

**CHAPTER 3  
BUILDINGS  
ARTICLE 1**

**BUILDING PERMITS AND OCCUPANCY PERMITS**

**§3-11. Purpose**

The purpose of this Article is to require all persons, partnership, businesses, and corporations to obtain a building permit for any construction or development; providing for the issuance of such buildings permits; setting forth certain minimum requirements for new construction and development within areas of the Township of Oakland, Butler County which are subject to flooding; and establishing penalties for any persons who fail, or refuse to comply with the requirements or provisions of this Article.

*Ord. No. 1-1985, 3/4/85*

**§3-12. General Provisions**

**Intent:** The intent of this Article is to:

Promote the general health, welfare, and safety of the community.

Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

Minimize danger to public health by protecting water supply and natural drainage.

Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

Township Supervisors may appoint a Building Permit Officer or designate the responsibility of the Building Permit Officer outlined herein to another individual/official.

*Ord. No. 1-1985, 3/4/85*

**Applicability**

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Oakland unless a Building Permit has been obtained from the Building Permit Officer.

A Building Permit shall not be required for minor repairs to existing buildings or structures.

*Ord. No. 1-1985, 3/4/85*

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**Abrogation and Greater Restrictions:** This Article supersedes any other conflicting provisions which may be in effect in identified floodplain area. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.

*Ord. No. 1-1985, 3/4/85*

**§3-13. Definitions**

**Building:** A combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

**Minor Repair:** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**Mobile Home:** A transportable, single family dwelling intended for permanent occupancy, office, or place of assembly contained in one (1) or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operation, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

**§3-14. Building Permits Required**

Building Permits shall be required before any construction or development is undertaken within any area of the Township

*Ord. No. 1-1985, 3/4/85*

**Issuance of Building Permit**

The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in

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conformance with the requirements of this and all other applicable codes and ordinances.

Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U. S. Clean Water Act, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

*Ord. No. 1-1985, 3/4/85*

**Application Procedures and Requirements**

Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by Oakland Township. Such application shall contain the following:

Name and address of applicant.

Name and address of owner of land on which proposed construction is to occur.

Name and address of contractor.

Site location.

Listing of other permits required.

Brief description of proposed work and estimated cost.

A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

*Ord. No. 1-1985, 3/4/85*

If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances, including Chapter 7, Floodplains;

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All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;

Adequate drainage is provided so as to reduce exposure to flood hazards.

*Ord. No. 1-1985, 3/4/85*

Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:

Plans of all proposed buildings, structure and other improvements, drawn at suitable scale showing the following:

The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

The elevation of the one-hundred (100) year flood;

If available, information concerning flood depth, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood; and

Detailed information concerning any proposed flood-proofing measures.

*Ord. No. 1-1985, 3/4/85*

**Review of Application by Others:** A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g. Planning Commission, Municipal Engineer, etc.) for comment and review.

*Ord. No. 1-1985, 3/4/85*

**Changes:** After the issuance of a building permit by the Building Permit Officer, 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 Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Building Permit Officer for consideration.

*Ord. No. 1-1985, 3/4/85*

**Placards:** In addition to the Building Permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Building Permit, the date of its issuance and be signed by the Building Permit Officer.

*Ord. No. 1-1985, 3/4/85*

**Start of Construction:** Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the Building Permit or the

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Permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extension shall be granted only if a written request is submitted by applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

*Ord. No. 1-1985, 3/4/85*

**Inspection and Revocation:**

During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.

In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Office shall revoke the Building Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

A record of all such inspections and violations of this Article shall be maintained.

*Ord. No. 1-1985, 3/4/85*

Upon completion of construction, the applicant shall apply to the Building Permit Officer for an occupancy permit and pay such fee therefore as may be set by the Oakland Township Supervisors by resolution from time to time. The Building Permit Officer shall inspect the construction for compliance with this Article, the Subdivision and Land Development Ordinance (Chapter 19), the driveway and highway occupancy requirements (Chapter 17) and such other Township, State, and Local regulations as he may require. If the construction varies from the plan submitted to the Building Permit Officer to secure the building permit for the construction, the Building Permit Officer shall consider the same as an amendment to the original building permit application. If the variation is not in full compliance with Township, State and Federal

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regulations, the Building Permit Officer shall issue a tear-down order for any part of the offending structure or structures stating in the order a reasonable time to complete the destruction or tear-down of the offending structure. The tear-down order shall be stayed if the landowner shall request a variance from the Township Board of Supervisors for the offending structure. Such stay shall not continue after a decision is made by the Oakland Township Board of Supervisors.

*Ord. No. 1-1985, 3/4/85, as amended by Ord. No. 1-1992, 9/8/92*

**Fees:** Applications for a building permit shall be accompanied by a fee, payable to Oakland Township, as determined by the Oakland Township Board of Supervisors, from time to time, by resolution.

*Ord. No. 1-1985, 3/4/85, as amended by Ord. No. 1-1992, 9/8/92*

### **Enforcement:**

**Notice:** Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:

Be in writing;

Include a statement of the reasons for its issuance;

Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;

Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this States;

Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Article.

*Ord. No. 1-1985, 3/4/85*

**Penalties:** Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of Oakland Township shall be guilty of an offense and, upon conviction, shall pay a fine to Oakland Township of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in the Butler County Prison for a period not to exceed ten (10) days. Each day during which any violation of this Article

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continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Article. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article 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. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this be declared by the Board of Supervisors to be a public nuisance and abatable as such.

*Ord. No. 1-1985, 3/4/85*

**Appeals:**

Any person aggrieved by an action or decision of the Building Permit Officer concerning the administration of the provisions of this Article, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.

Upon receipt of such appeal, the Board of Supervisors shall set a time and place, within not less than ten (10) nor more than thirty (30) days for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Floodplain Management Act.

*Ord. No. 1-1985, 3/4/85*

**§3-15. Occupancy Permits**

**For New Use or Expansion of Existing Uses:**

Upon completion of a commercial, public, semi-public or industrial building, or a structure containing more than one (1) dwelling unit or the placing of a mobile home at its foundation with utility connections, the contractor or building owner shall apply to the Building Permit Officer for an Occupancy Permit.

The Building Permit Officer shall inspect the premises to satisfy that all the conditions of the Building Permit and Ordinances of Oakland Township shall have been met, thereafter the Building Permit Officer shall issue an Occupancy Permit certifying that the premises comply with the provisions of this Article and may be used for the purposes set forth on the Building/Occupancy Permit.

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If the Building Permit Officer, upon inspection, finds the premises to have been developed in violation of any of the conditions of the Building Permit, he shall order that the violations be corrected to conform with the Building Permit and rules and regulations of the Township and shall not issue an Occupancy Permit until satisfied that those corrections have been made. The contractor, builder or owner shall be responsible for requesting a reinspection after the violations have been corrected and the Building Permit Officer shall not issue an Occupancy Permit until he verifies all violations have been corrected.

*Ord. No. 1-1985, 3/4/85, as amended by Ord. No. 94-1, 1/3/94.*

**Enforcement:**

If the Building Permit Officer shall find that any provision of this Article or section is being violated, he shall notify the owner of the property upon which such violation is occurring by certified mail, return receipt requested, such notice being deemed adequate if persons other than the owner are perpetrating the alleged violation.

Communications regarding violations shall indicate the nature of the violation by specific paragraph relied on and shall order the action necessary to correct the alleged violation.

Such communication shall order the discontinuance of the legal uses of land or structures, or the removal, or moving of the illegal structure or additions or alterations thereto, as well as any other action necessary to assure compliance with or prevent violation of this Article and shall indicate the owner's alternative actions under the terms of this Article.

The Building Permit Officer shall allow a period not to exceed thirty (30) days within which a violation shall be corrected. The Building Permit Officer shall inspect the site of the violation at the conclusion of the period specified; and if he finds the violation still not corrected, he shall take the owner before a District Magistrate, who, if he find the owner guilty, shall assess penalties as provided for in Section 3-103L.

*Ord. No. 1-1985, 3/4/85, as amended by Ord. No. 94-1, 1/3/94.*