

TOWNSHIP OF MIFFLIN

ORDINANCE NO. 12-2017

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MIFFLIN TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, REQUIRING THE SUBMISSION OF AN APPLICATION FOR ASSESSMENT PERMIT; PRESCRIBING THE FORM OF THE APPLICATION; ESTABLISHING THE FEE TO ACCOMPANY SAID APPLICATION; AND PROVIDING PENALTIES FOR THE ENFORCEMENT THEREOF.

WHEREAS, it is necessary and desirable to establish a system for the submission and review of applications for Assessment Permits relevant to construction within the boundaries of Mifflin Township.

The Board of Supervisors of the Township of Mifflin, Dauphin County, Pennsylvania, therefore enacts and ordains as follows:

**SECTION 1. Title.**

This article shall be known and may be cited as the "Mifflin Township Assessment Code Ordinance," and may be referred to herein as the "Code," and hereby amends the applicable Ordinances of the Township.

**SECTION 2. Intent.**

The purpose of this article is to promote the general health, safety, and welfare of the residents of Mifflin Township.

**SECTION 3. Scope.**

The code and regulations shall control all matters concerning the construction, alteration, addition, location, and occupancy of all land, buildings, and structures and shall apply to existing or proposed structures. It shall be the joint responsibility of the owner or lessee, if any, to obtain the required Assessment Permit before performing any work.

**SECTION 4. Applicability.**

It shall be unlawful for any person to commence any alteration or construction to an existing or new building, or to undertake any development, earthmoving activity, or improvement to a lot without first complying with the requirements of this ordinance and obtaining an Assessment Permit issued by the Township.

Exception - An assessment permit is not required for any municipal activities, or any accessory structure less than 100 square feet in total building area as defined herein.

## **SECTION 5. Definitions.**

**ASSESSMENT PERMIT OFFICIAL** – An individual or third party agency duly appointed to administer and enforce this chapter in accordance with its literal terms.

**BUILDING** - Any structure with a roof intended for shelter or enclosure of persons, animals, or property.

**BUILDING AREA** - The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).

**BUILDING SETBACK LINE (SETBACK)** – The actual distance between the closest part of a building including roof overhangs and an adjacent property line or street right-of way line.

**CLEAR SIGHT TRIANGLE** – A triangular-shaped portion of land established by a street or driveway intersection in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the site distance of motorists entering or leaving the intersection as determined by the regulations as revised from time to time by the Pennsylvania Department of Transportation.

**CONSTRUCTION** – The alteration of any existing building or the erection of any new structures. This definition shall not apply to activities that would be customarily associated with the normal repair and maintenance of an existing structure.

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**EARTHMOVING ACTIVITY** - Any construction or other activity which disturbs the surface of the land, including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction, and the moving, depositing or storing of soil, rock, or earth. For the purposes of this chapter, this definition shall not include the tilling of the soils and cultivation associated with the growing of crops.

**HEIGHT, STRUCTURE** - A structure's vertical measurement from the mean level of the natural grade abutting the corners of the structure to the highest point of the structure, any signs, antennas, or other appurtenances.

**IMPROVEMENTS** – Any structure or paving placed upon land, including the provision of underground or aboveground utilities, as well as any physical change to the surface of the land, including, but not necessarily limited to, grading, paving, the placement of storm water management facilities, sidewalks, street signs, traffic control devices, and monuments. This definition shall expressly exclude the tilling of soil.

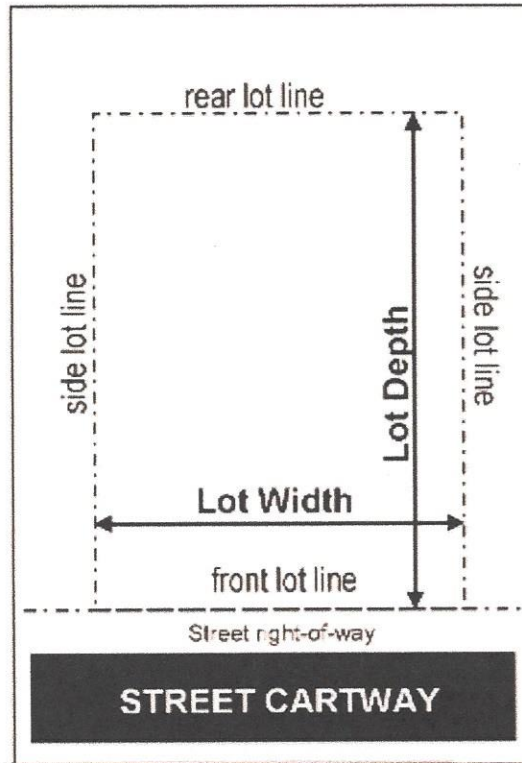
**LOT** — A designated parcel, tract or area of land established by plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**LOT LINES** – The boundary lines of a lot as defined herein

- (1) **FRONT LOT LINE:** The lot line separating a lot from a street right-of-way. In the case of a corner lot or a lot abutting a street right-of-way on more than one side, the front lot line shall be frontage abutting the named street or road of the physical address of the lot.



- (2) **REAR LOT LINE:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- (3) **SIDE LOT LINE:** Any lot line other than a front or rear lot line.



**MUNICIPAL ACTIVITIES** - Those uses and facilities designed to furnish necessary support for the general public health, safety, and welfare that are typically the responsibility of local governments and other locally operated service agencies and are not operated on a commercial basis.

**PERSON** – Includes a natural person, individual, firm, company, corporation, partnership, trust, organization, association, or other entity.

**RIGHT-OF-WAY** - An area secured for public use and which may, but need not, be improved with streets, utilities, storm water management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

**SETBACK** - The required horizontal distance between a setback line and a property or street right-of-way line.

**A. SETBACK, FRONT**

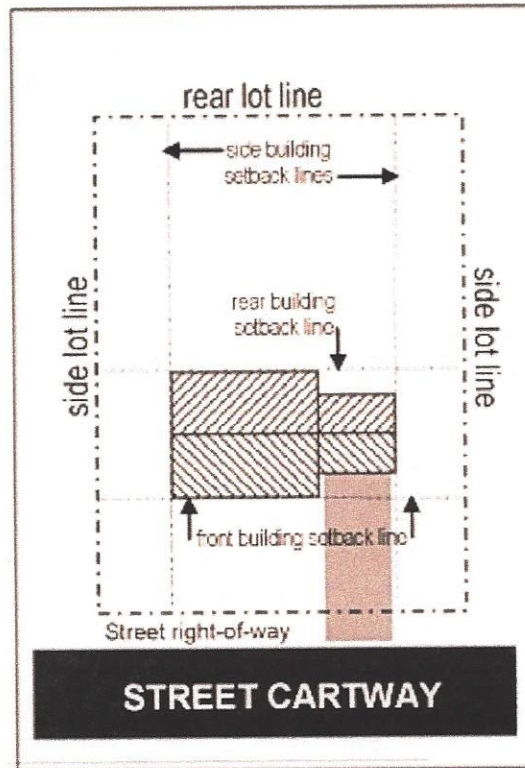
The distance between the street right-of-way line and the front building setback line projected the full width of the lot. Commonly called "required front yard."

**B. SETBACK, REAR**

The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required rear yard."

C. SETBACK, SIDE

The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard."



**SETBACK LINE** - A line within a property and parallel to a property or street right-of-way line which delineates the required minimum distance between some particular use of property and that property or street line.

**STREET** - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used, or intended to be used, by vehicular traffic or pedestrians whether public or private.

**STRUCTURE** - Any man-made object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land, excluding storm water management retention/detention basins and related inlet and/or outlet devices, sidewalks, driveways leading directly to a public street, and public utility lines and appurtenances. Structures shall not include such things as sandboxes, decorative fountains, swing sets, birdhouses, bird feeders, mailboxes, and any other similar nonpermanent improvements.

- A. **STRUCTURE, ACCESSORY** - A structure with a total building area of less than 100 square feet which is associated with an accessory use (e.g., patios, antennas, tennis courts, garages, utility sheds, etc.). Any accessory building larger than 100 square feet shall comply with principal structure setbacks.
- B. **STRUCTURE, PRINCIPAL** - A structure associated with a primary use of the lot on which it is located.

TOWNSHIP – Mifflin Township, Dauphin County

**SECTION 6: Building Setback Lines**

1. All proposed construction of a building or structure shall conform to the following building setbacks.

Principal Structure Setbacks

Minimum setbacks for Principal Structures and Accessory Structures over 100 sq. ft. to the abutting lot line	
Front Building Line	35 Feet
Side Building Line	15 Feet
Rear Building Line	25 Feet

Accessory Structure Setbacks

Minimum setbacks for Accessory Structures under 100 sq. ft. to the abutting lot line	
Front Building Line	35 Feet
Side Building Line	5 Feet
Rear Building Line	5 Feet

2. On a corner lot, lot frontage abutting a street representative of the physical address of the lot shall constitute the front building line. Remaining frontage shall constitute the side building line from each adjacent street.
3. No structure may be erected within the minimum building setback.

Exception – On a lot containing a principal structure that was legally erected prior to adoption of this Ordinance, any new accessory structure may be placed in line with the front building line of said principal structure. Where an undeveloped lot is abutting a previously developed lots, the required front building setback for any proposed structure may be the average of the adjoining lots existing building setback lines.

4. In no case shall any structure interfere with the clear sight triangle of any public street, road, or any private driveway.

**SECTION 7. Assessment Permit Application.**

1. The application for an Assessment Permit shall be on forms provided by the Assessment Permit Official. The Assessment Permit Official has the right to require the submission of any documents that he/she may determine to be necessary for a complete and thorough review of an application. The Assessment Permit Official has the right to waive the submission of any documents that are determined to be non-pertinent to the application. No Assessment Permit application shall be deemed complete without the required plans, fees, and other required approvals. Additionally, the applicant shall pay all outstanding permit and inspection fees required during the course of construction prior to the issuance of a certificate of use and occupancy.
2. An application and plan review fee shall be paid by each applicant in accordance with the fee



schedule established by resolution of this Municipality and maintained by the Township Secretary.

3. The Assessment Permit Expiration - The proposed alteration or construction to an existing or new building, or any development, earthmoving activity, or improvement to a lot shall be completed within twelve (12) months after the date of the issuance of the Assessment Permit. The Assessment Permit expiration may be extended one time for not more than twelve (12) months upon approval of the Township. A fee for an extension will apply and must be paid upon receipt of the permit extension. A request for an extension of time must be received in writing by the Assessment Permit Official twenty (20) days prior to the expiration of the permit.
4. The activities for which the Assessment Permit was issued shall be deemed complete upon the receipt by the Assessment Permit Official of an occupancy permit issued by the Mifflin Township Building Codes Official for any permits activities regulated by the Pennsylvania Uniform Construction Code, or upon the completion of any and all work described on the original and/or updated Assessment Permit Application.

#### **SECTION 8: Administration and enforcement**

1. The administration and enforcement of the code regulations shall be performed by the Assessment Permit Official. The Township Board of Supervisors may appoint a person or third party agency to serve as the Assessment Permit Official to fulfill all of the duties set forth in this Chapter.
2. The Assessment Permit Official shall have all the powers and duties set forth in this article. Specifically, in addition to such other powers and duties provided, the Assessment Permit Official shall be authorized to receive Assessment Permit Applications; issue or deny assessment permits; collect fees for permits, plan reviews and inspections; and enter buildings and premises within normal business hours or at other times with permission of the owner or contractor. Additionally, the Assessment Permit Official may perform code enforcement activities, including, but not limited to, issuance of notices of violation, stop-work orders, vacate orders or other legal action necessary to enforce, restrain, abate, or correct violations of the code.
3. A Board of Appeals shall be established by resolution of this municipality in conformity with the requirements of the code. Where two or more municipalities decide to establish a joint Board of Appeals, said Board of Appeals shall be established through joint action of the participating municipalities, by intermunicipal agreement in accordance with the Intergovernmental Cooperation Act.

#### **SECTION 9: Violations and penalties.**

1. It shall be unlawful for any person, firm, or corporation to commence any alteration or construction to an existing or new building, or to undertake any development, earthmoving activity, or improvement to a lot, or to permit or cause same to be done, without first complying with the requirements of this ordinance and obtaining an Assessment Permit issued by the Township.
2. The Assessment Permit Official may serve and enforce a notice of violation, stop-work order, vacate order or other lawful enforcement notice on any person responsible for the erection, construction, alteration, extension, use or occupy a building, structure, or land in

violation of the provisions of this code or any permit issued under the provisions of this code.

3. If the Assessment Permit Official has served a notice of violation and the notice of violation is not complied with by the deadline prescribed, summary enforcement proceedings may be initiated by the Assessment Permit Official against the violator. Additionally, appropriate proceedings at law or in equity may be instituted by Mifflin Township and/or the Assessment Permit Official to restrain, correct, or abate a violation, to prevent unlawful construction or to prevent illegal occupancy of a building, structure, or premises.
4. Any person who shall violate a provision of this code or the regulations adopted hereunder, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter, extend, repair, remove, demolish, use or occupy, or permit the use or occupancy of, any building or structure or who allows any development, earthmoving activity, or improvement of a lot regulated by this code in violation of the provisions of this code or of an approved plan or of a directive of the Assessment Permit Official or of a permit or certificate issued under the provision of this code, shall, upon being found guilty in a summary enforcement proceeding commenced by Mifflin Township or its appointed Assessment Permit Official, pay a penalty of not less than \$50 and not more than \$600 for each violation, plus all costs of prosecution, which fines or penalties may be collected as provided by law. Each day that a violation continues shall be deemed a separate offense, and each section of the code which is violated shall be deemed a separate offense. At the direction of the Township, the Assessment Permit Official may request the appropriate law enforcement agency having jurisdiction to make arrests for any offense against the code or orders of the Assessment Permit Official affecting the immediate safety of the public.

#### **SECTION 10: Effective Date**

This ordinance shall become effective immediately.

#### **SECTION 11: Severability**

In the event that any provision, section, sentence, clause, or any part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

#### **SECTION 12: Township Liability**

This Ordinance shall not create liability on the part of Mifflin Township or any officer, employee or designated representative therefor for any damages that result for reliance on this Ordinance or any administrative decision lawfully made hereunder.

#### **SECTION 13: Repealer**

All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent with this ordinance shall be, and the same expressly are repealed.



DULY ENACTED this 12th day of December, 2017, by the Board of Supervisors of the Township of Mifflin, Dauphin County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MIFFLIN

DAUPHIN COUNTY, PENNSYLVANIA

ATTEST:

By Thomas G. Billow

Thomas G. Billow, Board Chairman

Wanda E. Hockenberry

Wanda E. Hockenberry

Secretary

Richard F. Keeney

Richard F. Keeney, Vice Chairman

Ronald C. Kolva

Ronald C. Kolva, Supervisor