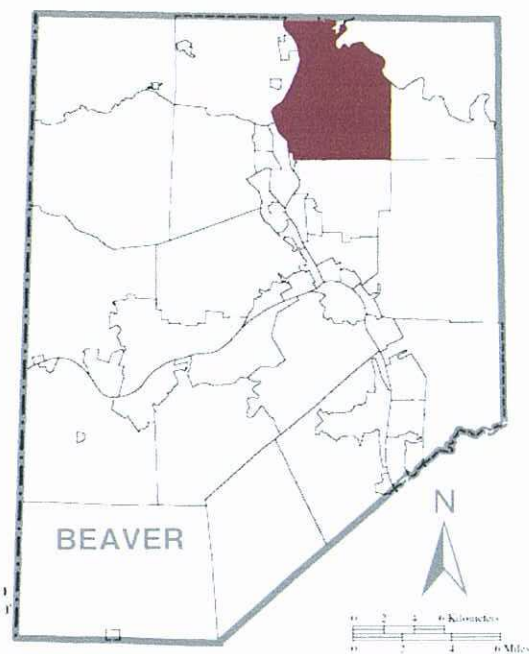


North Sewickley Township Beaver County, PA

Chapter 5 Code Enforcement



CODIFICATION
OF
ORDINANCES

CHAPTER 5
CODE ENFORCEMENT

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CHAPTER 5 CODE ENFORCEMENT

History: Ordinance No. 11, June 27, 1955, repealed by Ordinance No. 30, October, 10, 1972, repealed by Ordinance No. 40, August 9, 1977 as amended by Ordinance No. 65, April 12, 1988 and repealed by Ordinance No. 87, June 9, 1994; and Ordinance No. 112, July 8, 2004.

Building Permits Required

<p>§ 5-101 <i>Definitions</i></p> <p>§ 5-102 <i>Scope of Chapter</i></p> <p>§ 5-103 <i>Permit Required</i></p> <p>§ 5-104 <i>Issuance of Building Permit</i></p> <p>§ 5-105 <i>Fees</i></p> <p>§ 5-106 <i>Changes After the Issuance of a Building Permit by the Township Code Official</i></p> <p>§ 5-107 <i>Placard</i></p> <p>§ 5-108 <i>Start of Construction</i></p> <p>§ 5-109 <i>Inspection and Revocation</i></p>	<p>§ 5-110 <i>Notice of Commencement and Post of Permit</i></p> <p>§ 5-111 <i>Appeals</i></p> <p>§ 5-112 <i>Disclaimer</i></p> <p style="text-align: center;"><i>Adopting the Uniform Construction Code</i></p> <p>§ 5-201 <i>Construction Code Act</i></p> <p>§ 5-202 <i>Uniform Construction Code</i></p> <p>§ 5-203 <i>Administration & Enforcement</i></p> <p>§ 5-204 <i>Board of Appeals</i></p> <p>§ 5-205 <i>Fees</i></p>
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PART 1 Building Permits Required

§5-101 DEFINITIONS

The following terms and words, wherever used in this Chapter and for all purposes of this Chapter, shall have the following definitions and meanings:

- A. Applicant: The person who actually applies for and signs the application and submits the necessary papers to obtain the building permit and in whose name the permit is used.
- B. Board: The Board of Supervisors of North Sewickley Township, Beaver County, Pennsylvania.
- C. Building or Structure: Any constructed or erected, the use of which requires a fixed location on the ground, including, but not limited to, any roof structure or building enclosed by walls and intended or used for the shelter, housing or enclosure of persons, goods, materials, or animals, and also billboards, swimming pools, carports, porches and other building structures.
- D. Construction or Constructed: All excavation for and all construction, reconstruction, erection, alteration, enlargement of any building or structure or any part thereof.
- E. Costs: The cost of the improvement shall be determined by considering the market value of the materials and labor used in constructing said improvement.
- F. Improvement: A structural alteration of or an addition to an existing building, swimming pool, patio or carport which will cost the sum of five hundred dollars (\$500.00) or more. Improvement shall not include hedges, shrubbery, fences, repairs of an existing part of a building (such as siding or roofing), nor paving of a driveway.
- G. Person: Any natural person or persons, association, partnership, firm, public or private association or corporation, or any other entity.

- H. Township Code Official: The individual appointed by the Board of Supervisors in accordance with Chapter 1, Part 3 of this Codification of Ordinances.¹

§5-102 SCOPE OF CHAPTER

The provisions of this Chapter apply to all construction, alteration, enlargement, use, occupancy, location, moving, demolition, and maintenance of buildings and structures and their appurtenances.

§5-103 PERMIT REQUIRED

- A. Restrictions: It shall be unlawful and no person shall permit or cause the construction, removal or demolition of a building or structure or any part thereof, or the occupancy of any building or structure or any part thereof, without having first filed with the Township Code Official a written application for a building permit and having obtained a formal building permit from the Township Code Official as prescribed by this Chapter. The Township Code Official shall either grant or deny the permit within ten (10) days of receipt of the application and shall give written notice of the granting or denial of the permit to the applicant.
- B. Application: The application for a building permit shall be obtained from the Township Code Official or Township Secretary, and shall be submitted in duplicate accompanied by a plot showing the actual dimensions and location of the lot to be built upon, the size and location of the building to be constructed, in the case of a building already in existence which is being altered, enlarged or removed, its present size and its contemplated size at the completion of the alteration, enlargement or removal, together with a detailed set of plans and drawings of the proposed work to be done and the construction, demolition or removal, as the case may be, and any other information that the Township Code Official or Board may require to determine whether or not the requirements of this Chapter will be satisfied. A file of such applications, plots, plans and drawings, together with a notation indicating whether or not a permit was issued therefore, shall be kept in the files of the Board of Township Supervisors. In addition, the application shall contain the following information:
- (1) Name and address of the applicant;
 - (2) Name and address of the owner of land on which the proposed work is to occur;
 - (3) Name and address of the contractor or contractors, if any;
 - (4) Site location;
 - (5) List of other permits required; and
 - (6) Brief description of the proposed work and the estimated costs.
- C. Insurance: Simultaneously with the filing of the application for building permit, all applicants shall deliver to the Township Code Official a copy of a valid and current workers' compensation policy covering any contractor or contractors involved in the proposed activities, or in the alternative, an affidavit in appropriate form establishing that such workers' compensation insurance policy is not required.

§5-104 ISSURANCE OF BUILDING PERMIT

- A. The Township Code Official shall issue a building permit no sooner than five (5) days after receipt of the application and only after it has been determined that the proposed work to be undertaken shall be in conformance with the requirements of this and all other applicable Ordinances.
- B. Prior to the issuance of any building permit, the Township Code Official shall review the application for permit to determine if all other necessary governmental permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); The United State Clean Streams Act,

¹ Ordinance No. 33, adopted by the Board of Supervisors as an ordinance on August 14, 1973.

Section 404, 33 USC 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made. However, no permit issued pursuant to this Chapter is to be considered by the applicant as insurance that state and federal statutes are being complied with, and said compliance responsibility shall remain at all times the sole and exclusive responsibility of the applicant.

§5-105 FEES

Each application for a building permit shall be accompanied by a fee payable to the Township of North Sewickley, Beaver County, Pennsylvania, based upon the costs established by the third party inspection agency retained by the Township.

This fee schedule may be amended at any time by a Resolution of the Board of Township Supervisors.

§5-106 CHANGES AFTER THE ISSUANCE OF A BUILDING PERMIT BY THE TOWNSHIP CODE OFFICIAL

No changes of any kind shall be made to the application or permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Township Code Official. The request for any change shall be in writing and shall be submitted by the applicant to the Township Code Official for consideration.

§5-107 PLACARD

In addition to the building permit, the Township Code Official shall issue a placard which shall be displayed on the premises during the time construction is in process. The placard shall show the number of the building permit, the date of its issuance and shall be signed by the Township Code Official.

§5-108 START OF CONSTRUCTION

- A. All work under the issued building permit shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit will expire unless a time extension is granted in writing by the Township Code Official. Construction and/or development work shall be considered to have started with the preparation of land, 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 lines or electrical or other service lines from the street.
- B. Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Township Code Official to approve such a request.

§5-109 INSPECTION AND REVOCATION

- A. During the construction period, the Township Code Official or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application, and with all applicable Township regulations. The Township Code Official shall make as many inspections during and upon completion of the work as are necessary.
- B. In the discharge of his duties, the Permit Office shall have the authority to enter any buildings, structure, premises or development upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.
- C. In the event the Township Code Official discovers that the work does not comply with the permit application or any applicable laws or ordinances, or that there has been a false statement or misrepresentation by the applicant, the Township Code Official shall revoke the building and report such fact to the Township Supervisors for whatever action the Board of Supervisors deems appropriate.
- D. A record of all such inspections and violations of this Chapter shall be maintained.

§5-110 NOTICE OF COMMENCEMENT AND POSTING OF PERMIT

The owner, permit holder, contractor or building shall give at least twenty-four (24) hours written notice to the Township Code Official of the starting of work under a permit.

§5-111 APPEALS

- A. Any person aggrieved may take an appeal to the Board from any decision of the Township Code Official.
- B. An appeal must be taken, if at all, within thirty (30) days from the date of the decision of the Township Code Official by filing with the Township Code Official and the Board, a written notice of appeal specifying all grounds therefore, except that in the case of a building or structure which in the opinion of the Township Code Official is unsafe or dangerous, the Township Code Official may in his order limit the time for such appeal to fifteen (15) days from the date of decision. The Township Code Official shall forthwith transmit to the Board all the papers from which the action appealed was taken.
- C. Upon such an appeal, the Board, after a public hearing, may vary the application of any provisions of this Chapter to any particular case when in its opinion the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Chapter, or the public health, safety and welfare, or when in its opinion the interpretation of the Permit Office should be modified or reversed.
- D. The Board shall in every case reach a decision within thirty (30) days following the hearing. Every decision of the Board shall be in writing and shall be promptly filed in the Township office and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant within two (2) days after the date of the decision.
- E. A decision of the Board to vary the application of any provision of this Chapter or to modify an order of the Township Code Official shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefore.
- F. If a decision of the Board reverses or modifies a refusal, order, decision or disallowance of the Township Code Official, or varies the application of any provision of this Chapter, the Township Code Official shall take action immediately in accordance with such decision.
- G. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Chapter.
- H. A person aggrieved by a decision of the Board may within thirty (30) days after the entry of the decision by the Board appeal to the appropriate court to correct errors of law in such decisions.

§5-112 PENALTIES

- A. A person who violates a provision of this Chapter or fails to fully comply therewith or with any of the requirements hereof, or who shall construct, move, or demolish, or has constructed, moved or demolished a building or structure or portion thereof in violation of a detailed statement or plan submitted and approved hereunder, or of a permit or certificate issued hereunder, or has failed to repair or remove an unsafe building in violation of an order of the Township Code Official shall, upon conviction thereof in a summary proceeding, pay a fine and penalty in an amount not to exceed three hundred dollars (\$300.00), plus costs and in default of payment of the fine and penalty imposed and the costs, he shall be sentenced and committed to the Beaver County Jail for a period not to exceed thirty (30) days. Also, the owner of a building or structure or portion thereof or of the premises where anything in violation of this Chapter shall be placed or shall exist and an architect, builder, contractor or person employed in connection therewith and who assisted in the commission of such violation, shall also be required to pay a fine or penalty as aforesaid and in default of payment undergo imprisonment for a period not to exceed thirty (30) days. The imposition of any penalty for any violation of or noncompliance with this Chapter shall not excuse the

violation or noncompliance with this Chapter and all such persons shall be required to promptly and completely correct or remedy such violations or defects.

- B. In addition to the above penalties, all other actions and remedies are hereby reserved, including all appropriate actions or proceedings at law or in equity to obtain enforcement of this Chapter and/or to prevent an unlawful construction, removal, demolition, maintenance or use or to restrain, correct or abate a violation, or to prevent an unlawful construction, removal, demolition, maintenance or use or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about any premises. Further, any building or structure or part thereof found to be unsafe or constructed, removed, demolished or maintained in violation of or contrary to the provisions of this Chapter is declared to be a dangerous building or structure or public nuisance and abatable as such.

§5-113 DISCLAIMER

This Chapter is enacted to protect and promote public health, safety and welfare and prevent the creation and existence of public health problems and nuisances. Accordingly, it is and is hereby declared to be the intent of the Board that no private rights of any kind or nature shall be created by this Chapter and any permit issued hereunder. The issuance of any such permit is not to be relied upon by the applicant or any other person as a finding that the work and method or manner of performing same complies with all applicable safety standards, laws, rules, codes and regulations governing same, nor shall such approval be relied upon for any other reason whatsoever. A permit issued as required by this Chapter is not intended and shall not in any manner be construed or held to be an approval, warranty or representation concerning the efficiency, adequacy and suitability of that which is authorized by said permit.

PART 2

Pennsylvania Construction Code

§5-201 CONSTRUCTION CODE ACT

North Sewickley Township, Beaver County, Pennsylvania, hereby elects to administer and enforce 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.

§5-202 UNIFORM CONSTRUCTION CODE

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of North Sewickley Township.

§5-203 ADMINISTRATION AND ENFORCEMENT

Administration and enforcement of the Code within North Sewickley Township shall be undertaken in any of the following ways as determined by the Township Supervisors of North Sewickley, from time to time by resolution:

- A. By the designation of an employee of the Township to serve as the Township Code Official to act on behalf of the Township;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township;
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Township;
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

§5-204 BOARD OF APPEALS

A Board of Appeals shall be established by resolution of the Township Supervisors of this Township in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

§5-205 FEES

Fees accessible by the Township for the administration and enforcement undertaken pursuant to this Chapter and the Code shall be established by the Township Supervisors by resolution from time to time.