

ORDINANCE NO. 94 OF 1982

Borough of Sugarcreek

Franklin, Pennsylvania

AN ORDINANCE OF THE BOROUGH OF SUGARCREEK, COUNTY OF VENANGO, COMMONWEALTH OF PENNSYLVANIA, REQUIRING THE OBTAINMENT OF A BUILDING PERMIT BY ANY PERSON PRIOR TO THE CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, MOVEMENT AND/OR DEMOLITION OF ANY STRUCTURE, TRAILER, MOBILE HOME AND/OR MODULAR HOME LOCATED, OR TO BE LOCATED, WITHIN SAID BOROUGH; STIPULATING THOSE EFFORTS FOR WHICH A BUILDING PERMIT NEED NOT BE OBTAINED; STIPULATING THE PROCEDURE BY WHICH A BUILDING PERMIT CAN BE OBTAINED; NAMING OF THE ISSUING AGENT FOR BUILDING PERMITS; AND ESTABLISHING THE PENALTIES AND FINES FOR THE FAILURE TO OBTAIN REQUIRED BUILDING PERMITS AND/OR FOR THE VIOLATION OF ANY SECTION, OR SECTIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED and it hereby is enacted and ordained, under the authority of the Borough Code, Act of February 1, 1966 (1965 P.L. 1656, no. 581), as amended, by the Council of the Borough of Sugarcreek, County of Venango, Commonwealth of Pennsylvania, as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the Borough of Sugarcreek Building Permit Ordinance.

SECTION 2. OBJECTIVES

The people and the citizens of the Borough of Sugarcreek and their duly elected government body are aware that there exists a need for the municipal authorities to maintain an awareness of the construction, alteration, repair, enlargement, moving and/or demolition of structures located within the Borough in order to insure that zoning laws are followed, to insure that reasonably safe building methods are practiced and to insure the equitable assessment of real property and/or improvements made thereto. Accordingly, this Ordinance is passed to assure that all construction and/or related activities which occur within the Borough are prosecuted in such a manner as to meet these stated objectives.

SECTION 3. AUTHORITY

This Ordinance, and the objectives leading to its enactment, are authorized by the following provision of the Borough Code, to wit:

Article XII, Corporation Powers, Section 1202 (24).

SECTION 4. DEFINITIONS

Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated.

(A) Building Permit (Permit): Shall mean the written permission, in the form of an official Borough document, granted to a person who is constructing, altering, enlarging, repairing, moving and/or demolishing any structure, trailer, mobile home and/or modular home in the Borough of Sugarcreek.

(B) Building Permit Application (Application): Shall mean the written official Borough document which is submitted to the Issuing Agent by the owner of a structure, or by said owner's authorized representative, prior to the issuance of a Building Permit.

ORDINANCE NO. 94 OF 1982 "BUILDING PERMIT ORDINANCE"

(C) Issuing Agent: Shall mean that person, or persons, appointed and named by the Borough Council to prosecute the terms of this Ordinance.

(D) Mobile Home (Trailer): Shall mean any mobile vehicle used, or designed to be used exclusively for dwelling and/or occupancy purposes, with the non-removable carriage and frame, whether the wheels be attached or not, and used upon roads and highways only on an incidental basis.

(E) Modular Home: Shall mean any structure used, or designed to be used exclusively for dwelling and/or other occupancy purposes and which is manufactured, either in whole or in part, at a location other than the site upon which the structure is assembled and/or occupied, and transported by some means involving the use of a removable carriage and frame, to said site.

(F) Person: Shall mean any individual, partnership, association, firm and/or corporation.

(G) Reasonable Value: Shall mean that value of any good and/or service or combination thereof, as may be freely agreed to between a willing and able seller of the good and/or service and a willing and able buyer thereof.

(H) Structural Change: Shall mean the replacement, removal, movement and/or the change in size of columns, beams, trusses, rafters, joists, bearing walls, foundations, and/or any part thereof, and/or any part of a structure which supports other parts of the structure or any other load; and shall mean any and all changes in the dimensions, including height, width and/or depth, of any structure.

(I) Structure: Shall mean anything constructed or erected within the geographical limits of the Borough, the use of which requires a fixed location to the ground, whether used for residential, commercial, industrial, agricultural and/or storage purposes, to include trailers, mobile homes and/or modular homes as defined in this Ordinance.

SECTION 5. PERMITS REQUIRED

No person shall, nor shall any person cause, through a representative and/or acting as a representative, unless excepted by other provisions of this Ordinance, permit the construction, alteration, enlargement, repair, movement and/or demolition of any structure, trailer, mobile home and/or modular home without first having obtained a Building Permit from the Issuing Agent and for which Permit a fee shall be paid to the Issuing Agent. Said fees shall be in accordance with the schedule of fees lawfully adopted by the Council of the Borough of Sugarcreek and in effect at the time the Application for the Permit is made and submitted to the Issuing Agent. Fees so collected will be deposited to the General Fund of the Borough for the lawful use thereof and thereby.

SECTION 6. MOVEMENT OF STRUCTURES, TRAILERS, MOBILE HOMES AND/OR MODULAR HOMES

Any person contemplating the movement of any structure, trailer, mobile home and/or modular home, whether same is to be used for residential or commercial purposes, either into or out of the Borough or from one location to another within the Borough, shall within five (5) days of the date on which the unit is to be moved, apply for and secure a Permit to do so from the appropriate Issuing Agent and, for which Permit, a fee shall be paid to said Issuing Agent in accordance with the schedule hereinafter set forth.

SECTION 7. EXCEPTIONS TO REQUIRED PERMITS

(A) No person and/or representative need apply for, nor secure, a Building Permit as required under the terms of this Ordinance in the event that the total estimated cost of the contemplated work to any structure is Two Thousand dollars (\$2,000), or less. Said total estimated cost of work shall include the reasonable value of any and all labor and materials and whether the said labor and/or materials shall be hired, contracted, sub-contracted, donated and/or furnished by the owner of the property to which the contemplated work will be undertaken. The movement of structures, trailers, mobile homes and/or modular homes is excluded from this Section and a Permit must be secured regardless of the total estimated cost of the work.

(B) No person and/or representative need apply for, nor secure, a Building Permit as required under the terms of this Ordinance for the following work and/or similar type of work unless Structural Changes are involved and the total estimated cost of the work exceeds Ten Thousand dollars (\$10,000):

- (1) Painting and/or the application of siding;
- (2) Roofing, shingling and/or re-sheeting of roof;
- (3) General interior remodeling and/or repair;
- (4) Installation of flooring, floor coverings and/or re-decking;
- (5) Installation of and/or repair to sidewalks, patios, fences and decorative walls;
- (6) Installation of furnaces, heating plants and/or air conditioning systems;
- (7) Installation and/or replacement of storm windows/doors;
- (8) Tree removal;
- (9) Demolition of private garages, sheds, out buildings and like items.

SECTION 8. DESIGNATION OF ISSUING AGENT

Council of the Borough of Sugarcreek shall nominate and appoint a person, or persons, as the Issuing Agent whose duty shall be to issue and receive Building Permit Applications to issue Building Permits, to receive the fees established therefor and to undertake any and all acts commensurate with these duties and the enforcement of this Ordinance; to include, but not limited to the assurance that the work is undertaken in accordance with the provisions of this Ordinance and/or any other enacted Borough ordinance and/or State regulation and the filing of complaints against those in violation thereof.

SECTION 9. BUILDING PERMIT APPLICATION AND ISSUANCE-----PROCEDURES

The Building Permit provided for in this Ordinance shall be issued by the appropriate Issuing Agent following the receipt thereby of a written Building Permit Application from the owner of the property to which the Permit will apply or from the said owner's authorized representative. Said application shall be submitted only upon such form as supplied by the Issuing Agent and all information therein called for must be provided completely to the satisfaction of said Issuing Agent. Upon the review of said Application and the satisfaction of the Issuing Agent that the application is true and complete, that the proposed work is to be undertaken in full compliance with any and all pertinent Borough and/or State laws, upon receipt of the total required fees and that there is no reason to deny issuance of a Permit, the Issuing Agent will issue, or cause to be issued, the Building Permit. Upon receipt, the Building Permit so issued must be posted conspicuously at, or upon, the front of the premises for which said Permit was issued and it must remain so posted until the completion of the work which it encompasses. The Issuing Agent shall not issue, or cause to be issued, any Permit where the work contemplated shall be, or appears to be, in violation of this Ordinance and/or any other Borough ordinance and/or state law nor shall a Permit be issued until the apparent discrepancies are clarified and/or corrected to the satisfaction of the Issuing Agent; nor, until the required fees are collected in full.

SECTION 10. REVOCAION OF BUILDING PERMIT

A Building Permit, once issued, may be revoked by Borough Council, upon information received, provided said information demonstrates to the satisfaction of Borough Council that the Application filed was falsified and/or incomplete; the work undertaken exceeds that approved under the Permit; the work undertaken is not in compliance with any and/or all Borough and/or State laws and/or the health and/or safety of the general populace is in jeopardy, due to the manner in which the work is being carried out.

SECTION 11. TERM OF PERMIT

All Building Permits issued pursuant to this Ordinance shall be valid for a period of twelve (12) months from the date of issuance. In those instances in which it is estimated by the owner and/or owner's authorized representative that the contemplated work to be covered by a Permit cannot be completed within the said twelve (12) months, a Permit may be issued for a period of time in which the owner and/or owners authorized representative estimates the work can be done. In addition, a Permit may be extended once, for an additional twelve (12) months, provided the scope of the work is not changed in any manner and the Issuing Agent is so requested to extend the Permit.

SECTION 12. COMPLETION OF WORK

Upon completion of the work for which a Building Permit was issued, the owner of the premises and/or the owner's authorized representative shall, within five (5) days of said completion report such fact to the Issuing Agent.

SECTION 13. SCHEDULE OF FEES

Pursuant to the schedule of fees as annually established by Borough Council.

SECTION 14. VIOLATIONS – FINES AND PENALTIES

Any person or persons, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be punishable by a fine of not more than Three Hundred dollars (\$300) and costs of the prosecution or imprisonment in the County Jail for a period of not more than thirty (30) days.

SECTION 15. SEVER ABILITY

If any provisions of the Ordinance, or the application thereof, to any person or circumstance is held invalid, the invalidity does not effect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of the Ordinance are sever able.

SECTION 16. ABROGATION

All Ordinances and codes of the Borough of Sugarcreek and/or parts thereof, inconsistent hereto, hereby are repealed.

ENACTED AND ORDAINED into Law by the Council of the Borough of Sugarcreek, Venango County, Pennsylvania, in lawful session this seventeenth day of February, 1982