

# **CHAPTER 38**

## **STRUCTURES NOT REVIEWED UNDER THE UNIFORM CONSTRUCTION CODE**

BOROUGH OF WYALUSING  
ORDINANCE NO. 38

ASSESSMENT ORDINANCE REGARDING MISCELLANEOUS STRUCTURES  
NOT REVIEWED UNDER THE UNIFORM CONSTRUCTION CODE

AN ORDINANCE CHAPTER 38 REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESS AND CORPORATIONS TO OBTAIN AN ASSESSMENT PERMIT FOR THE CONSTRUCTION OF ALL AGRICULTURAL BUILDINGS, MANUFACTURED HOUSING, HISTORICAL BUILDINGS, ACCESSORY AND MISCELLANEOUS-USE STRUCTURES LESS THAN 500 SQUARE FEET WHICH ARE NOT HABITABLE AND LIMITED TO ONE-STORY IN THE BOROUGH OF WYALUSING.

BE IT ENACTED AND ORDAINED BY the BOROUGH of WYALUSING, BRADFORD County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1.0 – Statement of Intent

A. The intent of this Ordinance is to inform the municipality on construction of structures that do not require permits under the Pennsylvania UCC for assessment purposes.

Section 1.1 - Applicability

It shall be unlawful for any person, partnership or business or corporation to undertake, or cause to be undertaken the construction, renovation or repair of any agricultural building, manufactured housing, historical building, accessory or miscellaneous-use structure less than 500 square feet which is non-habitable and limited to one-story anywhere within the municipality unless an approved assessment permit has been obtained from the municipality.

## Section 1.2 - Abrogation and Greater Restrictions

This Ordinance supersedes any provisions currently in effect. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

## Section 1.3 - Severability

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason such decision 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 1.4 - Municipal Liability

This Ordinance shall not create liability on the part of the municipality or any officer or employee thereof for any damages, that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

## Section 2.0 - Application Procedures

Application for such an assessment permit shall be made in writing to the BOROUGH Secretary. Such application shall contain at least the following:

1. Name and address of applicant
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location.
5. Brief description of proposed work and estimated cost.
6. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures, with set back dimensions.

## Section 2.1 - Issuance of Assessment Permit

A. The BOROUGH Secretary shall issue an assessment 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 applicable codes or ordinances.

B. After the issuance of an assessment permit, 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 without the written consent or approval of the municipality.

### Section 2.2 – Start of Construction

Work on the proposed construction shall begin within six (6) months from the date of issuance of the assessment permit. The proposed construction shall be completed within twelve (12) months after the date of issuance of the assessment permit. Construction shall be considered to have started with the first placement of permanent construction to the site, such as 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 of any part thereof on its pilings or foundation or the affixing of any prefabricated structure to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filing, excavation for basement, footings, piers or foundations, erection of temporary forms, or installation of piling under proposed subsurface footings.

### Section 2.3 – Fees

A fee schedule will be of an attached resolution enacted by the municipal officials.

### Section 3.0 – Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order, or direction of the Building Official or any other authorized employee of the municipality, shall be guilty of an offense and, upon conviction shall pay a fine to the Municipality of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), plus 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 Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance 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.

### Section 4.0 – General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

#### Section 4.1 – Specific Definitions

- A. Agricultural building – a structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.
- B. Construction – the construction or relocation of a building or structure.
- C. Manufactured housing – under section 901(a) of the act (35 P.S. § 7210.901(a)), housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P.S. §§ 1656.1—1656.9), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).
- D. Structure – anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds and other similar items.

#### Section 5.0 – Effective Date

This Ordinance shall become effective on July 1, 2005, and shall remain in force until modified, amended, or rescinded by the BOROUGH of WYALUSING, Bradford County, Pennsylvania.

ASSESSMENT PERMIT APPLICATION FOR MISCELLANEOUS STRUCTURES  
NOT REVIEWED UNDER THE UNIFORM CONSTRUCTION CODE

1. Name of Applicant: \_\_\_\_\_

2. Applicant's Address: \_\_\_\_\_

3. Owner Information:

a. Name: \_\_\_\_\_

b. Address: \_\_\_\_\_

4. Contractor:

a. Name: \_\_\_\_\_

b. Address: \_\_\_\_\_

5. Site Location Information (Please provide a general description of where the work will occur or attach a map):

\_\_\_\_\_

\_\_\_\_\_

6. Description of Proposed Work:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Estimated Cost for Proposed Work: \$ \_\_\_\_\_ . \_\_\_\_\_

8. Provide a plan or sketch of the size and location of proposed construction as well as any existing buildings or structures, with set back dimensions.