

**RUSH TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2013-4

AN ORDINANCE REQUIRING ALL PERSONS TO OBTAIN AN ASSESSMENT PERMIT FOR THE CONSTRUCTION OR MAJOR RENOVATIONS OF ANY BUILDINGS, ACCESSORY AND MISCELLANEOUS USE, OR OTHER STRUCTURES IN THE TOWNSHIP OF RUSH.

BE IT ENACTED AND ORDAINED by the Township of Rush, 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 Township.

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, building, assembly, or major renovation of any structure or building anywhere within the Township of Rush unless an approved assessment permit has been obtained from the Township. Accessory storage buildings (shed) less than 100 sq. ft., by outside dimensions, shall be exempt from this ordinance.

Section 4. Abrogation and Greater Restrictions

This Ordinance supersedes any Ordinance or provision 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 assessment permit shall be made in writing, filed with the Township Secretary on forms provided by Rush Township. 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 and work to be performed upon the property;
- f) Any other lawful information that may be required to determine compliance with this Ordinance;
- g) Fair market value of construction.

Section 6. Fees

Fees for the application and issuance of an assessment permit, inspections, enforcement and recovery of costs incurred with respect to enforcement of this Ordinance, shall be prescribed by the Board of Supervisors pursuant to resolution and shall be set forth of the Township Fee Schedule. Payment of fees under this Section shall not relieve the applicant or holder of an assessment permit for payment of any other fees that may be required by this Ordinance or any other Ordinance or laws.

Section 7. Issuance of Assessment Permit

- a) An assessment permit shall be issued when all information has been submitted and fees have been paid.
- b) All work or uses shall conform to the permit application, plans, and conditions for which the assessment permit has been issued.

- c) The permit placard shall be displayed in a visible location from the exterior of the structure.

Section 8. Start of Construction

The assessment permit shall expire and the proposed construction shall be completed within six (6) months after the date of issuance of the assessment permit; provided, that the assessment permit may be extended for not more than one (1) additional six (6) month period upon approval of the Township. 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 Officer (B.C.O.) for U.C.C. projects, or upon completion of work described in the assessment permit application for non-U.C.C. projects determined by the Township Enforcement Officer.

Section 9. Enforcement

The enforcement officer(s) or other designee(s) of the Township (hereinafter "Enforcement Officer") appointed by the Township Supervisors, for purposes of this Ordinance, are hereby authorized and empowered to determine violations, issue notices, orders, and directives for compliance with all or any provisions of this Ordinance and enter upon and inspect the site and property of a person for compliance with this Ordinance before, during, or after issuance of an assessment permit. The Enforcement Officers shall inspect all buildings, structures, and construction for which an assessment 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 assessment 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 Township Enforcement Officer, or any authorized designee or employee of Rush Township, shall be guilty of an offense and, upon conviction, shall pay a fine of not less than Twenty-Five Dollars (\$25.00) 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 ninety (90) 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 (5th) 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 Township.

Section 11. Severability

In 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. Township Liability

This Ordinance shall not create liability on the part of Rush Township 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 July 1, 2013 and shall remain in force and effect until modified, amended, or rescinded by the Township of Rush, Dauphin County, Pennsylvania.

Attest:

RUSH TOWNSHIP
BOARD OF SUPERVISORS

John Kasputis, Chairman

Ann Shomper

Ronald Koppenhaver