

Ordinance 74-3

Permits Grading

5/23/1974

ORDINANCE NO. 74-3

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A PERMIT FOR THE EXCAVATION, FILLING, AND/OR GRADING OF LAND WITHIN HOPEWELL TOWNSHIP: PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; AND PROVIDING FOR PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

Be it enacted and ordained by the Board of Commissioners of Hopewell Township, Beaver County, Pennsylvania, and it is hereby ordained and enacted by authority of the same.

SECTION 1 ----- STATEMENT OF INTENT:

It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the excavation, filling and/or grading of any land within the municipality unless an approved permit has been obtained from the Township Secretary.

SECTION 2 ----- DEFINITIONS:

For the purposes of this ordinance, the following definitions shall apply:

- A. Earth Material - any rock, natural soil or fill and/or any combination thereof.
- B. Excavation - the mechanical removal of earth material.
- C. Filling - the deposition of earth material or any other matter used for purposes of fill.
- D. Grading - any excavating or filling or combination thereof.
- E. Person - any person, persons, partnership, business or corporation.

SECTION 3 ----- APPLICATION PROCEDURES:

Application for such a permit shall be made in writing to the Township Secretary on forms supplied by the Township. Such application shall contain at least the following:

- A. The name and address of:
 - 1. The applicant;
 - 2. The owner of the land on which the work will be performed; and

3. The contractor performing the work.
- B. An identification and description of the work to be covered by the permit for which application is made.
- C. A description of the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description which will readily identify and definitely locate the proposed work.
- D. An estimate of the value of the proposed work.
- E. Such other information as reasonably may be required by the Township Secretary.

SECTION 4 ----- ISSUANCE OF PERMIT:

The Township Secretary shall issue a permit only after it has been determined that the proposed work will be in conformance with all applicable requirements and regulations.

SECTION 5 ----- PERMIT CHANGES:

After the issuance of a permit by the Township Secretary, 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 Township Secretary.

SECTION 6 ----- PLACARDS:

In addition to the permit, the Township Secretary shall issue a placard which shall be displayed on the premises during the time the work is in progress. This placard shall show the number of the permit, the date of its issuance and be signed by the Township Secretary.

SECTION 7 ----- START OF WORK AND EXPIRATION OF PERMIT:

- A. The proposed work shall begin within six (6) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Township Secretary.
- B. All work shall be completed within one (1) year of the date of issuance of the permit. If any work is to be performed beyond this period a new permit must be obtained under the conditions and requirements cited in Sections 3 and 4 of this Ordinance.

SECTION 8 ----- INSPECTION AND REVOCATION:

During the permitted work period, the Township Secretary 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. In the event the Township Secretary 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 Township Secretary shall revoke the permit and report such fact to the Township Commissioners for whatever action it considers necessary.

SECTION 9 ----- FEES:

Applications for a permit shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed work as determined by the Township Secretary at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$ 0.00 to \$ 200.00	\$3.00
\$201.00 to \$1,000.00	\$6.00
Each additional \$1,000.00, or part thereof beyond the first \$1,000.00	\$2.00

SECTION 10 ----- APPEALS:

Any person aggrieved by the Township Secretary's estimate of the cost of the proposed work may appeal to the Township Commissioners. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Township Secretary. Upon receipt of such appeal, the Township Commissioners shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. 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. The determination of the estimated cost by the Township Commissioners shall be final in all cases.

SECTION 11 ----- PENALTIES:

Any person, partnership, business or corporation who shall violate any of the provisions of this ordinance or fails to comply with any or

all of the requirements or provisions of this ordinance, shall be adjudged guilty of violating this ordinance and upon conviction, shall pay a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in county jail for a period not to exceed ten (10) days. Each day during which any violation of this ordinance 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 ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this ordinance shall not excuse the violation or non-compliance 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. Any excavation, filling, and/or grading in non-compliance with this ordinance may be declared by the Township to be a public nuisance and abatable as such.

SECTION 12 ----- SEVERABILITY CLAUSE:

If any section, paragraph, sentence or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect. For this purpose the provisions of this Ordinance are hereby declared to be severable.

ORDAINED AND ENACTED into an Ordinance this 23rd day of

May, 1974.

BOARD OF COMMISSIONERS
HOPEWELL TOWNSHIP

By: Les R. Milanovich
President

ATTEST:

Donald J. Koris
Secretary

(SEAL)

PROOF OF PUBLICATION

The **Beaver County Times**, a daily newspaper of general circulation, published by BEAVER NEWSPAPERS, INC., a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, was established in 1946, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published, appeared in the regular issue on 6/01

BEAVER NEWSPAPERS, INC.

STATE OF PENNSYLVANIA, }
COUNTY OF BEAVER, } SS:

By James R. Miller

Before me, a Notary Public in and for such county and state, personally
JAMES R. MILLER, who being duly sworn according to law say

SECRETARY-TREASURER of BEAVER NEWSPAPERS, INC.; that neither said corporation is interested in the subject matter of the attached advertisement that all of the allegations of the foregoing statement including those as to the time character of publication are true.

Sworn to and subscribed before me
this 17TH day of JUNE 1974

The costs of advertising and proof

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Equal Housing
Aliquippa, Pa. 15001
434 Franklin Avenue
236 program
for approved applicants who
also qualify under the HUD

Towne Tower Apartments
378-8563

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- elevators
- separate storage
- laundry facilities
- secured building
- parking
- recreation room
- w. kitchen
- carpeted
- Air conditioned
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\$118 - \$134/mo.

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8 - Sat. & Sun. 12 to 6
A. 15061