

ORDINANCE #2

AN ORDINANCE OF THE TOWNSHIP OF MARION PROVIDING FOR THE SECURING OF PERMITS PRIOR TO THE CONSTRUCTION ALTERATION AND ENLARGEMENT OF BUILDINGS AND OTHER STRUCTURES WITHIN THE TOWNSHIP OF MARION, AND EXCAVATION INCIDENT THERETO, AND RELATING TO LOCATION OF TRAILERS USED AS A HOME OR RESIDENCE; PROVIDING FOR THE SIZES OF LOTS TO BE USED FOR DWELLING PURPOSES AND SET BACKS OF BUILDINGS THEREON ERECTED; PROVIDING FOR MINIMUM SIZES OF DWELLINGS, ESTABLISHING A BOARD OF ADJUSTMENT AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

BE IT ORDAINED BY the Board of Supervisors of Marion Township in Centre County of the Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same.

A. **DEFINITIONS.** Certain words and terms used in this Ordinance are defined for the purpose thereof:

(1). **Building or Structure.** Anything enclosing a volume of twenty-five (25) cubic feet or more constructed or erected, the use of which demands a location on the soil, or attachment to something located in or on the soil.

(2). **Dwelling.** Any building which is designed for or occupied in whole or in part as a home or residence.

(3). **Private Garage.** A building or structure or any part thereof used appurtenant to a dwelling house primarily for the storage of motor vehicles.

(4). **Commercial or Industrial Building.** Any building or structure designed, built or altered for use entirely or in part for commercial or industrial purposes.

(5). **Roads.** Roads and road rights-of-way include all lands established by dedication, usage, Township Ordinances, or laid out upon Township plans as highways, and shall be synonymous with "streets", "avenue", "highway", "parkway" and other terms commonly applied to public highways.

B. **BUILDING PERMITS**

(1). No excavation for the construction of a dwelling, private garage, commercial or industrial building to be erected or moved; and no excavation or construction altering or enlarging a dwelling, private garage, commercial or industrial building, which when completed will change the exterior dimensions of the dwelling, private garage, commercial or industrial building, shall be begun until or unless the person excavating, constructing, erecting or moving the same shall have first obtained a permit thereof.

Resolution: For Building Inspector.

1. The building Inspector shall be by appointment, to a qualified Resident of Marion Township, and to be notified of the appointment in writing.
2. The term of office shall be unlimited. Except, by at least 30 days notice, by either Supervisors or Inspector desiring to terminate the appointment
3. A copy of the Resolution to be attached to the Ordinance, of Building Permits.
4. Approved; March 9th 1970

Such permits shall be issued by the Building Inspector, providing the plot and plan accompanying the application for the building permit indicated that the construction, alteration or enlargement will conform with the requirements of this Ordinance. The fee to be charged for said permit shall be one-tenth (1/10) of one per cent of the cost of the construction, excavating or alteration as estimated by the Building Inspector, whose estimation shall be in accord with the amount to be paid to the contractor, if any, who shall perform the work or furnish the materials, or two dollars (\$2.00) whichever is greater. If there is no cash contract price for labor or materials the estimation shall be based on the current market price for said labor and materials, or on other evidence which may be supplied by the applicant showing the actual cost of the same.

(2). Each application for a building permit shall be accompanied by a plot in duplicate, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, or in the case of a building already in existence which is being altered or enlarged, its present size and its contemplated size at the completion of the alteration, or enlargement, together with a set of plans in duplicate of the construction, excavation, alteration, or enlargement as the case may be, and any other information necessary for the Building Inspector to determine whether or not the requirements of the Ordinance will be satisfied with respect thereto. A file of such application and plots and plans together with a notation indicating whether or not a permit was issued therefore shall be kept in the office of the Building Inspector.

(3). After the issue of a permit for any construction as covered by this ordinance, and before any excavation or construction shall be begun, the permit for said construction shall be posted conspicuously at the front of said construction, and the permit shall remain posted until the construction is complete.

C. LOT SIZE. The minimum requirements as to lot areas for a dwelling house or other building to be built or erected shall be as follows:

1. lots where private wells and septic tanks are provided shall have a minimum width of 100 feet at the building line and a minimum area of 20,000 square feet per single family dwelling unit.
2. lots served by either public water or sanitary sewers shall have a minimum width of 80 feet at the building line and a minimum area of 10,000 square feet per single family dwelling unit.
3. lots where both public water and sanitary sewers are provided shall have a minimum width at the building line of 75 feet and a minimum area of 7,500 square feet per single family dwelling unit.

Provided, however, that if the land affected be an unplotted lot having area or frontage less than that stated herein and held under separate ownership the area of such unplotted and so held under separate ownership from the adjoining land at the time of the adoption of this Ordinance shall be minimum requirements for such unplotted land, and provided that further a lot in a recorded plan of lots divided at the time of the adoption of the

Ordinance having area and/or frontage less than that stated herein shall constitute the minimum area requirement for such plot of ground. That portion of a lot on which is located the right of way for a road shall not be included in the determination of minimum requirements as to the area of the lot.

D. SETBACK OF BUILDINGS.

(1). Buildings erected or to be erected, altered, or enlarged shall not be placed so that any portion of the structure shall be nearer to the edge of the road right-of-way than forty (40) feet on a State Highway or more than thirty (30) feet on all other roads, except that where an existing building within two hundred and fifty (250) feet on either side of the location of a proposed building is closer to the highway or road right-of-way than the distance specified herein, this closer distance shall constitute the minimum setback for the proposed building.

(2). Buildings erected or to be erected, altered, or enlarged shall not be placed nearer to a side property line than eight (8) feet, except that for a lot recorded or held under separate ownership at the time of the adoption of this Ordinance having less than fifty-six (56) feet, this setback shall be decreased by one (1) foot for each three (3) feet of width less than fifty-six (56) except that in no circumstance shall the setback be less than six (6) feet. This provision applies only to buildings or structures to be located within the distance of eighty (80) feet from the edge of the highway or road right-of-way.

(3). A dwelling to be erected, altered, or enlarged on a lot on which there previously exists one or more dwellings shall be so located that the aforesaid lot can be subdivided in a manner consistent with Section C of this Ordinance in such a manner consistent with the minimum setback regulations set forth in Paragraphs 1 and 2 of this Section.

E. SIZE OF DWELLING. The foundation of a new dwelling erected shall not cover less ground than five hundred (500) square feet. This provision is not applicable to trailers used as a home or residence.

F. FOUNDATIONS FOR DWELLINGS AND COMMERCIAL BUILDINGS,

(1) Except when erected upon solid rock, foundation walls and other permanent supports shall be carried not less than three (3) feet below the finish grade ground level.

(2). Foundations under dwellings shall be solid faced masonry wall.

G. SIDING ON CERTAIN BUILDINGS. No dwelling, private garage, or commercial building shall be left standing without approved permanent siding for more than twenty-four (24) months.

H. TRAILERS AND THEIR APPURTENANCES.

(1). All setback provisions of Section D. above shall apply to any trailer used as a home or residence or for commercial purposes. All of the foregoing provisions of this Ordinance shall apply to trailers.

(2). No additions except that of open porches shall be made to a trailer used as a home or residence or for commercial purposes.

(3). The construction or alteration of any storage building used as an adjunct to or in conjunction with a trailer used as a home or residence shall be subject to the provisions of this Ordinance.

I. HUNTING CABINS AND TOURIST CABINS.

(1). Hunting cabins and cabins rented to tourist shall be subject to all of the provisions for dwellings as set forth in this Ordinance.

(2). A building permit shall be required for the construction, alteration or enlargement of a hunting or tourist cabin as provided in Section B of this Ordinance.

J. FARM BUILDINGS. Farm buildings, except a dwelling or a building being altered for the use of a dwelling, are subject only to Section D. Paragraph (3) of this Ordinance.

K. BOARD OF ADJUSTMENT. A Board of Adjustment is hereby established which shall consist of all the Township Supervisors. This board shall have the powers, upon cause shown, to change or modify any decision made by the Building Inspector, which will, in their opinion, better effectuate the provisions of this Ordinance.

L. PENALTIES.

(a). Any person, partnership, or corporation who or which, shall violate any provision of this Ordinance shall, upon conviction thereof in a summary proceeding before a Justice of the Peace in Centre County, Pennsylvania, pay fine or penalty of not less than Ten (\$10) Dollars, no more than Three Hundred (\$300.00) Dollars for the use of the Township of Marion. Every day that the violation exists, after notification to the person in violation, shall constitute a separate violation of this Ordinance. In default of the payment of any penalty, fine or costs imposed under the provisions of this Ordinance, the person or persons so convicted may be committed to the County Jail for a period not exceeding ten (10) days.

(b). In addition to the penalty set forth in Paragraph (a) above, the Township Supervisors are hereby authorized, or their properly appointed agents are hereby authorized to issue stop, cease and desist orders, to any person, partnership or corporation, who or which shall violate any provisions of this Ordinance by the instituting of

appropriate action or proceedings, at law or In equity, to enjoin and remain any such person, partnership or corporation, from violating any of the provisions of this Ordinance.

M. VALIDITY.

(1). Should any section or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any, part thereof, other than the port so declared to be invalid.

(2). Any Ordinance or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed so far as the same affect this Ordinance,

MARION TOWNSHIP SUPERVISORS

This Ordinance shall become effective July 18th, 1966.