

ORDINANCE NO. 50

AN ORDINANCE REQUIRING A BUILDING PERMIT FOR THE CONSTRUCTION, RE-CONSTRUCTION, ENLARGEMENT, ALTERNATION OR RELOCATION OF ANY BUILDING OR STRUCTURE AND PROVIDING PENALTIES FOR VIOLATION.

The Board of Supervisors of Rush Township hereby enact and ordain as follows:

SECTION 1: It shall be unlawful for any person to construct, reconstruct, enlarge, alter or relocate any building or structure until a building permit has been obtained from the Building Permit Officer; provided, however, that a building permit shall not be required for repairs to existing buildings or structures where no structural changes or modifications are involved.

SECTION 2: For the purposes of this ordinance, the following definitions shall apply:

- A. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.
- B. Person - any person, persons, partnership, business or corporation.
- C. Structure - a combination of materials 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 garages, carports,
porches, etc.

SECTION 3: 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.
- C. Name and address of contractor.
- D. Site location.
- E. Brief description of proposed work and estimated cost.
- F. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

SECTION 4: The Building Permit Officer shall issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations.

SECTION 5: 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 or other documents submitted with the application without the written consent or approval of the Building Permit Officer.

SECTION 6: In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

SECTION 7: Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction shall be considered to have started with the first placement of permanent construction of the site, such as the 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 includes 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: 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 Supervisors for whatever action they consider necessary.

SECTION 9: Applications for a building permit shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$ 0.00 to \$200.00	\$ 0.00
201.00 to \$1,000.00	5.00
Each additional \$1,000.00, or part thereof beyond the first \$1,000.00	1.00

SECTION 10: Any person aggrieved by the Building Permit Officer's estimate of the cost of the proposed construction may appeal to the Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Supervisors shall set a time and place not less than ten (10) nor more than thirty (30) 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 may appear and be heard. The determination of the estimated cost by the Supervisors shall be final in all cases.

SECTION 11. 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 or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Rush Township of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in the county prison for a period not to exceed ten (10) days. Each day during which any violation of this ordinance continues shall constitute a separate offense. 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 non-compliance with, this ordinance shall not excuse the violation of non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this ordinance may be declared by the Supervisors to be a public nuisance and abatable as such.

SECTION 12: 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: This ordinance shall become effective on _____ 19____, and shall remain in force until modified, amended, or rescinded, by the Supervisors, Rush Township, Schuylkill County, Pennsylvania.

ADOPTED this *1st* day of *October*, 1976.

BOARD OF SUPERVISORS OF
RUSH TOWNSHIP

Clarence H. ...
Robert ...
Joseph J. ...