

# **Borough of Berrysburg**

**Dauphin County, Pennsylvania**

## **YARD REGULATIONS AND SETBACKS**

### **ORDINANCE NO. 38**

An Ordinance establishing yard regulations and setbacks for properties located in the Borough of Berrysburg.

It is ordained by the governing body of the Borough of Berrysburg, Commonwealth of Pennsylvania as follows: The following regulations shall supplement existing regulations appearing in Ordinances adopted previously by the Borough of Berrysburg and are not intended to repeal or revoke the same unless specifically indicated or by operation of law.

#### **SECTION 1: GENERAL PROVISIONS.**

A. Yards shall be provided in accordance with the provisions of this Ordinance.

B. A front, side, or rear yard shall be measured from a line parallel to the property line of that particular lot.

**SECTION 2: YARD REGULATIONS.** Yards of the following minimum depths and widths shall be provided:

A. Minimum front yard depth shall be the greater of ten (10) feet from the property line of the lot to be developed or the depth as determined by establishing the average setback distance of buildings or structures constructed adjacent to each side of the lot to be developed.

B. Subject to paragraph D of this Section minimum side yard shall be five (5) feet from each adjacent lot.

C. Minimum rear yard depth shall be no less than ten (10) feet from any adjacent lot or street.

D. Pursuant to the requirements of Section 3. B. of this Ordinance, the Building Permit Officer may, upon application, establish and permit side yard depths less than five (5) feet from either or both adjacent lots.

E. The provisions of the Ordinance shall not apply to buildings or structures whose total area is one hundred square feet (100 sq. ft.) or less.

#### SECTION 3: PERMIT.

A. Definitions. For the purposes of this Ordinance, the following definitions shall apply:

1. 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.

2. PERSON - Any person, persons, partnership, business or corporation.

3. STRUCTURE - A combination of materials to form anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, factories, sheds, cabins, mobile homes, carports, porches, decks, driveways, swimming pools and other similar items.

B. Application for Building Permit. Applications for building permits shall be made in writing to the Building Permit Officer on forms supplied by the Municipality.

Such application shall contain at least the following:

1. The name and address of the applicant.
2. The name and address of the owner of land on which proposed construction is to occur.
3. The name and address of the contractor.
4. The site location.
5. A brief description of the proposed work and estimated cost.
6. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
7. Construction permit applications requesting a waiver of the five (5) foot side yard depth requirement pursuant to Section 2.D. of this Ordinance shall include the following items:

(a) A written request for a waiver of the five (5) feet side yard depth requirement,

(b) The names, addresses and telephone numbers (if available) of the owners of each adjacent lot affected by the waiver request,

(c) Copies of correspondence or similar communication sent to the owners of adjacent lots affected by the requested waiver at least ten (10) days prior to the date of the application, describing the proposed

construction and requesting the concurrence or nonconcurrence of such owner or owners with the side yard depth waiver request, and

(d) The response(s), if any, to the correspondence or other communication described in subparagraph (c) of this paragraph.

C. Issuance of Permit.

1. The Building Permit Officers shall issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirement and regulations.

2. The determination to issue or reject a permit application shall be made within ninety (90) days of receipt of the application for the permit.

a. Any rejection of a permit application shall be in writing.

D. Changes to approved Permit. 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.

E. Start of Construction.

1. Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer.

2. Construction shall have been considered to have started with the first placement of permanent construction on the site, such as pouring of slabs or footings or any work beyond the stage of excavation.

3. For a structure without a basement or poured footings, the start of construction includes 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.

4. 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 proposed subsurface footings; or the installations of sewer, gas and water pipes or electric or other service lines from the street.

F. Inspections; revocation of permit.

1. During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances.

2. In the event that 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 Officer shall revoke the building permit and report such fact to the Borough Council for whatever action it considers necessary.

G. Fees. Applications for a building permit shall be accompanied by a fee, payable to the municipality, based upon the estimated costs of the proposed construction as determined by the Building Permit Officer at the following rates:

<b>Estimated Cost</b>	<b>Fee</b>
\$0 to \$500	\$0
\$501 to \$1,000	\$5.00
Each additional \$1,000 or part thereof beyond the first \$1,000	\$1.00

#### H. Appeals.

1. Any person aggrieved by the Building Permit Officer's grant or denial of a permit application or estimate of the cost of the proposed construction may appeal to the Borough Council.

2. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Building Permit Officer.

3. Upon receipt of such appeal, the Borough Council shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal.

4. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard.

5. The determination of the Borough Council shall be final in all cases.

#### I. Violations and Penalties.

1. Any person who fails to comply with any or all of the requirements or provisions of this section or who fails or refuses to comply with any notice, or order or direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to

Berrysburg Borough of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), plus costs of prosecution.

2. In default of such payment, such person shall be imprisoned in the county prison for a period not to exceed ten (10) days.

3. Each day during which any violation of this Section continues shall constitute a separate offense.

4. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this section.

5. The imposition of a fine or penalty for any violation of or noncompliance with this Section 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 noncompliance within a reasonable time.

6. Any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Ordinance may be declared by the Borough Council to be a public nuisance and abatable as such.

**SECTION 4: REPEALER.** All ordinances or parts or provisions of such ordinances which are inconsistent or conflict with the provisions hereof, shall be and the same are hereby expressly repealed.

**SECTION 5: SEVERABILITY.** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION 6: EFFECTIVE DATE: This Ordinance shall become effective \_\_\_\_\_ days after the date of its enactment.

ADOPTED AND APPROVED this 10 day of July, 2000.

BERRYSBURG BOROUGH COUNCIL

Attest:  
  
John J. Schade  
Secretary

By Randy Schil  
President

I, JOHN J. SCHADE, being the Secretary of the Borough Council of Berrysburg Borough, Dauphin County, Pennsylvania, do hereby certify that the copy of the within Ordinance is a true and correct copy of the original which was adopted by the Borough Council of Berrysburg, Dauphin County, Pennsylvania, at a regular meeting held at 7:00 p.m. on July 10, 2000.

John J. Schade  
Secretary

