

Ordinance No. 6

AN ORDINANCE REGULATING THE CONSTRUCTION OR
PLACING OF ANY BUILDING OR OTHER STRUCTURE IN
BERWICK TOWNSHIP AND PRESCRIBED PENALTIES FOR
VIOLATIONS

WHEREAS, the Board of Supervisors believes that to protect the health, safety, and welfare of the residents a building code is needed to insure the quality of construction in the Township; and

WHEREAS, Section 702 of the Second Class Township Code, 1933, May 1, P.L. 103, Article VII, Section 702, cl . L. P.L. 370 Section 8, as amended, 53 Subsection 65750-65753 authorizes townships of a second class to regulate construction, alteration, and repairs to all buildings within the Township.

NO THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of Berwick Township as follows:

SECTION 1. DEFINITIONS.

Building – Any building or other structure, including but not limited to those of a residential, commercial, or industrial nature.

Person – Any person or persons, associations, partnership, firm or corporation.

Planning Commission – Berwick Township Planning Commission.

Board of Supervisors – Board of Supervisors of Berwick Township, Adams County, Pennsylvania.

Construction – Includes new construction, alteration, replacement or repair.

Department of Health – Pennsylvania Department of Health.

SECTION 2. PERMIT REQUIRED.

It shall be unlawful for any person to cause or allow an addition to any existing building or structure or the construction or placement of any building or structure to be used as residential, commercial, industrial, storage or other uses on property owned by

such person, either legally or equitably, without first having obtained a permit when the total cost of said addition, construction or placement exceeds Five Hundred Dollars (\$500.00).

SECTION 3. APPLICATION FOR PERMIT.

(A) Applications for a permit shall be made to the Board of Supervisors and shall be made in writing, in duplicate, and signed by the Applicant.

(B) The application shall contain the following information verified by oath or affirmation:

(1) Name and address of the applicant;

(2) Name and address of owner of property where building or other structure is to be placed if different from Applicant;

(3) Precise location of where the building or other structure is proposed to be constructed or placed;

(4) Legal description and dimensions of the lot where such building or other structure is to be constructed or placed;

(5) Provisions that have been made or shall be made for providing sanitary sewage disposal to such building or other structure;

(6) Provisions that have been made or shall be made for providing a safe and potable water supply to such building or other structure;

(7) Estimated cost of construction;

(8) Site plan containing the following information:

(a) drawing to scale of all buildings, structures, streams, ponds, etc.

(b) drawing should also include all water, sewer or other lines running through the property and their distance from all streets, roads, etc., bounding such lot.

(c) Such other information as the Board of Supervisors shall request.

SECTION 4. APPROVAL BY PLANNING COMMISSION.

A copy of the application shall be submitted to the Planning Commission by the applicant. The Planning Commission must approve the application, in writing, and a copy of said approval must be sent to the Board of Supervisors. No further action shall be taken by the Board of Supervisors until a copy of the Planning Commission's approval has been received.

SECTION 5. APPLICATION FEE.

The application shall be accompanied by an application fee to be set by the Board of Supervisors from time to time as they see fit.

SECTION 6. ISSUANCE OF PERMIT.

Upon receipt of the application, the Board of Supervisors shall make or cause an investigation to be made to determine if the facts set forth in the application are true and whether the safety, welfare, or health of the citizens of the Township would be adversely affected by the building or other structure proposed to be erected or placed. After investigation, the Board of Supervisors shall issue a permit if it is satisfied that the application is true and that the health, safety, or welfare of the citizens of the Township will not be adversely affected.

SECTION 7. SITE REQUIREMENTS.

(A) Lot where building is to be constructed or placed must contain a minimum of 20,000 square feet where a suitable public sewage disposal system is not to be used. Where a suitable public sewage disposal system is to be used the lot shall be a minimum of 12,000 square feet;

(B) Building shall be setback a minimum of 25 feet from the edge of the right-of-way of all streets and roads bounding such lot;

(C) Sidelines shall be in accordance with Berwick Township Subdivision

Ordinance.

(D) Safe and potable water supply is to be provided;

(E) Sewage disposal system meeting the requirements of the Department of Health is to be provided;

(F) All relevant township ordinances are to be fully complied with.

SECTION 8. INSPECTIONS.

(A) Any person granted a permit shall construct or place such building in strict conformance with their application.

(B) Board of Supervisors may, during the course of the work or after completion, make or cause to be made an inspection of the premises. Failure to strictly comply with any requirement of an applicable ordinance, with the information set forth on such application or with the terms of the permit shall constitute a violation of this ordinance.

SECTION 9. EXPIRATION OF PERMIT.

If any work authorized by any permit issued under this Ordinance shall not have been commenced within six (6) months of issuance then such permit shall be invalid. In that event that person shall need to begin the application process again for a new permit. No fees shall be returned on an expired permit.

SECTION 10. VIOLATION AND PENALTIES.

Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall upon conviction thereof be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) and cost of prosecution and in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Each week that any violation of this Ordinance continues shall constitute a separate offense.

SECTION 11. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is

for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 12. REPEAL OF INCONSISTENT ORDINANCES.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances are specifically repealed: Ordinance Numbers 13 and

15.

SECTION 13. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days of the adoption hereof.

ENACTED AND ORDAINED this 10th day of December, 1984, in lawful session duly assembled.

Ordinance No. 6

AN ORDINANCE AMENDING SECTION 5
AND SECTION 7, SUBPARAGRAPH C
OF ORDINANCE #6, ADOPTED DECEMBER 10, 1984

The Berwick Township Board of Supervisors hereby ordains as follows:

(1) Section 5 and Section 7, Subparagraph C of Ordinance #6, adopted December 10, 1984, is hereby amended to read as follows:

SECTION 5. APPLICATION FEE.

The application shall be accompanied by an application fee in the minimum amount of Ten Dollars (\$10.00) up to the value of \$2,000.00 and thereafter, Two Dollars (\$2.00), per thousand.

SECTION 7. SITE REQUIREMENTS.

(C) Building lines shall not be less than ten (10) feet from side lot line nor more than twenty-five (25) feet from a rear lot line.

ENACTED AND ORDAINED the 11th day of March, 1985.