WORCESTER TOWNSHIP
BOARD OF SUPERVISORS

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006-210

"BUILDING PERMIT PROCEDURES"

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, PART II (GENERAL LEGISLATION) BY ADDING A NEW CHAPTER 51 ENTITLED "BUILDING PERMIT PROCEDURES" SETTING FORTH PROCEDURES FOR BUILDING PERMIT APPLICATIONS INCLUDING SUBMISSION OF PLOT PLAN; SUBMISSION OF FOUNDATION AS-BUILT PLANS; SUBMISSION OF FINAL AS-BUILT PLAN AND TEMPORARY USE AND OCCUPANCY PERMITS.

The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN:**

SECTION I. Amendment to the Code.

The Codified Ordinances of Worcester Township, Part II (General Legislation), Chapter 51 entitled "Building Permit Procedures" as follows:

Chapter 51

Building Permit Procedures

Section 51-1 – Building Permit Procedures.

All Building Permits issued by the Township for construction of new buildings shall be subject to the following plan requirements:

A. Plot Plan. Applicant shall submit for approval by the Township Engineer, a proposed survey and on-lot grading plan for each lot or building, certified for accuracy in compliance with the property deed and legal description. After approval, Applicant shall grade each lot or building in compliance with the said Survey and Grading Plan as approved by the Township Engineer. Each Plot Plan shall be submitted to the Township and/or engineer at least ten (10) business days prior to the expected foundation pouring to allow for review and issuance of Zoning/Building Permits.

B. Foundation As-Built Plan. Applicant shall submit to Township or engineer a certified As-Built Plan no later than seven (7) business days after the foundation has been poured and prior to framing of the structure. This plan shall show the foundation elevations plus the location of the foundation as depicted on the Plot Plan and as the foundation relates to all lot lines.

C. Final As-Built Plan. An "As-Built" Survey Plan for each lot or building shall be provided to the Township and certified for accuracy in compliance with the approved Plot Plan prior to the issuance of a Use and Occupancy Permit for each lot or building. A Use and Occupancy Permit shall not be issued until Township determines that construction and on-lot grading has been performed in compliance with the approved Plot Plan and all applicable ordinances, regulations, permits, resolutions and codes of Township, and of any other governmental agencies having jurisdiction thereover.

D. Temporary Use and Occupancy Permits. In situations where all exterior on-lot work cannot be completed because of adverse weather conditions or other compelling circumstances, Temporary Use and Occupancy Permits may be issued for a lot at the sole discretion of Township subject to the following:

(1) The Temporary Use and Occupancy Permit must be jointly requested by the Developer <u>and</u> the new homeowner.

(2) The house or structure must be one hundred percent (100%) completed.

(3) The public street or roadway must be completed at least to base course and must be mud-free and completely passable in a safe manner.

(4) Curbs must be completed to provide access to the lot.

(5) All stormwater management structures or facilities associated in any way with drainage expected from the lot must be complete.

(6) Rough grading of the lot must have been completed and must provide positive drainage away from the structure.

(7) A Final As-Built Plan showing rough grading and building location must be submitted and approved by Township.

(8) The driveway serving said house or structure, as applicable, must be completed to the stone base.

(9) Applicant shall provide Township with a cash escrow or letter of credit, in a form approved by the Township Solicitor, issued by a lending or financial institution

chartered by and authorized to do business in the Commonwealth of Pennsylvania, subject to the prior approval of Township, in the amount of Five Thousand Dollars ($5,000.00) or other amount as determined by the Township Engineer which shall guarantee the completion of the work and any associated legal and engineering fees required to obtain a final Use and Occupancy Permit for the lot in question. This escrow shall be irrevocable and shall remain valid until all of the aforesaid work shall be completed to the satisfaction of the Township and the final U & O is issued.

(10) Applicant shall execute the Temporary Use and Occupancy Permit acknowledging and certifying that the incomplete work is its responsibility and not that of the lot owner/purchaser.

(11) All incomplete work required to obtain a final Use and Occupancy Permit must be completed within the time stipulated on the Temporary Use and Occupancy Permit. In the event the work is not completed within the time stipulated, then, in that event, Applicant shall be deemed in breach and default of this Agreement and Township may, on five (5) days' written notice to Applicant, transmitted by facsimile or other similar electronics means, recognized overnight delivery service, hand delivery or certified mail at Township's option, utilize any of the remedies set forth herein, including revocation of all building and any other permits previously issued and refusal to issue any future building or any other permits until the work required to obtain a final Use and Occupancy Permit is completed to Township's satisfaction.

(12) Additionally, Township may, at its discretion, apply the cash escrow or letter of credit posted by Applicant for guarantee of completion of the work to complete the work itself with its own personnel or employ other persons and pay the cost incurred by Township including any professional or consultant fees. Application and reduction of monies by Township are not deemed an exclusive remedy and do not constitute a waiver of any other available remedies. Any extension of time to complete the work requested may be granted by the Township Board of Supervisors at their sole discretion. The Township shall not be responsible for any work done by or at the direction of Township which work shall remain the responsibility of Applicant.

SECTION II. Repealer.

All other ordinances and resolutions or parts thereof, as they are inconsistent with this Ordinance, are hereby repealed.

SECTION III. Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V. Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 21st day of June, 2006.

WORCESTER TOWNSHIP

By: _____
John R. Harris, Chairman
Board of Supervisors

Attest: _____
Arthur C. Bustard, Secretary

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NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on Wednesday June 21, 2006, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance amending the Codified Ordinances of Worcester Township, Part II (General Legislation), by adding a new Chapter 51 entitled "Building Permit Procedures" setting forth procedures for building permit applications including submission of plot plan; submission of foundation as-built plans; submission of final as-built plan and temporary use and occupancy permits.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Times Herald*, 410 Markley Street, Norristown, Pennsylvania, 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania, 19490 where a copy of the proposed ordinance may also be obtained for a charge not greater than the cost thereof.

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CRAIG, GARRITY & POTASH, LLP
Solicitors for Worcester Township