

ORDINANCE NO. 1-2005
FISHING CREEK TOWNSHIP
COLUMBIA COUNTY, PENNSYLVANIA

AN ORDINANCE REPEALING ORDINANCE NO.S-2002 AND REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A PRE-CONSTRUCTION PERMIT PRIOR TO THE CONSTRUCTION OR ENLARGEMENT OF ANY BUILDING; PROVIDING FOR THE ISSUANCE OF PRE-CONSTRUCTION PERMITS; AND PROVIDING FOR PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

The following is hereby enacted and ordained by Supervisors of Fishing Creek Township, Columbia 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 of any new building or the construction of any addition or enlargement to any existing building, unless an approved Pre-Construction Permit has been obtained from the Permit Officer.
- B. A Pre-Construction Permit shall not be required for repairs to existing buildings.

Section 2. Definitions

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, with water and sewage facilities, and intended to be used for human habitation. Included shall be all mobile homes and trailers to be used for human habitation.
- B. Construction - the act of assembling the materials to form a building. In the case of a mobile home or trailer, construction shall refer to those acts associated with the placement of a mobile home or trailer upon realty located within the geographical confines of the Township.
- C. Person - any person, persons, partnership, business or corporation.
- D. Permit Officer - that person appointed by resolution of the Board of Supervisors to administer and enforce the provisions of this Ordinance.
- E. Township - Fishing Creek Township, Columbia County, Pennsylvania.

Section 3. Application Procedure

The Supervisors, by duly adopted resolution, shall from time to time establish the form for the Pre-Construction Permit and application therefor. The application shall require the applicant for the Pre-Construction Permit to describe the nature and scope of work contemplated.

Section 4. Issuance of Permit

Upon submission of the properly completed application and payment of applicable fee therefor, the Permit Officer shall issue a Pre-Construction Permit. The issuance of a Pre-Construction Permit is a condition precedent to the commencement of construction; however, the issuance of the Pre-Construction Permit shall not be considered an authorization to proceed with construction, except in those instances where the proposed construction is not subject to the Pennsylvania Uniform Construction Code. All construction within the Township must be in compliance with all applicable ordinances, laws, ordinances and regulations.

Section 5. Permit Changes

After the issuance of a Pre-Construction Permit by the 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 written consent or approval of the Permit Officer.

Section 6. Placards

In addition to the Pre-Construction Permit, the 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 Pre-Construction Permit, the date of its issuance and be signed by the Permit Officer.

Section 7. Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of issuance of the Pre-Construction Permit or the permit shall expire unless a time extension is granted, in writing, by the 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 building 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 basements, 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 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. In the event the Permit Officer discovers that the work does not comply with the permit application or that there has been a false statement or misrepresentation by any applicant, the Permit Officer shall report such violation to the Board of Township Supervisors for whatever action it considers necessary.

Section 9. Fees

Applications for a Pre-Construction Permit shall be accompanied by a fee, payable to the Township, based upon the estimated cost of proposed construction as determined by the Permit Officer at the following rates:

Estimated Cost

\$	0.00 to \$2,000.00	\$20.00
	Each additional \$1,000.00 or part thereof beyond the first \$2,000.00	\$1.00 per thousand

The Township Supervisors may by resolution from time to time revise the fee schedule.

Section 10. Appeals

Any person aggrieved by the Permit Officer's estimate of the cost of the proposed construction may appeal to the Township Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Permit Officer. Upon receipt of such appeal, the Township 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 Township Supervisors shall be final in all cases.

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 Permit Officer or any other authorized employee of the Township shall be guilty of a summary offense and, upon conviction, shall pay a fine to the Township of Five Hundred (\$500.00) Dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in 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 or, or non-compliance with, this

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ordinance shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time.

Section 12. Repeal of Ordinance No. 5-2002

Ordinance No. 5-2002, heretofore known as the Township Building Permit Ordinance, is hereby repealed.

Section 13. 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 14. Effective Date

This ordinance shall become effective at the earliest permissible date under applicable law.

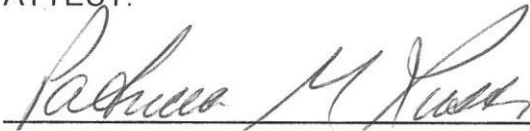
TOWNSHIP OF FISHING CREEK

BY: Randy A. Hack
CHAIRMAN

Ronald W. Kocher
SUPERVISOR

Randall Laubach
SUPERVISOR

ATTEST:



SECRETARY