

## Chapter 80

### BUILDING CONSTRUCTION

§ 80-1. (Reserved)

§ 80-2. Additions, insertions and changes.

[**HISTORY:** Adopted by the Board of Supervisors of the Township of North Middleton 4-7-1994 by Ord. No. 94-1. Amendments noted where applicable.]

#### GENERAL REFERENCES

Uniform construction codes — See Ch. 95.  
Floodplain management — See Ch. 112.  
Sewers and water — See Ch. 164.

Subdivision and land development — See Ch. 180.  
Zoning — See Ch. 204.

§ 80-1. (Reserved) <sup>1</sup>

§ 80-2. Additions, insertions and changes. <sup>2</sup> [Amended 6-20-2002; 1-16-2003 by Ord. No. 2003-2]

The following sections are hereby revised as follows:

#### **Section 104.3 ORGANIZATION:**

The Board of Supervisors shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code.

#### **Section 108.1.1 OTHER PERMITS REQUIRED:**

At the time of filing an application for a permit, the applicant shall present to the Code Official evidence that he has obtained all necessary permits, licenses, approvals and/or variances as may be required by the laws of the municipality and the commonwealth. Individuals, agencies, boards and commissions issuing aforesaid permits, licenses, approvals and/or variances shall include but not be limited to: Carlisle Suburban Authority, Department of Labor and Industry, the Zoning Officer or Zoning Hearing Board, Board of Appeals, the Sewage Enforcement Officer, the Fire Chief, the State Police Fire Marshal, the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Community and Economic Development. Nothing herein shall render the official or township responsible for ensuring that such evidence is accurate as has been obtained, nor shall the official's issuance of a permit constitute such a representation.

1. Editor's Note: Former § 80-1, Adoption of Building Code, was superseded 6-17-2004 by Ord. No. 2004-5. For current provisions on construction codes, see Ch. 95, Construction Codes, Uniform.
2. Editor's Note: This section was revised to delete certain specific additions and changes to the BOCA National Building Code, Twelfth Edition, 1993, which was adopted as the Building Code of the Township of North Middleton. The deleted provisions were superseded 6-17-2004 by Ord. No. 2004-5, which ordinance provides for the enforcement of the State Uniform Construction Code. (See Ch. 95, Construction Codes, Uniform.) The remaining changes to the 1993 BOCA Code were deemed by the Township to remain in effect.

**SECTION 116.3 PROSECUTION OF VIOLATION**

In the event of a violation of any provision of this ordinance, regardless of whether a notice of violation or stop-work order under Section 116.2 has been served, issued, drafted, or contemplated, and regardless of whether the said section has been followed in any way by the township or Code Official, and regardless of whether any notice or order which may have been issued and served has been complied with, the township may proceed against the violator in criminal proceedings and/or in civil proceedings, as it deems best, and shall have the benefit of all remedies provided by law. The Code Official is empowered to institute such actions and prosecutions, but nothing herein is intended to preclude other officials or persons, including the Supervisors, from commencing or ordering commencement of legal action. In the event of disagreement as to the advisability of a prosecution or other suit's being initiated or continued, the Supervisors' decision shall be final.

As noted above, nothing in Section 117.2 shall constitute a prerequisite to criminal or civil action.

**SECTION 116.4 VIOLATION PENALTIES**

Any person, including a corporation, who shall violate any provision of this ordinance or shall fail to comply with any requirements thereof or who shall erect, construct, alter, repair, or demolish a building or structure in violation of an approved plan or directive of the Building Official, or of a permit or certificate issued under the provisions of the Basic Building Code, shall be guilty of a summary offense, and shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

**SECTION 117.2 UNLAWFUL CONTINUANCE:**

Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

**SECTION 121.4.4 ENFORCEMENT OF DECISION.**

The Code Official shall take immediate action in accordance with the decision of the Board.

**SECTION 121.4.5 FEES.**

At the time of application for the hearing the appellant shall escrow \$150 to cover the costs of the hearing, with the balance to be refunded to or paid by the applicant. Said costs for the hearing shall include but not be limited by legal fees, recording secretary, and advertising costs.