

## CHAPTER 4

### BUILDINGS

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## Part 1

### Numbering

#### §101. Definitions and Interpretation.

BUILDING - any structure used or intended to be used as a dwelling or place of business or industry, but shall not include any public building or any structure build as a place of worship, or any accessory building located upon a lot where there is also a main building.

PERSON - any natural person, partnership, association, firm or corporation.

In this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ord. 217, 4/7/69, §1)

#### §102. System for Numbering Building.

1. The Borough Surveyor shall draw up a numbering plan for the entire Borough of Everett and assign numbers to all lots and buildings located in the Borough. Such numbers shall be assigned according to the system prescribed by this Section.

2. All even numbers shall be on the south and west sides of streets and all odd numbers shall be on the north and east sides. The allotment of numbers shall be made, as nearly as practicable, one (1) number for each twenty (20') feet. Upon all streets not running in a generally north-south or east-west direction, or in any way not conforming to the prevalent pattern of street arrangement in the Borough, numbers shall be assigned by the Surveyor at approximate twenty (20') feet intervals, as closely as possible to the numbers used upon neighboring streets running in an approximately parallel direction, or, if the latter is not practicable, in the manner that the Surveyor considers will provide a most logical means of locating a property.

(Ord. 217, 4/7/69, §2)

#### §103. Property Owners to Affix and Maintain Correct Numbers.

Every owner of a lot in the Borough of Everett, on which a building, as herein defined, is now or shall thereafter be located, shall affix the number that shall be assigned to such lot upon such building or upon a permanent standard, base or support between such building and the street upon which it faces. Each digit shall be at least three (3") inches high, shall be of such color and material as to be visible from the street, and shall be constantly maintained by the owner of the property in complete and legible form. (Ord. 217, 4/7/69, §3)

§104 Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. each day that a violation of this Part continues shall constitute a separate offenses. (Ord 217, 4/7/69) §4) as amended by (Ord. 271, 6/8/1992)

## Part 2

### Use, Building and Demolition Permits

#### \$201. Statement of Interest

1. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken the construction, reconstruction, enlargement, alteration or relocation of any building or structure unless an approved use permit has been obtained from the Borough office and an approved building permit, if applicable, has been obtained from the Borough office or from the Borough's authorized agent.

2. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken the demolition or removal of any building, structure, or mobile home unless an approved demolition permit has been obtained from the Borough office.

#### \$202. Application Procedure

1. Applications for use permits or demolition permits shall be made in writing to the Borough Manager on forms supplied by the Borough. Such applications 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.
- E. Brief description of proposed work and estimated costs.
- F. A plan of the site showing the exact site and location of the proposed construction as well as existing buildings and other structures.

2. Applications for building permits shall be made in writing to the Borough Manager on forms supplied by the Borough, or from the Borough's authorized agent.

#### \$203. Issuance of Permits

1. Use permits will be issued by the Borough Manager only after it has been determined that the proposed construction will be in conformance with all applicable Borough ordinances, requirements and regulations.

2. Demolition permits will be issued by the Borough Manager only after it has been determined that the proposed demolition will be in conformance with all applicable Borough ordinances, requirements and regulations.

3. Building permits will be issued by the Borough Manager or the Borough's authorized agent only after it has been determined that the proposed construction will be in conformance with all applicable building codes, requirements and regulations.

#### 4. Setbacks

a. Definitions: For the purposes of this section, terms in this subsection shall be as defined in the Everett Borough Subdivision and Land Development Ordinance.

b. After the effective date of this subsection, use permits for construction of all new buildings, accessory buildings, building additions, or other structures, where such construction does not fall under the provisions of the Everett Borough Subdivision and Land Development Ordinance, shall only be issued when such construction will be no closer than four (4.0) feet from sidewalks and street rights-of-way, four (4.0) feet from rear property lines, and six (6.0) feet from side property lines, except when a waiver has been granted by the Everett Borough Council.

c. Waiver: The Everett Borough Council may grant a waiver of setback requirements in situations where new construction is consistent with the alignment of adjacent buildings. An applicant for a use permit seeking a waiver from setbacks shall submit a written request to the Everett Borough Council at a regular monthly meeting of the Council. The Council may refer the waiver request to the Everett Borough Planning Commission for review and request a recommendation from the Planning Commission. The Council shall approve or deny the waiver request before a use permit may be issued.

d. Effective Date. This subsection shall be effective on March 14, 2006.

e. Severability. If any sentence, or clause of this subsection is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance

\$204. Placards. In addition to the building permit, the Borough Manager or the Borough's authorized agent shall issue a placard which shall be displayed on the premises during the time construction is in progress. The placard shall show the number of the building permit, the date of its issuance, and be signed by the Borough Manager or the Borough's authorized agent.

\$205. Start of Construction. Work on the proposed construction or demolition shall begin within six (6) months after the date of issuance of the building permit or the permit shall expire, unless a time extension is granted, in writing, by the Borough Manager or the Borough's authorized agent. Construction shall be considered to have

started with the first placement of permanent construction at the site, such as the 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 or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers or foundations, or the erection of temporary forms.

\$206. Completion of Construction or Demolition. Work on the proposed construction or demolition shall be completed within one (1) year after the date of the start of construction.

\$207. Inspection and Revocation. During the construction period, the Borough Manager, code inspector, or other authorized agent 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 state or municipal law and ordinances. In the event the Borough Manager, code inspector, or other authorized agent 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 Borough Manager or the Borough's authorized agent shall revoke the building permit and report such fact to the Everett Borough Council for whatever action the Council deems necessary.

\$207. Fees. Application for a use permit or demolition permit shall be accompanied by a fee, as established from time to time by resolution of the Borough Council, payable to the Borough of Everett. Application for a building permit, if issued by the Borough, shall be accompanied by a fee, as established from time to time by resolution of the Borough Council, payable to the Borough of Everett. Application for a building permit, if issued by the Borough's authorized agent, shall be accompanied by a fee, as established by and payable to the Borough's authorized agent.

\$208. 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 Borough Manager or the Borough's authorized agent shall be guilty of an offense and upon conviction, shall pay a fine to the Borough of Everett of not less than Twenty-Five (\$25.00) dollars, nor more than Six Hundred (\$600.00) Dollars, plus costs of prosecution. In default of such payment, such person shall be imprisoned in the county prison 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-compliance within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered, or relocated in non-

compliance with this ordinance may be declared by the Everett Borough Council to be a public nuisance and abatable as such.

§209. Severability. 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.