

FRANKLIN TOWNSHIP CODE OF ORDINANCES
CHAPTER 1, PART 4
BUILDING PERMITS

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, BEAVER COUNTY, PENNSYLVANIA, REPEALING TOWNSHIP BUILDING PERMIT ORDINANCE CHAPTER 1, PART 1, PROVIDING FOR THE METHOD AND MANNER OF SECURING PERMITS PRIOR TO THE CONSTRUCTION, ALTERATION, ENLARGEMENT, DEMOLITION OR REMOVAL OF BUILDINGS AND OTHER STRUCTURES IN THE TOWNSHIP OF FRANKLIN, AND EXCAVATION INCIDENT THERETO, AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Franklin Township, Beaver County, Pennsylvania, as follows:

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

A. Person - when used in the Ordinance shall be construed to mean include and natural person or persons, association, partnership, firm, public or private association or corporation, or any other entity.

B. Board - the Board of Supervisors of Franklin Township, Beaver County, Pennsylvania.

C. Building or Structure - anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having 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. Township Permit Officer - any one member of the Board of Supervisors shall have all of the powers and duties of the Permit Officer.

E. Costs - the cost of the improvement shall be determined by considering the market value of the materials and labor used in constructed said improvement.

F. 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.

G. Construction or Constructed - all excavation for and all construction, reconstruction, erection, alteration, enlargement of any building or structure or any part thereof.

H. Improvement - a structural alteration of or an addition to an existing building, swimming pool, patio or carport which will cost the sum of \$1,000.00 or more. Improvement shall not include hedges, shrubbery, fences, repairs to existing part of a building (such as siding or roofing), nor paving of a driveway or above ground pools.

2. SCOPE OF ORDINANCE: The provisions of this Ordinance apply to all construction, alteration, enlargement, use, occupancy, location, moving, demolition, and maintenance of buildings and structures and their appurtenances.

3. PERMIT REQUIRED: It shall be unlawful and no person shall permit or cause the construction, improvement, removal or demolition nor the commencement of construction, improvement, removal or demolition of a building or structure or any part thereof, without having first filed with the Building Permit Officer a written application for a building permit and having obtained a formal building permit from the Township Permit Officer as prescribed by this Ordinance. The Building Permit Officer 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 Building Permit Officer 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, or 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 Building Officer or Board may require to determine whether or not the requirements of this Ordinance will be satisfied. A file of such applications, plots, plans and drawings,

together with a notation indicating whether or not a permit was issued therefor, 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) listing of other permits required; (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 Building Permit Officer 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.

4. ISSUANCE OF BUILDING PERMIT:

A. The Building Permit Officer shall issue a building permit within ten (10) 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 Building Permit Officer 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 States Clean Streams Water Act, Section 404, 33 USC 1334; the Pennsylvania Clean Streams Act (Act 1937-394, as amended) and the Pennsylvania Department of Labor and Industry. No permit shall be issued until this determination has been made. However, no permit issued pursuant to this Ordinance 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. FEES: Each applicant for building permit shall be accompanied by a fee payable to the Township of Franklin, Beaver County, Pennsylvania, based upon the estimated costs of the proposed work as determined by the Permit Officer at the following rates: (a) under \$1,000.00 - no fee; (b) \$1,000.00 to \$20,000.00 - \$20.00 fee; (c) more than \$20,000.00 up to \$100,000.00 - \$1.00 fee for each additional \$1,000.00, or fraction thereof; (d) \$100,000.00 and over - \$100.00 for the first \$100,000.00 or fraction thereof; plus \$.50 for each additional \$1,000.00 or fraction thereof. These fees may be adjusted from time to time by Resolution of the Board of Supervisors.

6. CHANGES AFTER THE ISSUANCE OF A BUILDING PERMIT BY THE PERMIT OFFICER: 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 Building Permit Officer. The request for any such change shall be in writing and shall be submitted by the Applicant to the Building Permit Officer for consideration.

7. PLACARD: 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 process. The placard shall show the number of the building permit, the date of its issuance and shall be signed by the Building Permit Officer.

8. 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 Permit Officer. 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 Permit Officer to approve such a request.

9. INSPECTION AND REVOCATION:

A. During the construction period, the Permit Officer 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 Ordinances. The Permit Officer shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the Permit Officer shall have the authority to enter any building, structure, premises or development upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

C. In the event the Permit Officer 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 Permit Officer shall revoke the building permit and report such fact to the Township Supervisors for whatever action the Board of Township Supervisors deems appropriate.

D. A record of all such inspections and violations of this Ordinance shall be maintained.

10. NOTICE OF COMMENCEMENT AND POSTING OF PERMIT: The owner, permit holder, contractor or builder shall give at least

twenty-four (24) hours written notice to the Building Permit Officer of the starting of work under a permit.

11. APPEALS:

A. Any person aggrieved may take an appeal to the Board from any decision of the Building Permit Officer.

B. An appeal must be taken, if at all, within thirty (30) days from the date of the decision of the Building Permit Officer by filing with the Building Permit Officer and the Board, a written notice of appeal specifying all grounds therefor, except that in the case of a building or structure which in the opinion of the Building Permit Officer is unsafe or dangerous, the Building Officer may in his order limit the time for such appeal to fifteen (15) days from the date of decision. The Building Permit Officer 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 provision of this Ordinance 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 Ordinance, or the public health, safety and welfare, or when in its opinion the interpretation of the Building Permit Officer 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 Ordinance or to modify an order of the Building Permit Officer shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

F. If a decision of the Board reverses or modifies a refusal, order, decision or disallowance of the Building Permit Officer, or varies the application of any provision of this Ordinance, the Building Permit Officer 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 Ordinance.

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.

12. VALIDITY: The provisions of this Ordinance are severable and if any section, clause or part of this Ordinance shall be found to be invalid, unconstitutional, unenforceable and

of no force and effect, all of the remaining provisions hereof shall not be invalidated or affected thereby. Nothing in this Ordinance shall be construed to prevent the enforcement of other laws, rules and regulations which prescribed more restrictive limitations.

13. PENALTIES:

A. A person who violates a provision of this Ordinance 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 who has failed to repair or remove an unsafe building in violation of an order of the Building Permit Officer, shall, upon conviction thereof in a summary proceeding, pay a fine and penalty in an amount not to exceed \$300.00, plus costs and in default of payment of the fine and penalty impose 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 Ordinance 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 Ordinance shall not excuse the violation or noncompliance with this Ordinance 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 Ordinance and/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 Ordinance is declared to be a dangerous building or structure or public nuisance and abatable as such.

14. DISCLAIMER: This Ordinance 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 Ordinance 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 Ordinance is not intended and shall not in any manner be construed or held to an approval, warranty or representation concerning the efficiency, adequacy and suitability of that which is authorized by said permit.

15. REPEALER: Franklin Township Building Permit Ordinance Chapter 1, Page 1 are hereby repealed.

16. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after its passage or adoption.

ADOPTED this 15 day of MARCH, 1995.

WITNESS:

THE FRANKLIN TOWNSHIP BOARD OF SUPERVISORS

Sandra Greer
Sandra Greer, Secretary

By: G. William Blank
G. William Blank, Chairman