

BOROUGH OF AVALON

ORDINANCE NO. 1257

AN ORDINANCE OF THE BOROUGH OF AVALON, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT PRIOR TO ERECTING, MOVING, EXTENDING, DEMOLISHING OR STRUCTURALLY ALTERING ANY BUILDING OR STRUCTURE IN THE BOROUGH OF AVALON; PROHIBITING ALL CONSTRUCTION AND DEVELOPMENT WITHOUT AN APPROVED BUILDING PERMIT; SETTING FORTH FEES FOR BUILDING PERMITS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL INCONSISTENT ORDINANCES.

SECTION 1: ENACTING CLAUSE

Be it ordained and enacted by Council of the Borough of Avalon, and it is hereby ordained and enacted by the authority of the same, that from and after the effective date of this Ordinance, the following Ordinance shall be in full force and effect in the Borough of Avalon.

SECTION 2: SHORT TITLE

This Ordinance shall be known as the Borough of Avalon Building Permit Ordinance.

SECTION 3: CONFLICT AND REPEALER OF OTHER ORDINANCES

Any ordinance, or part thereof, conflicting with the provisions of this ordinance is hereby repealed insofar as the same affects this ordinance.

SECTION 4: INTENT OF ORDINANCE

It is the intent of this Ordinance:

- A. To promote, protect and facilitate the public health, safety and general welfare of the community.
- B. To encourage and facilitate the orderly growth and development of the Borough.
- C. To protect and maintain the character, stability and value of developed residential, commercial, and industrial areas within the Borough.
- D. To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- E. To minimize danger to public health by protecting water supply and natural drainage.
- F. To reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

SECTION 5: REQUIREMENTS FOR BUILDING PERMITS

No building or other structure shall be erected, moved, extended, demolished or structurally altered without a "Building Permit" therefore having been issued by the Building Inspector. A Building Permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

SECTION 6: EFFECT OF APPLICATION

Every Application for a Building Permit shall be deemed to be an Application for a Certificate of Use and Occupancy.

SECTION 7: VIOLATION OF ORDINANCE TO CONSTRUCT OR DEMOLISH WITHOUT BUILDING PERMIT

- A. It is a violation of this Ordinance to construct, erect, move, extend, demolish or structurally alter a building or structure in the Borough of Avalon without a building permit and no person, partnership, business or corporation, shall undertake, or cause to be undertaken, any construction, development or demolition of any building or structure anywhere in the Borough of Avalon without previously obtaining an approved Building Permit from the Borough Building Inspector.
- B. For subdivisions and land developments as defined by the Municipalities Planning Code, no Building Permit shall be issued prior to completing the review and approval requirements of the Allegheny County Subdivision and Land Development Ordinance.

SECTION 8: FORM AND CONTENT OF APPLICATIONS

All applications for building permits shall be made on forms furnished by the Building Inspector, shall be completed in full with accurate information and submitted in duplicate with a Plot Plan prepared and sealed by a Land Surveyor or Architect

registered to do business in the Commonwealth of Pennsylvania. Each Plot Plan shall show the following information and data with a narrative statement and detail building plans attached:

1. Owner's name.
2. Bearings and distances along all property lines.
3. Public streets abutting property with Right-of-Way width.
4. Area of property.
5. Deed Book Volume and Page as well as Lot and Block Number.
6. Lot number, Plan name and where Plan is recorded if property is located in a Recorded Plan.
7. All existing dwellings, buildings and accessory structures indicating descriptions and height of each with floor and basement elevations.
8. All proposed dwellings, buildings and accessory structures indicating dimensions, descriptions and height of each with proposed floor and basement elevations.
9. Front yard, side yard and rear yard dimensions.
10. Off-street parking and loading areas and driveways indicating the dimensions and number of parking spaces as required by this Ordinance.
11. Location of signs with size and details.
12. Location and size of all existing utilities abutting or crossing property.

13. Topography with two (2) foot contours and/or elevations showing existing and finished grades, except property used for the construction of a single family or two family dwelling requiring no greater than five (5) foot of fill or cut.
14. Stormwater management facilities to collect and control surface water run-off from property, with calculations of pre-development and post-development surface water run-off, and method of detaining increased run-off, except in cases in which an exemption or exception is provided in the applicable stormwater management regulations adopted by the Borough.
15. Soil erosion and sedimentation control measures and facilities conforming to the requirements and specifications of "Pennsylvania Soil Erosion and Sedimentation Control Manual," latest edition.
16. Compliance with the requirements and specifications of the Borough's Grading Ordinance and any amendments thereto, if applicable.
17. Compliance with the requirements and specifications of the Borough's Flood Management Ordinances Nos. 1162 and 1164, and any amendments thereto, if applicable.
18. If the proposed construction is within any identified flood-prone area, the applicant shall

submit a document, certified by a registered professional engineer or architect, stating that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood, including a statement containing a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure.

19. Detailed Building Plans conforming to the requirements and specifications of the Building Officials and Code Administrators (BOCA) Basic Building Code as adopted by the Borough. The Plans must be approved and sealed by the State Department of Labor and Industry for all structures other than single family residences or any other structures specifically excluded from this requirement by Section 49.2(b) of the Commonwealth of Pennsylvania Code Title 34, Labor and Industry, 34 Pa.Code § 49.2(b).
20. A narrative statement describing in detail the work to be done and indicating the proposed use for each building or structure to be constructed on the property, the number and nature of businesses

proposed in each building and if Commercial or Industrial with the number of employees anticipated for each. If the Application is made by someone other than the owner of the property, the Application shall be accompanied by a duly verified affidavit from the owner authorizing such application to be made.

21. Compliance with the requirements and specifications of the Borough's House and Building Numbering Ordinance.
22. No building (or zoning) permit shall be issued pursuant to this Ordinance until the stormwater management plan for the property or lot has been approved in accordance with the County or Borough Ordinance. Further, the municipality shall not issue the permit until any required floodplain, dam safety, or obstructions, or erosion/sedimentation approvals/permits have been received from the applicable local, county or state agencies. Copies of the approval/permit must be filed with the municipality.
23. Applications for a building permit shall be accompanied by a fee, payable to the Borough of Avalon, based upon the estimated cost of the proposed construction as determined by the Building Inspector and as established by Borough Council.

Borough Council may, from time to time by Resolution, either increase or decrease said fee.

SECTION 9: ISSUANCE OF BUILDING PERMIT

1. The Building Inspector shall issue a Building Permit 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 governing codes and ordinances.
2. Prior to the issuance of any Building Permit, the Building Inspector shall review the application for the permit to determine if all other necessary governmental permits and approvals such as those required by county, state and federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Allegheny County Subdivision and Land Development Ordinance, the Water Obstruction Act of 1913 and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C. § 1334. No building permit shall be issued until this determination has been made by the Building Inspector.
3. The Building Inspector shall render a decision either approving or disapproving the Application for a Building Permit within ninety (90) days after the Application is filed, provided that any

disapproval of the Application shall contain a brief explanation setting forth the reasons for said disapproval and the manner which the Application can be corrected and/or modified to obtain the required approval. If no decision is rendered on the Application within ninety (90) days, the Application shall be deemed to be approved and the permit shall be deemed to have been granted immediately unless the applicant has agreed in writing to an extension of time. No agreement to extension of time for action may be made a part of an Application form, nor may any such agreement be required of any applicant under threat of denial of the Application.

SECTION 10: CHANGES AFTER ISSUANCE OF BUILDING PERMIT

After the issuance of a building permit by the Building Inspector, 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 with the prior written consent of approval of the Building Inspector.

SECTION 11: REQUIRED DISPLAY OF PLACARD

In addition to the building permit, the Building Inspector shall issue a placard which shall be displayed on the premises at all times while the construction is in progress. The placard shall show the number of the building permit, the date of its issuance and shall be signed by the Building Inspector.

SECTION 12: START OF CONSTRUCTION

Work on the proposed construction shall begin within six (6) months after the date of the issuance of the building permit or the permit shall automatically expire unless a time extension is granted, in writing, by the Building Inspector. Construction shall be considered to have started with the first placement of permanent construction of a structure 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 shall be considered to have started with 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, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under the proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

SECTION 13: INSPECTION AND REVOCATION

During the construction period, the Building Inspector or other authorized official may inspect the premises at any time to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Avalon Borough laws, codes and ordinances. In the event the Building Inspector discovers that the work does not comply with

the permit application or any applicable laws, codes or ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Inspector shall revoke the building permit and report such fact to the Borough Manager and Borough Council for whatever additional action the Manager or Council deem necessary or appropriate.

SECTION 14: PENALTY FOR VIOLATIONS

Any person, firm, corporation, association or other entity that violates any provision of this Ordinance shall pay to the Borough for each and every separate offense a sum of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) to be used for and recovered as other fines and penalties are now by law recoverable and, in default of payment of the fine and costs of prosecution, shall be committed to the county jail for a period not exceeding ninety (90) days. Each violation shall constitute a separate offense and shall be deemed committed on each day during, or on which a violation occurs or continues and shall constitute a separate offense. Nothing contained herein shall be deemed to preclude the Borough to seek other relief or avail itself of any remedy that may be at law or in equity to prevent continuing violations of the terms of this Ordinance.

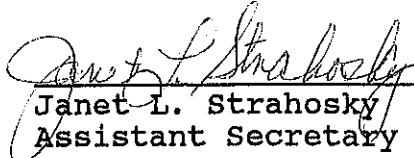
SECTION 15: VALIDITY.

The provisions of this Ordinance are severable and if any of its provisions or any part of any provision shall be held unconstitutional or otherwise held to be invalid, the decision of the Court shall not affect or impair any of the remaining

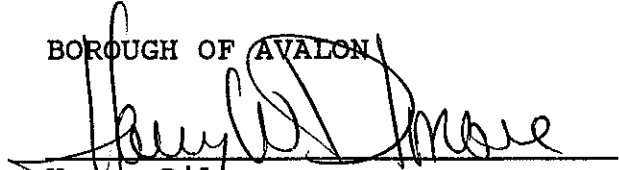
provisions. It is hereby declared to be the intent of Borough Council that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

ORDAINED AND ENACTED into law this 19th day of October, 1999.

ATTEST:


Janet L. Strahosky
Assistant Secretary

BOROUGH OF AVALON


Harry Dilmore
President
Council of Borough of Avalon

SEAL

EXAMINED AND APPROVED by me this

26 day of October, 1999.


Daniel K. Bricmont, Esq., Mayor