

**AN ORDINANCE REQUIRING ALL PERSONS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE**

**BE IT ENACTED AND ORDAINED** by the Borough of St. Clair, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**ARTICLE 1**

**1. Intent.**

The intent of this Ordinance is to:

- A. Promote the general health, welfare and safety of the community.
- B. Encourage the utilization of appropriate construction practices.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Comply with federal and state floodplain management requirements.

**ARTICLE II**

**1. Permit required; exception.**

- A. It shall be unlawful for any person, partnership, business or corporation to undertake to undertake or cause to be undertaken the construction, reconstruction, enlargement, alteration or relocation of any building or structure unless an approved building permit has been obtained from the Municipal Building Permit Officer or any authorized Borough official.
- B. A building permit shall not be required for repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

2. **Definitions.**

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

1. **Building** – A combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.
2. **Commercial/Industrial Establishments** – Shall mean any room, group of rooms, building or any other enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service. In addition, this term shall mean any nongovernmental user, existing, or future identified in SICM, 1972, or current edition, Office of Management and Budget, as amended and supplemented, under the following divisions: agriculture, forestry, and fishing, mining, manufacturing, transportation, communications, electric, gas and sanitary services, and services.
3. **Persons** – Any person, persons, partnership, business or corporation.
4. **Residential** – This term shall mean any room, group of rooms, apartment, house trailer, building or other enclosure occupied or intended for occupancy as separate living quarters by a family or any other group of persons living together or by a person or persons living alone.
5. **Structure** – A combination of materials to form anything permanently affixed to or in the ground or to any other building or structure permanently affixed to or in the ground. Included shall be such things as driveways, carports, porches, swimming pools, etc.

3. **Application procedure.**

Application for such building permit shall be made, in writing, to the Building Permit Officer or other designated Borough official on forms provided by the municipality. Such application shall contain at least the following:

- A. Name and address of the applicant.
- B. Name and address of the owner of the land on which the proposed construction is to occur.
- C. Name and address of the contractor.
- D. Site location.

- E. Brief description of the proposed work and the estimated cost.
- F. A plan of the site showing the exact size of the location of the proposed construction as well as any existing buildings or structures.

**4. Issuance of permit.**

The Building Permit Officer or other authorized Borough official shall issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations.

**5. Permit changes.**

After the issuance of a building permit, no changes of any kind shall be made to the application or permit or to any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer or other authorized Borough official.

**6. Placards.**

In addition to the building permit, the Building Permit Officer or other authorized Borough official 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 building permit and the date of its issuance and shall be signed by the Building Permit Officer or other authorized Borough official.

**7. Start of construction.**

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit, or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer or other authorized Borough official. Construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure 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 or 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.

**8. Inspection of premises; revocation of permit.**

During the construction period, the Building Permit Officer or other authorized Borough official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. In the event that the Building Permit Officer or other authorized Borough official discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer or other authorized Borough official shall revoke the building permit and report such fact to the Borough Council of the Borough of St. Clair for whatever action it considers necessary.

**9. Permit fee.**

An application for a building permit shall be accompanied by the appropriate fee, in accordance with the schedule of fees adopted by the Borough Council of the Borough of St. Clair, as set forth hereinafter, which fee shall be payable to the Borough of St. Clair.

**Residential Building Permit Fees**

<b>Estimated Cost</b>	<b>Fee</b>
\$0 to \$200	\$ 0.00
\$201 to \$1,000	5.00
Each additional \$1,000 or part thereof beyond the first \$1,000	1.00

**Commercial/Industrial Building Permit Fees**

<b>Estimated Cost</b>	<b>Fee</b>
\$0 to \$1,000	\$ 25.00
\$1,001 to \$2,000	50.00
\$2,001 to \$3,000	100.00
\$3,001 to \$4,000	100.00
Each additional \$1,000 or part thereof beyond the first \$5,000	12.50

**10. Building Permit Officer.**

The Borough Council of the Borough of St. Clair may appoint a Building Permit Officer or other authorized official whose responsibility it will be to enforce and administer the provisions set forth in this Ordinance. The Council shall also from time to time by separate resolution establish the rate of compensation for the Building Permit Officer or other authorized official.

## **11. Appeals to Borough Council.**

Any person aggrieved by the Building Permit Officer's, or other authorized official's, refusal to issue a building permit may appeal to the Borough Council of the Borough of St. Clair. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Building Permit Officer or other authorized Borough official. Upon receipt of such appeal, the Borough Council of the Borough of St. Clair shall set a time and place, not less than ten (10) days nor more than thirty (30) days thereafter, 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 by the Borough Council of the Borough of St. Clair shall be final in all cases.

## **12. Violations and penalties.**

Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or other authorized Borough official of the Borough of St. Clair shall be guilty of an offense and, upon conviction, shall be punishable for each offense by a fine of not more than One Thousand (\$1,000.00) Dollars and costs of prosecution. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Article. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with the Article may be declared by the Borough Council of the Borough of St. Clair to be a public nuisance and abatable as such.

## **ARTICLE III**

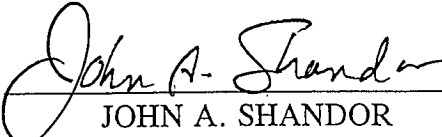
### **1. Flood hazard considerations.**

The Building Permit Officer or other authorized official shall:

- A. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location which has a flood hazard, any proposed new construction or substantial improvement, including prefabricated and mobile homes, must:
  - (1) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure.

- (2) Use construction materials and utility equipment that are resistant to flood damage.
  - (3) Use construction methods and practices that will minimize flood damage.
- B. Review subdivision proposals and other proposed new developments to assure that:
- (1) All such proposals are consistent with the need to minimize flood damage.
  - (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
  - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
- C. Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwater into the systems and discharges from the systems into floodwater and require on-site waste disposal systems located so as to avoid impairment of them or contamination from them during flooding.

This Ordinance shall take effect immediately upon passage. **ORDAINED** and **ENACTED** the date and year above written.

  
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JOHN A. SHANDOR  
Council President

ATTEST   
\_\_\_\_\_  
ROLAND PRICE, JR.  
Borough Secretary

Approved by me this 30 day of March, 2000.

A handwritten signature in cursive script that reads "Richard E. Tomko". The signature is written in black ink and is positioned above the printed name and title.

RICHARD E. TOMKO

Mayor