

ORDINANCE # 168

**BUILDING REPORT PERMIT ORDINANCE REGARDING MISCELLANEOUS  
STRUCTURES NOT REVIEWED UNDER THE UNIFORM  
CONSTRUCTION CODE**

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESS AND CORPORATIONS TO OBTAIN AN BUILDING REPORT PERMIT FOR THE CONSTRUCTION OF ALL AGRICULTURAL BUILDINGS, MANUFACTURED HOUSING, HISTORICAL BUILDINGS, RECREATIONAL CABIN, ACCESSORY AND MISCELLANEOUS-USE STRUCTURES LESS THAN 1,000 SQUARE FEET, BUT GREATER THAN 120 SQUARE FEET, WHICH ARE NOT HABITABLE AND LIMITED TO ONE-STORY IN THE TOWNSHIP/BOROUGH.

**BE IT ENACTED AND ORDAINED BY BOROUGH OF INDIAN LAKE**, Somerset County, Pennsylvania, (hereafter referred to as "*Municipality*") 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 of any agricultural building, manufactured housing, historical building, recreational cabin, accessory or miscellaneous-use structure less than 1,000 square feet, but greater than 120 square feet, which is non-habitable and limited to one-story anywhere within the municipality unless an approved building report 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 Building Report Permit shall be made in writing to Somerset County Municipal Cooperative Association Code Enforcement Agency, on forms provided by them.

### **Section 2.1 - Issuance of Assessment Permit**

- A. Somerset County Municipal Cooperative Association Code Enforcement Agency on behalf of the Municipality shall issue a Building Report 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 and ordinances.
  
- B. After the issuance of a Building Report 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 Somerset County Cooperative Association Code Enforcement Agency.

### **Section 2.2 - Start of Construction**

Work on the proposed construction shall begin within **six (6) months** from the date of issuance of the Building Report Permit. The proposed construction shall be completed within **twelve (12) months** after the date of issuance of the Building Report 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, filling, 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 established and attached resolution enacted by the municipal officials which fee schedule may be modifiable at any time by the Municipality.

### **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 one thousand dollars (\$1,000.00), 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 non-compliances within a reasonable time. Each day any person who fails to comply with the provisions and requirements of this Ordinance shall be a separate offense under terms of this Ordinance.

### **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, a milk house and a structure used to grow mushrooms. 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 4.2 - Recreational Cabins**

- A. Must be equipped with at least one smoke detector, one fire extinguisher and one carbon monoxide detector in both the kitchen and sleeping quarters.
- B. The cabin owner files with Somerset County Municipal Cooperative Association Code Enforcement Agency either:
  - i. An affidavit on a form prescribed by the Pennsylvania Department of Labor and Industry attesting to the fact that the cabin meets the definition of a "Recreational Cabin" in Section 103 of the Pennsylvania Uniform Construction Code; or
  - ii. A valid proof of insurance for the "Recreational Cabin", written and issued by an insurer authorized to do business in this Commonwealth, stating that the structure meets the definition of a "Recreational Cabin" in Section 103 of the PA Uniform Construction Code.
- C. If a "Recreational Cabin" is subject to exclusion under Subsection (B)(7), upon transfer of ownership of the "Recreational Cabin", written notice must be provided in the sales agreement and deed that the "Recreational Cabin" is:
  - a. Exempt from the UCC Act.
  - b. May not be in conformance with the UCC.
  - c. Is not subject to municipal regulation.
- D. Failure to comply with the notice requirement shall render the sale voidable at the option of the purchaser.

#### **Section 5.0 - Effective Date**

This Ordinance shall become effective on November 13, 2013, and shall remain in force until modified, amended, or rescinded by BOROUGH OF INDIAN LAKE, Somerset County, Pennsylvania. Adopted the 13th day of November, 2013.

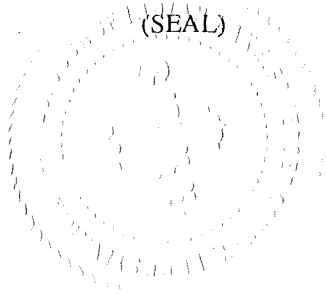
ENACTED AND ORDAINED, the 13th day of November, 2013, by INDIAN LAKE BOROUGH, Somerset County, Pennsylvania.

BOROUGH OF INDIAN LAKE

By Patricia A. Dewan  
President

ATTEST:

Theresa L. Myant  
Secretary



EXAMINED AND APPROVED BY MAYOR:

[Signature]

DATE: 12/11/2013, 2013

## SECRETARY'S CERTIFICATE

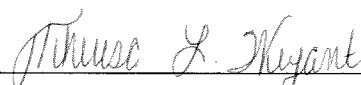
I, **THERESA WEYANT**, Secretary for **Indian Lake Borough, Somerset County, Pennsylvania**, a municipal corporation, do hereby certify:

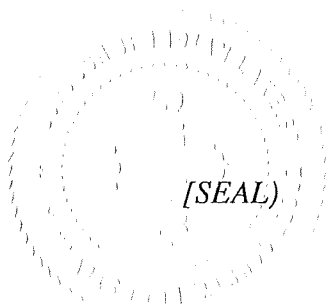
1. The undersigned is the duly appointed, qualified and acting Secretary of Indian Lake Borough and as such, the minute books, ordinances and resolutions and other books of said Borough are in my possession and custody.

2. The foregoing *Ordinance* is a true and correct *Ordinance* of **Indian Lake Borough** duly and regularly adopted by the Borough Council of Indian Lake, Somerset County, Pennsylvania, at its regular monthly meeting held on the **13th day of November 2013**, which said meeting was at all times open to the public, due notice of which was given as required by law, and at said meeting a quorum of the said Borough Council was present and participating and did vote in majority for adoption of the Ordinance

3. Further, said *Ordinance* was duly advertised according to law before said regular monthly meeting and said Ordinance was duly adopted after such proper advertisement, and duly recorded in the *Ordinance Book* of Indian Lake Borough, and said *Ordinance* has not been modified or rescinded and is still in full force and effect.

*ATTEST:*                    **INDIAN LAKE BOROUGH**

  
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**THERESA WEYANT**, *Secretary*



Dated: November 13, 2013