

HONEY BROOK TOWNSHIP
ORDINANCE NO. 5 - 1963

An Ordinance requiring that a permit be obtained before erecting, altering or raising buildings in Honey Brook Township, Chester County, Pennsylvania, or changing the use of occupancy of any building in the Township, requiring that plans and specifications be submitted, and prescribing penalties for violation.

The Board of Supervisors of Honey Brook Township, pursuant to the laws of the Commonwealth of Pennsylvania, do hereby enact and ordain as follows:-

SECTION 1

The following words and phrases, as used in this Ordinance, shall have the meanings hereby ascribed thereto unless the context thereof clearly indicates a different meaning:

(a) The word "beam" shall include girder and shall mean any suspended support on which other structural members rest.

(b) The term "bearing wall" shall mean walls, piers, columns and like structural members which transmit the weight and stress of a building or structure to the ground.

(c) The word "building" means a structure which encloses space. Any portion of a building separated from any other portion by an unpiered wall extending from the lowest floor to the underside of the roof shall be construed as a separate building.

(d) The term "building official" shall mean the Board of Supervisors, any member of such Board, or any other officer or employee of the Township designated by the said Board of Supervisors as having the duty to enforce the building regulations of the Township.

(e) The term "commercial structure" shall mean all structures as defined herein which are used in a business enterprise.

✓ (f) The word "dwelling" shall mean a house used as a residence for human occupancy, and shall include apartment houses used for that purpose. Also house trailers or mobile homes used for living or sleeping purposes for an aggregate of more than thirty days in any period of one year shall be construed as a dwelling for all purposes of this Ordinance.

(g) The word "fence" shall mean an enclosing structure of wood, iron or other material interposed between two portions of land.

(h) The word "occupancy" shall mean the purpose for which a building or part thereof is used, or intended to be used. "Change of occupancy" shall mean a change from one occupancy classification to another and shall not be construed as meaning a change of user or occupant. "Mixed occupancy" shall mean the use of a building for more than one occupancy classification.

(i) The word "roof" shall comprise the outside top covering of a building or structure plus the frame or other support for the top covering which encloses space between supporting elements on which said frame or support rests.

(j) The word "structure" shall mean any production or piece of work, artificially built up or composed of parts, and joined together in some definite manner.

(k) The word "Support(s)" shall mean all structure elements necessary to maintaining a building and includes foundation, walls, columns, piers, girders, beams; and the like, but is not limited to the same.

SECTION 2.

It shall be unlawful:

(a) To construct, alter, or raise any building or structure, other than a fence where the cost of such construction or change exceeds One Thousand Dollars (\$1,000.00).

(b) To alter or remodel any building, dwelling or other structure, or to change the use or occupancy thereof, requiring major alterations in bearing walls, beams, supports or the roof thereof.

(c) To move any building, dwelling or other structure having a ground floor area of 175 square feet, without having first secured a permit thereof, or in violation of the terms of such permit, or in violation of the terms of this Ordinance.

Such permit shall be obtained prior to beginning any construction, alteration, raising or movement of buildings as provided herein, by written application to the Board of Supervisors. A fee of \$2.50 shall be paid to the Board of Supervisors for a permit where the estimated costs of the work contemplated is in excess of One Thousand Dollars (\$1,000.00) but does not exceed Five Thousand Dollars (\$5,000.00). For work exceeding Five Thousand Dollars (\$5,000.00) in value, the permit shall cost \$2.50 for the first Five Thousand Dollars (\$5,000.00) of estimated construction, and \$1.00 additional for each One Thousand Dollars (\$1,000.00) or fraction thereof, estimated in excess of Five Thousand Dollars (\$5,000.00). All such fees for permit shall be paid to the Board of Supervisors, to be used for the use and purposes of the Township.

SECTION 3.

✓ No permit shall be issued for the construction of any building or structure, or for remodeling or repairing of any building or structure which effects bearing walls, beams, supports, roofs other than resurfacing, or chimneys, or for moving a building, dwelling or other structure having a floor area in excess of 75 square feet, unless the application is accompanied by a plot or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done.

SECTION 4.

The permit provided for herein shall be issued by the Board of Supervisors after receipt of the written application and approval of the plans and specifications by the Board. Such permit shall state the name of the person, persons, firm or corporation to whom this permit is issued, the location of the lot or plot of ground on which work covered by such permit will be performed, a description of the work approved to be performed by the issuance of such permit, the proposed or intended use for the building or structure after the work covered by the permit is completed, estimated value (including material and labor) of work approved to be performed, and estimated times of start and completion of proposed work covered by such permit.

This data will be supplied in the application. The Board of Supervisors shall record the issuance of all permits issued in accordance with the provisions of this Ordinance.

SECTION 5.

The regulations of the current edition of the National Building Code recommended and published in book form by the National Board of Fire Underwriters are hereby adopted as the regulations governing the construction of dwellings and other structures in Honey Brook Township not otherwise controlled by "Building Regulations for Protection from Fire and Panic" current edition, as amended, as published by the Department of Labor and Industry, Commonwealth of Pennsylvania, or like Commonwealth publications; and it shall be unlawful to erect or construct any building or structure, or change the use or occupancy thereof in violation of, or without complying with, these regulations, as provided herein. Copies of such "code" and "building regulations in the Commonwealth" shall be kept on file in the Office of the Secretary of the Board of Supervisors for consultation..

SECTION 6.

The building official, as designated by the Board of Supervisors, has the power and duty to enforce the provisions of this Ordinance; and all fees provided herein shall be paid to said building official. All permits shall be issued by him. In the absence of such building official being designated, the Board of Supervisors shall so act.

SECTION 7.

Whenever the work is not being done in compliance with the provisions of this Ordinance or is in variance with the terms of the permit issued for such work, the building official may order all work on the job stopped until such non-compliance or variance is eliminated and any work

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or installation made which does not comply with the provisions of this Ordinance is corrected.

It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property.

Such stop order may be revoked by the building official.

SECTION 8.

Wherever in the building regulations it is provided that anything must be done to the approval of, or subject to the direction of the building official or the Board of Supervisors this shall be construed to give such person or Board only the discretion of determining whether the rules and standards established by this Ordinance have been compiled with; and no such provision shall be construed as giving any such person of Board discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by Ordinance or to enforce ordinance provisions in an arbitrary or discriminatory manner.

SECTION 9.

Upon completion of the work or erection, raising, alteration, of any building, (or) change of use or occupancy thereof, under a permit as aforesaid, the holder of such permit shall report such completion or change to the Board of Supervisors or a person designated by them to receive such reports. After completion, or at any time during the course of the work so permitted, the Board of Supervisors may cause an inspection to be made. Any failure to comply with any requirements of the law or any applicable ordinance shall be noted on the original

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application for the permit which shall be kept in the Township Supervisors file and will also be referred to the proper authority for corrective or punitive action.

SECTION 10.

If any work authorized by any permit issued under this Ordinance shall not have been commenced within six (6) months after the issuance of such permit the Board of Supervisors shall require the permit holder to relinquish such unused permit, which shall thereupon become invalid. Under such conditions, neither the permit fee nor any part thereof shall be returned to such permit holder, and if at any time in the future such permit holder shall make application for another permit for the same work, he shall follow the same procedure and pay the same fee as if no previous permit had been issued.

SECTION 11.

All work on the construction, moving, alteration, raising, or repair of buildings and other structures, or required for change of use or occupancy thereof, shall be performed in a good workmanlike manner according to accepted standards and practices in the trade. The regulations of the current edition of the National Building Code, recommended and published by the National Board of Fire Underwriters together with requirements of the Commonwealth of Pennsylvania as provided in "Building Regulations for Protection from Fire and Panic" (current edition, as amended) and like publications shall be considered standard and acceptable practice for all matters not specifically covered in this Ordinance and the fire resistance ratings for material in these and like publications of the Commonwealth of Pennsylvania shall be considered as correct in the application of the

provisions of this Ordinance.

SECTION 12.

Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon every conviction thereof, be punished by a fine for each offense of not less than Ten Dollars (\$10.00) nor more than five percent (5%) of the estimated value of the work if it were performed according to the approved plans and specifications but not to exceed Three Hundred Dollars (\$300.00) plus the costs of prosecution.

SECTION 13.

This Ordinance shall become effective ten days after enactment.

Enacted in regular session this 7th day of MARCH, 1963.

SIGNED

HONEY BROOK TOWNSHIP BOARD OF SUPERVISORS

PRES.

James A. Lambly

ROADMASTER

Paul Simpson

SEC. - TREAS.

Terrie R. Shingh

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