

**BOROUGH OF ELIZABETHVILLE,  
DAUPHIN COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 361**

**AN ORDINANCE REQUIRING ALL PERSONS TO OBTAIN AN ADMINISTRATIVE BUILDING PERMIT FOR THE CONSTRUCTION, DEMOLITION OR MAJOR RENOVATIONS OF ANY BUILDINGS, ACCESSORY AND MISCELLANEOUS STRUCTURES, OR OTHER STRUCTURES IN THE BOROUGH OF ELIZABETHVILLE.**

BE IT ENACTED AND ORDAINED by the Borough of Elizabethville, Dauphin County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

**Section 1. Statement of Intent.**

The intent of this Ordinance is to inform the municipality on construction of any structures and buildings within the Borough.

**Section 2. Definitions.**

The following words and phrases shall have the particular meanings assigned by this section in the appropriate sections of this Ordinance:

- a) Building - any structure, either temporary or permanent, having walls and any roof or covering, and assigned or used for any purpose, including but not limited to the shelter or enclosure of any person, animal or property of any kind, on or in land or water, whether or not affixed to land or any other structure or building.
- b) Person - includes a natural person, individual, firm, company, corporation, partnership, trust, organization, association or other entity.
- c) Structure - any man made object or combination of materials that are made, assembled, built or constructed in any manner, having an ascertainable stationary location, temporary or permanent, on or in land or water, whether or not affixed to the land and whether or not said object is made, built, assembled or constructed at the premises.
- d) Accessory Storage Building - A detached building subordinate to the residence on a lot and used for purposes customarily incidental to the residential use.

- e) B.C.O. - Building Code Official certified by the State Department of Labor and Industry of Pennsylvania.
- f) U.C.C. - Uniform Construction Code as prescribed by Act 45 as amended.
- g) Major Renovations — The removal or replacement of walls or structural support materials. General repairs and replacement of existing fixtures shall not be considered major renovations.

**Section 3. Applicability.**

It shall be unlawful for any person to undertake or cause to be undertaken the construction, demolition, building, assembly, or major renovation of any structure or building anywhere within the Borough of Elizabethville unless an approved Administrative Building Permit has been obtained from the Borough.

**Section 4. Abrogation and Greater Restrictions.**

This Ordinance supersedes any Ordinance or provisions of Ordinances currently in effect inconsistent herewith. However, any underlying Ordinance shall remain in full force and effect to the extent that those provisions are more restrictive including, but not limited to, all floodplain ordinances and regulations.

**Section 5. Application Procedures.**

Application for an Administrative Building permit shall be made in writing, filed with the Borough Secretary on forms provided by the Borough of Elizabethville. Such Application shall contain the minimum following information:

- a) Name and address of applicant;
- b) Name and address of the owner of the land on which the proposed building or structure is to be constructed. If applicant is different than owner, the owner must sign the permit or provide a written consent for the permit;
- c) Name and address of the contractor;
- d) Site and property location;
- e) A brief description of the proposed building construction or demolition and work to be performed upon the property;
- f) A plan or drawing of the site showing all property lines, dimensions and shape of lot, the dimensions and location of the proposed buildings, structure and construction, and any existing buildings or structures on



the property, with setback dimensions including footage between structures;

- g) Any other information that may be required to determine compliance with this Ordinance.

**Section 6. Fees.**

Fees for the application and issuance of an Administrative Building permit, as set forth herein, shall be prescribed by Borough Council pursuant to resolution and shall be set forth on the Borough Fee Schedule. Payment of fees under this Section shall not relieve the applicant or holder of an Administrative Building permit for payment of any other fees that may be required by this Ordinance or any other Ordinance or laws.

**Section 7. Issuance of Administrative Building Permit.**

- a) An Administrative Building permit shall be issued only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes, regulations, laws, or ordinances, and permits.
- b) After issuance of an Administrative Building permit, 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 approval of the Borough Code Enforcement Officer. If the Borough does not reply within 20 days of receiving a written request for change sent by certified mail, the change shall be deemed approved. A review fee will apply and must be paid upon receipt of the revised permit.
- c) Issuance of an Administrative Building permit shall be a license to proceed with the work by the permit holder, so long as all other required permits are secured, and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance, or any other laws and ordinances.
- d) All work or uses shall conform to the permit application, plans and conditions for which the Administrative Building permit has been issued.
- e) The permit placard shall be displayed in a visible location from the exterior of the structure.

**Section 8. Start of Construction.**

The Administrative Building permit shall expire and the proposed construction shall be completed within twelve (12) months after the date of issuance of the Administrative Building permit; provided that the Administrative Building permit may be extended for not more than one (1) additional twelve (12) month period upon approval of the Borough. A fee for an extension will

apply and must be paid upon receipt of the permit extension. Extensions of time must be received in writing 20 days prior to the expiration date of the permit.

Construction shall be considered complete upon receipt of an occupancy permit by the Building Code Official (B.C.O.) for UCC projects, or upon completion of work described in the Administrative Building permit application for non-UCC projects.

**Section 9. Enforcement.**

The enforcement officer(s) or other designee(s) of the Borough (hereinafter "Code Enforcement Officer") appointed by the Borough Council, for purposes of this Ordinance, are hereby authorized and empowered to determine violations, issue notices, orders and directives for compliance with all or any provision of this Ordinance and enter upon and inspect the site and property of a person for compliance with this Ordinance before issuance of an Administrative Building permit. The Enforcement Officer may inspect all buildings, structures, and construction for which an Administrative Building permit is issued.

When a person is found to be in violation of any provision of this Ordinance, the Enforcement Officer shall issue a written notice of violation stating each violation, specifying the corrective action required and a date by which corrective action must be taken. Such notice shall be properly served upon a person if a copy thereof is delivered personally, posting the notice upon the property, or by certified or registered mail with a return receipt showing its delivery.

Before issuing a permit the Enforcement Officer may examine or cause to be examined any buildings, structures, facilities or other sites or materials related to the Administrative Building permit application. Permit applicants and holders shall provide access for all inspections by the Enforcement Officer. The Enforcement Officer otherwise may enter upon or in a property, building or structure during normal business hours or at a time agreed to by the owner or occupant of the property, or any other time if there is a reasonable cause to believe that a condition on the premises, building or structure violates this Ordinance. If entry is refused or not obtained, the Enforcement Officer is authorized to pursue recourse as provided by law, including seeking assistance of a law enforcement agency to gain entry to a property, building or structure to enforce this Ordinance upon reasonable cause of a condition on the property that a structure or building violates this Ordinance.

**Section 10. Penalties.**

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance, or fails or refuses to comply with any notice, order, or direction of the Borough Enforcement Officer, or any authorized designee or employee of Borough of Elizabethville, shall be guilty of an offense and, upon conviction, shall pay a fine of not less than One-Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), plus costs of prosecution, and may be sentenced to a term of imprisonment not to exceed thirty (30) days. Each day that a violation continues shall constitute a separate violation unless there was a good faith basis for the person to believe that there was no such violation in which event there shall be deemed to



only have been one such violation until the fifth (5<sup>th</sup>) day following the determination and thereafter each day that a violation continues to occur, shall constitute a separate violation.

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 or 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. All judgments, costs and reasonable attorney's fees collected for violation of this Ordinance shall be paid over to the Borough.

**Section 11. Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason, such decisions shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and for this reason the provisions of this Ordinance are hereby declared to be severable.

**Section 12. Borough Liability.**

This Ordinance shall not create liability on the part of Borough of Elizabethville or any officer, employee or designated representative thereof for any damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

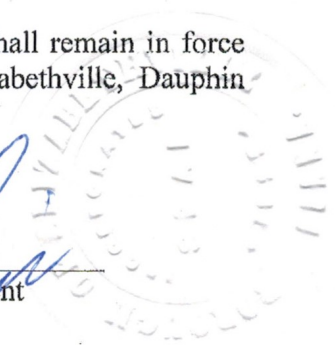
**Section 13. Effective Date.**

This Ordinance shall become effective on NOV. 12, 2018 and shall remain in force and effect until modified, amended or rescinded by the Borough of Elizabethville, Dauphin County, Pennsylvania.

ATTEST:

Dorothy P. Kappel  
Borough Secretary

Julia Hall  
Borough Council President



Approved this 12<sup>th</sup> day of November 2018.

Edward G. Ghera  
Mayor