

Rec. 7/16/97  
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ORDINANCE No. 92-1

ARARAT TOWNSHIP

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 FAILURE OR REFUSAL 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 Ararat, Susquehanna 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 has been obtained from the Municipal Building Permit Officer.

B. A building permit shall not be required for repairs to existing buildings or structures, provided that no structural changes in size of the buildings or structures are involved.

Section 2. Definitions.

A. Building - a combination of materials forming a permanent structure having walls and a roof.

B. All mobile homes, trailers, and truck campers to be used for the purpose of full or part time residence and/or human habitation. Excluded: recreational vehicles with valid current motor vehicle registration.

C. Person - any person, persons, partnership, business, corporation or tax exempt organizations, including business, religions, and foundations.

D. Structure - a combination of materials erected 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 carports, porches, swimming pools, decks, garages, gazebos, and detached outbuildings.

E. Permanent Structure - intended to exist or function for a period of more than one year.

F. Temporary Structure - intended to exist or function for a period not to exceed one year.

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G. Building Permit Officer - a person appointed by the Township Supervisors to issue Building Permits and perform related duties.

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 if different from applicant.
- C. Name and address of contractor or contractors, 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 to scale, of the proposed construction, as well as any existing buildings or structures on the site.

Section 4. Issuance of Permit.

A. Issuance of Permit - The Building Permit Officer shall, within ten (10) days after receipt of application, issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations. Non-conforming applications will be denied within ten (10) days indicating the reasons for denial.

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, permit, or any of the plans, specifications submitted with the application, without notifying the Building Permit Officer. Non-conforming changes shall form the basis for revoking the building permit.

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 (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is requested in writing to the Building Permit Officer. Construction

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shall be considered to have started with the first placement of permanent construction of the site, such as 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 included 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 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. The fee shall be set at a rate schedule set by the Township Supervisors under resolution applicable to the discretion of said Township Supervisors.

B. Exclusions - Religious, charitable, municipal tax exempt organizations, shall be exempt from building permit fees, but must apply for building permit.

Section 10. Appeals.

Any person aggrieved by the rejection or revocation of a building permit may appeal to the Board of Supervisors. Such appeal must be filed in writing, within thirty (30) days of the rejection or revocation. Upon receipt of such appeal, The Board of Supervisors shall grant a hearing date to the applicant within ten (10) days nor more than thirty (30)

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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 shall appear and be heard. Failure to appear shall result in dismissal of the appeal.

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 may be charged with an offense of the Ordinance by the filing of a complaint by the enforcement officer with the District Justice, and, upon conviction, shall pay a fine to the Township of Ararat of not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, plus cost of prosecution. In default of such payment, such person may be imprisoned in county prison for a period not to exceed ten (10) days. In addition to a fine or other penalty for violation of this ordinance, the violator shall within thirty (30) days fully comply with the ordinance or remove all construction not in compliance.

In addition to the above penalties all other actions are hereby reserved, including an action in equity for the proper enforcement of this Ordinance.

NOTE: Fines and penalties, especially jail cannot be imposed without due process of law including the right of appeal.

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. Repealer.

All building permit ordinances and amendments adopted by the Board of Supervisors of Ararat Township prior to the effective date of this ordinance are hereby repealed.

Section 14. Effective Date.

This Ordinance shall become effective as of July 13, 1992 and shall remain in force until modified, amended, or rescinded by the Township of Ararat, Susquehanna County, Pennsylvania. It shall be adopted and be effective the 13th day of July 1992.

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PROPOSED BUILDING PERMIT FEES:

Estimated construction cost:

0	to	\$ 1,000.00	.....Fee	\$10.00
\$1,000.00	and more	.....Fee	\$ 1.00 per \$1000.00 or part thereof with a cap limit of \$50.00	

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ORDAINED AND ENACTED this 7<sup>th</sup> day of July 1992.

ATTEST:

*Irene Seney*  
Secretary

ARARAT TOWNSHIP

*Donald M. Stone*  
Township Supervisor

*Richard G. Cottrell*  
Township Supervisor

*Harvey Horn*  
Township Supervisor