

3. Any change in the use of non-conforming uses.

C. No Certificate of Occupancy shall be issued for any land or use requiring plot plan approval by the Supervisors unless and until such plot plan approval has been duly granted. Every certificate of occupancy for which plan approval has been granted shall contain a detailed statement of any condition to which the same is subject.

D. On a form furnished through the Township, application for a Certificate of Occupancy for a new building or for an existing building which has been altered, shall be made after the erection of such building or part thereof has been completed in conformity with the provisions of this Ordinance and in the case of a new building shall be accompanied by an accurate plot plan, or if not available, by a survey showing the location of all buildings as built. The Occupancy Permit is

supplied by the Uniform Construction Code official(s) and provided to the Township. The Township will then provide the Certificate of Occupancy to the applicant.

E. If the proposed use is in conformity with the provisions of this Ordinance and of all other applicable codes and ordinances, a Certificate of Occupancy for the use of vacant land or for a change of use of a non-conforming use, shall be issued by the Uniform Construction Code official(s) within fifteen days after receipt of a properly completed application. If a Certificate of Occupancy is denied, the Township shall state the reasons in writing to the applicant.

F. A certificate of occupancy shall be deemed to authorize, and is required for, both initial occupancy and the continuance of occupancy and use of the building or land to which it applies.

G. A record of all certificates of occupancy shall be kept by the Township and copies shall be furnished on request, to any agency of the Township or to any persons having a proprietary or tenancy interest in the building or land affected.

SECTION 4: FEES

Fee schedules for UCC Building Permits and Township Permits will be set annually by resolution.

SECTION 5: VIOLATIONS AND PENALTIES

A. Violation of any provision or requirement of this Ordinance or violation of any statement, plan, application, permit, or certificate approved under the provisions of this Ordinance shall be considered an offense punishable by a fine of not more than five hundred dollars (\$500), or imprisonment for not more than sixty days, for each offense. Each day that a violation is continued shall constitute a separate offense.

B. The owner, general agent or contractor of a building, premises, or part thereof where such a violation has been committed or does exist shall be guilty of such an offense.

C. Any agent, contractor, architect, builder, corporation or other person who commits, takes part or assists in such violation shall also be guilty of such an offense.

SECTION 6: ENFORCEMENT

The Penn Township Supervisors, code enforcement officer, or other designated official shall be responsible for enforcing the provisions of this Ordinance.

SECTION 7: LIABILITY

Penn Township, its agents, officials, and representatives, shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the provisions of

this Ordinance.

SECTION 8: SEVERABILITY

The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

SECTION 9: INCONSISTENT ORDINANCES REPEALED

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Penn Township, Cumberland County, Pennsylvania, this day of March, 2009.

ATTEST:

**PENN TOWNSHIP
BOARD OF SUPERVISORS,**

PATRICIA SANGIALOSI, Secretary

GARY MARTIN, Chairman

KEN SHEAFFER, Vice Chairman

AMOS SEIDERS, Supervisor