

LAND IMPROVEMENT PERMIT ORDINANCE

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A LAND IMPROVEMENT PERMIT FOR THE CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, ALTERATION, DEMOLITION, RAZING OF EXISTING BUILDINGS OR RELOCATION OF ANY BUILDING OR STRUCTURE, OR DEVELOPMENT WITHIN THE TOWNSHIP OF WEST PROVIDENCE, BEDFORD COUNTY, PENNSYLVANIA; PROVIDING FOR THE ISSUANCE OF SUCH LAND IMPROVEMENT PERMITS; AND PROVIDING FOR PENALTIES FOR ANY WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

The following is hereby enacted and ordained by the Board of Supervisors of West Providence Township, Bedford County, Pennsylvania.

Section 1. GENERAL PROVISIONS

A. Applicability

1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development within the Township of West Providence prior to or without the issuance of a land improvement permit from the Township.

2. A land improvement permit shall not be required for minor repairs to existing buildings or structures, unless such repairs are subject to the Pennsylvania Uniform Construction Code, as amended from time to time, and the rules and regulations promulgated thereunder.

B. Abrogation of previous ordinances or resolutions

This Ordinance supercedes any conflicting ordinances, resolutions or other provisions, which may in effect within the Township. However, any other ordinances, resolutions or other provisions consistent with that herein set forth shall remain in full force and effect.

Section 2. DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply:

Building – a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to use for human habitation.

Person – any person, persons, partnerships, business or corporation.

Structure – a combination of materials to form anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, factories, sheds, cabins, mobile homes, carports, porches, driveways, swimming pools and other similar items.

Construction – the construction, reconstruction, renovation, repair, extension, alteration or relocation of a building or structure, for residential and/or commercial purposes (including structures intended solely for farm purposes), including the placement of mobile homes, trailers or modular structures.

Mobile Homes – means a transportable, single family dwelling intended for permanent occupancy, and constructed so that it may be used with or without a permanent foundation.

Section 3. APPLICATION PROCEDURE

Land improvement permits shall be required before any construction, development, demolition, razing or relocation of new or existing buildings is undertaken within the Township of West Providence.

Application for such land improvement permits shall be made in writing to the Land Improvement Permit Officer on forms supplied by the municipality.

Such application shall contain at least the following information:

- a. Name and address of applicant.
- b. Name and address of the owner of land on which the proposed construction, development, demolition, razing or relocation is to occur.
- c. Name and address of contractor, if any.
- d. Site location.
- e. Brief description of proposed work, including drawing(s) of the proposed project, description of project site, square footage, and estimated cost.

Section 4. COMPLIANCE WITH SEWAGE LAWS; SUBDIVISION ORDINANCE

Prior to any project subject hereto is undertaken, the Land Improvement Permit Officer shall first be satisfied that the applicant has met the requirements of all applicable state and local sewage disposal laws, including but not limited to the issuance of all appropriate permits. In addition thereto, the applicant shall comply with all requirements of any land development and/or subdivision ordinance in full force and effect within the Township as may be from time to time.

Section 5. COMPLIANCE WITH UNIFORM CONSTRUCTION CODE

The applicant for all projects subject to the Uniform Construction Code, as amended from time to time, and the rules and regulations promulgated thereunder, shall be referred to appropriate agency for the proper administration thereof. All building or construction permits, and inspections of work performed, shall be issued by such agency in accordance with its operating procedures.

Section 6. DRIVEWAYS

Any new driveways to be established shall be done as directed by a duly appointed Roadmaster for the Township of West Providence, or such other person as may be designated by the Board of Supervisors to be in charge of maintaining township roads and alleys. Driveways are to be established in such a manner so as not to interfere with water drainage, nor the proper maintenance and use of township roads.

Section 7. LOCATION OF BUILDINGS AND STRUCTURES

No new buildings or alterations shall be permitted to be located closer than 12 feet on the sides and 20 feet on the front and back from any property line.

Section 8. ISSUANCE OF PERMIT; PERMIT OFFICER APPOINTMENT

The Board of Supervisors of West Providence Township, in order to carry out the provisions of this ordinance, shall have the power to appoint a Land Improvement Permit Officer, who shall have the authority to issue land improvement permits upon approval of the application by the Board.

Every land improvement permit shall bear the signature of the Land Improvement Permit Officer, or in the event that an officer has not been appointed, or for some other reason the appointed officer is unable to act, the land improvement permit may bear the signature of one of the members of the Board of Supervisors who has been duly authorized by the Board of Supervisors to act as or in the place of the Land Improvement Permit Officer.

The Land Improvement Permit Officer shall issue a land improvement permit after it has been determined that the proposed project will be in conformance with all applicable laws, rules and regulations pertaining thereto.

In the event it shall be determined that a land improvement permit shall not be issued due to lack of compliance with this ordinance, other ordinances of the Township, or the laws of the Commonwealth of Pennsylvania, and the rules and regulations promulgated thereunder, the Land Improvement Permit Officer or duly authorized representative shall notify the applicant of the negative decision, therein providing

reasons for the denial of any such application. The notice shall be mailed to the applicant within forty-five (45) days after application is filed.

Section 9. PERMIT CHANGES

After the issuance of a land improvement permit, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other document submitted with the application, without first providing written notice thereof to the Land Improvement Permit Officer and obtaining consent or approval thereof by the Board of Supervisors.

Section 10. PLACARDS

The Land Improvement Permit Officer shall issue a placard or other document, which shall be displayed on the premises or project site location during all project phases. The placard or other document shall show the land improvement permit number, date of issuance, and signature of Land Improvement Permit Officer or duly authorized representative.

Section 11. FEES

A fee, payable to the municipality, in accordance with the following schedule shall accompany application for a land improvement permit:

- \$5.00 if construction value is projected to be \$1,000 to \$5,000
- \$10.00 if construction value is projected to be \$5,000 to \$20,000
- \$20.00 if construction value is projected to be over \$20,000

Section 12. APPEALS

Any person aggrieved by a decision of the Land Improvement Permit Officer or the Board of Supervisors may appeal for a full hearing before the Board of Supervisors. Such appeal must be made in writing and filed with the Township secretary within thirty (30) days after the determination or denial subject of the appeal. Upon receipt of an appeal, the Board of Supervisors shall set a time and place not less than ten (10) days or more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing shall be given to all parties, at which time they may appear and be heard.

Section 13. 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 Land Improvement Permit Officer or the Board of Supervisors shall be guilty of an offense and upon conviction shall pay a fine of not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, plus costs of prosecution.

Each day during which any violation of this ordinance, or non-compliance with a duly issued order, shall constitute a separate cognizable offense.

Section 14. SEVERABILITY AND DISCLAIMER OF LIABILITY

If any section, paragraph, sentence or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance, same of which shall remain in full force and effect. For this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 15. EFFECTIVE DATE

This ordinance shall become effective five (5) days after passage.

Adopted by the Board of Supervisors of West Providence Township, Bedford County, Pennsylvania, on the 1st day of November, 2004.

Attest:

Board of Supervisors

Carol Clark
Secretary

[Signature]

Jeffrey S. Mills

Laurenza N. Retch