

**PART 2**  
**LAND USE AND ZONING PERMITS**

**§5-201. Findings and Purpose.**

The Borough Council of the Borough of Philipsburg finds that, in order to properly assess all improvements to real property for ad valorem tax purposes, it is necessary and appropriate to require persons to obtain a permit for the construction of all buildings not requiring a permit under the Pennsylvania Construction Code Act, Act 44 of 1999, 35 P.S. § 7210.101 et seq. ("Act"), which provides for state-wide administration and enforcement of the Uniform Construction Code. Under the Act, certain buildings and renovations, including by way of illustration, but not limitation, nonhabitable utility or miscellaneous use structures, under 1,000 square feet, limited to one story; agricultural buildings; recreational buildings and renovations which would require the property to be reassessed are not required to obtain a permit from the municipal code official prior to construction. Therefore, these structures can be built under the Act without notice to the Borough, which means they may not be assessed for tax purposes. The purpose of this Part is to require a permit prior to construction or renovation of such buildings to promote uniform taxation of all taxable improvements in the Borough.

(Ord. 1041, 11/13/2006, §1)

**§5-202. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

**AGRICULTURAL BUILDING** — a structure utilized to store implements, hay, feed, grain, or other agricultural or horticultural products or to house poultry, livestock, or other farm animals. 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.

**PERSON** — an individual, partnership, corporation, limited liability company, or other legally recognized entity.

**STRUCTURE** — anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including but not limited to fences and retaining walls.

**RECREATIONAL CABIN** — a structure that is:

- A. Utilized principally for recreational activity;
- B. Not utilized as a domicile or residence for any individual for any time period;

## CODE ENFORCEMENT

- C. Not utilized for commercial purposes;
- D. Not greater than two stories in height, excluding basement;
- E. Not utilized by the owner or any other person as a place of employment;
- F. Not a mailing address for bills and correspondence; and
- G. Not listed as an individual's place of residence on a tax return, driver's license, car registration or voter registration.

**RENOVATIONS WHICH WOULD REQUIRE THE PROPERTY TO BE REASSESSED** — any improvement or alteration to a building or structure subjecting the property to a change in assessed valuation under the Fourth to Eighth Class County Assessment Law, 72 P.S. § 5453.101 et seq.

**UTILITY AND MISCELLANEOUS USE STRUCTURES** — buildings or structures of an accessory character and miscellaneous structures not classified by the Building Officials and Code Administrators, International, Inc., in any specific use group. The term includes carports, detached private garages, greenhouses and sheds having a building area less than 1,000 square feet. The term does not include swimming pools or spas.

(Ord. 1041, 11/13/2006, §2; as amended by A.O

### **§5-203. Applicability.**

The Part shall apply to the construction of all buildings and structures and renovations that would require the property to be reassessed, not requiring a permit under the Pennsylvania Uniform Construction Code Act, in the Borough of Philipsburg.

(Ord. 1041, 11/13/2006, §3)

### **§5-204. Requirement for Land Use and Zoning Permit.**

It shall be unlawful for any person to undertake or cause to be undertaken the construction or renovation of any building or structure subject to this Part unless a land use and zoning permit has first been obtained from the Borough.

(Ord. 1041, 11/13/2006, §4; A.O.

### **§5-205. Application Procedures.**

1. Application for such a permit shall be made in writing to the Borough on forms provided by the Borough. Such application shall contain at least the following:

- A. Name and address of applicant.
  - B. Name and address of owner of land on which proposed construction is to occur.
  - C. Name and address of contractor.
  - D. Site location and map number.
  - E. Brief description of the proposed work and estimated cost.
  - F. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures, with setback dimensions.
2. After issuance of a land use and zoning permit, no changes of any kind shall be made in the proposed work and/or site plan and/or other information submitted with the application without the additional consent or approval of the Borough.

(Ord. 1041, 11/13/2006, §5; A.O.)

**§5-206. Fees.**

All applications shall be accompanied by a fee to be established by the Borough Council from time to time.<sup>2</sup>

(Ord. 1041, 11/13/2006, §6)

**§5-207. Start of Construction/Renovation.**

Work on the proposed construction/renovation shall begin within six months from the date of issuance of the land use and zoning permit. The proposed construction/renovation shall be completed within 12 months after the date of issuance of the land use and zoning permit. Construction/renovation shall be considered to have started with the first placement of cement 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/renovation 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 clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, or installation of piling under proposed subsurface.

(Ord. 1041, 11/13/2006, §7; A.O.)

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<sup>2</sup> Editor's Note: The current fee resolution is on file in the office of the Borough Secretary.

## CODE ENFORCEMENT

### **§5-208. Penalties for Violation.**

Enforcement of this Part shall be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and the Borough Code. Any person found guilty of a violation of this Part shall pay a fine to the Borough not to exceed \$1,000 per violation and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(Ord. 1041, 11/13/2006, §8)