

**CHAPTER 4**

**BUILDINGS**

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**Part 1**  
**Building Permits**

**§4-101. Permit Required.**

1. It shall be unlawful for any person to proceed with the erection, alteration or enlargement of any structure or building, or any part thereof, including accessory buildings, a mobile home or any other permanent structure, such as a swimming pool, in Jefferson Township, Butler County, Pennsylvania, unless a permit has been issued by the designated Township official of said Township, after application for permit has been submitted. For purposes of this Chapter and Part, the following definitions shall apply:

**BUILDING** — a structure used or intended for supporting or sheltering any occupancy.

**STRUCTURE** — a combination of materials that are built or constructed with a permanent location or attached to something that has a permanent location.

2. No building permit shall be issued for more than one residence, dwelling or mobile home per lot or parcel of land except that the Planning Commission, with the approval of the Supervisors, may permit one additional nonpermanent dwelling or mobile home ("temporary dwelling") on each lot or parcel by special exception under the following standards for such a temporary dwelling permit:
  - A. A yearly permit must be obtained and signed by the property owner stating the dwelling is for temporary use by the designated individual(s) and will be removed when the designated occupants no longer reside in the dwelling.
  - B. The sewage system must be adequate for the additional dwelling/occupants, and the sewage flows shall not exceed 400 gallons per day from the temporary dwelling.
  - C. There is no sale or lease of the additional temporary dwelling, as defined in the Subdivision and Land Development Ordinance.
  - D. A mobile home may be temporarily placed on an approved lot having erected thereon no more than one single-family dwelling where the mobile home is connected to the sewage disposal system of the permanent dwelling and where the temporary mobile home is to be occupied by the following family members: father, mother, father-in-law, mother-in-law, paternal grandparents, maternal grandparents, foster parents, son or daughter, or brother or sister of the owner and occupant of the permanent residence on the lot; such occupancy of the temporary mobile home to be by special temporary dwelling permit only for a period not to exceed one year, renewable at the option of the Township; all such permits to expire and be subject to renewal on July 1 of each year regardless of the date of issuance. A signed statement

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will be required from a medical doctor as to the need prior to a land use and/or building permit being issued. The sewage flows from the temporary unit shall not exceed 400 gallons per day.

- E. The property owner must complete a signed and notarized agreement delivered to Jefferson Township stipulating that the temporary unit will be removed from the premises within 60 days from the time the temporary unit is vacated or the personal care situation no longer exists, whichever occurs first.

(Ord. 29, 4/13/1968, §1; as amended by Ord. 60, 8/12/1985; by Ord. 102, 10/11/1993; by Ord. 118, 9/12/1994; by Ord. 275, 1/5/2009, §1; and by Ord. 311, 5/9/2011)

### **§4-102. Application.**

All applications for permits shall be submitted to the Site Inspector and when required shall be accompanied by two sets of plans and specifications setting forth the size and type of material to be used in the construction of said building and the plot plan showing the location of said building on said lot. Upon approval of the plans and specifications, one set so marked shall be returned to the applicant which must be kept properly and publicly displayed on the building site during the period of construction and for 60 days after the completion of said structure. No change shall be made in any set of plans, specifications or building for which a permit shall have been issued without the consent of the Site Inspector of Jefferson Township.

(Ord. 29, 4/13/1968, §2)

### **§4-103. Information on Application.**

The application shall state (1) size and location of lot; (2) house number; (3) classification of the building; (4) the occupancy or use to which it is to be put; (5) the estimated cost of the work contemplated; (6) the fee to be paid for the permit, together with the calculations necessary to determine the same, which shall be subject to the permission of the Supervisors or their duly appointed Site Inspector; seven any other information required by the Supervisors or the Site Inspector.

(Ord. 29, 4/13/1968, §3)

### **§4-104. Fee.**

The applicant for a permit for any new building or any addition to an existing building, shall, at the time of making application pay to the Township Treasurer, for the use of the Township for each and every building, a fee to be established by resolution.

(Ord. 29, 4/13/1968, §4; as amended by Ord. 60, 8/12/1985)

**§4-105. Commencement of Work.**

If any work authorized by any permit issued under this Part shall not have been commenced within 12 months after the issuance of such permit, such unused permit shall be invalid. Under such conditions, neither the permit fee, nor any part thereof, shall be returned to such permit holder; and if at any future time such permit holder shall make application for another permit for the same work, he shall follow the same procedure and pay the same fee as if no previous permit had been issued.

(Ord. 29, 4/13/1968, §5; as amended by Ord. 60, 8/12/1985)

**§4-106. Penalties.**

Please see Chapter 1, Part 5, "Ordinance Enforcement Procedure."

(Ord. 29, 4/13/1968, §6; as amended by Ord. 60, 8/12/1985; and by Ord. 155, 1/5/1998)

**Part 2**  
**Multifamily Dwellings**

**§4-201. Title.**

This Part shall be referred to as the Jefferson Township Multifamily Dwelling Ordinance.

(Ord. 46A, 6/5/1980, §1.01)

**§4-202. Definitions.**

The following words used in this Part shall have the meanings set forth below:

**DWELLING UNIT** — a separate living facility designed for residential occupancy and shall be distinguished by having located therein kitchen facilities separate and apart from those of other areas of the same structure.

**MULTIFAMILY DWELLING** — any structure situated within the Township of Jefferson which is used in whole or in part for residential purposes and which contains two or more dwelling units and shall include, but not be limited to, apartment houses, duplexes, tri-plexes, condominium developments, co-operative developments, townhouse developments, row houses, and commercial buildings which have two or more residential units integrated into the same structure.

**SITE INSPECTOR** — the Site Inspector of the Township of Jefferson.

**STRUCTURE** — any house, building, apartment building, or such other development for the use of residential or commercial space and shall be distinguished from other structures by being covered by a completely separate roof and further by not being integrally connected to another building or structure by a permanent hallway, passageway, or connecting corridor.

**SUPERVISORS** — the term "Supervisor" shall refer to the Board of Supervisors of the Township of Jefferson, Butler County, Pennsylvania.

(Ord. 46A, 6/5/1980, Art. II; as amended by Ord. 60, 8/12/1985)

**§4-203. Purpose.**

The Supervisors of Jefferson Township have determined that the health, welfare, and safety of the residents of Jefferson Township can be best served at the present time by applying certain restrictions upon the indiscriminant development of multifamily units on properties located within the Township of Jefferson on the basis that without such

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restrictions overcrowding, overloading of currently septic and sewage systems, restriction of the general aesthetic nature of the Township, overtaxing of the highways of the Township may and will occur unless certain restrictions can be placed upon the development of multiple-family dwellings within the Township.

(Ord. 46A, 6/5/1980, §3.01)

### §4-204. General Provisions.

1. It shall be illegal from and after the effective date of this Part for any person or persons, corporations, partnerships, or business enterprises of any kind to construct multiple-family dwellings within the Township of Jefferson or remodel currently existing structures into multiple-family dwellings without first having received the approval of the Township Site Inspector and after compliance is made with all of the terms and conditions of this Part.
2. Unless and until compliance is made with the terms and conditions of this Part, the Site Inspector shall issue no building permits for the construction of multiple-family dwellings or the remodeling of existing structures into multiple-family dwellings. Further, the Site Inspector, upon determination that such construction is underway and is not in compliance with this Part shall have the power to revoke the Building Permit issued by the Site Inspector after giving 24 hours notice to the owner of the property upon which the multiple-family dwellings are being constructed of the nature of the violations and the intent of the Site Inspector to revoke the permit so issued. Notice of the violation as provided in this paragraph shall be given by the Site Inspector by either handing a copy of the notice to the owner of the property personally or by posting a copy of the notice of violation upon the premises upon which the violation is occurring.
3. Applications for a construction of multifamily units consisting of two or more dwelling units or remodeling of an existing structure into two or more dwelling units shall be made not to the Site Inspector but to the Township Planning Commission which shall review the plans according to the terms of this Part and the Planning Commission shall, after hearing, submit a written recommendation, to the Township Supervisors who shall make a final determination as to whether or not a building permit should be issued for the proposed plan at the next regularly scheduled meeting of the Township Supervisors following the meeting of the Planning Commission.

Ord. 46A, 6/5/1980, Art. IV)

**§4-205. Restrictions on Building Multifamily Units or Remodeling Current Structures into Multifamily Dwellings.**

1. Each structure used as a multifamily dwelling unit shall be no more than four stories high but may have a basement and attic, but in any event the total height of the structure above grade shall not be more than a maximum of 50 feet.
2. Not more than 20% of the land area of the lot upon which the multifamily dwelling is to be constructed shall be covered by the building structures.
3. Not more than 15% of the land area of the tract of land upon which the multifamily units are to be constructed or existing structures are to be remodeled into multifamily dwelling units shall be covered by roadways, driveways, parking areas, and other areas, and other areas used for vehicular traffic.
4. Each dwelling unit shall be provided with two parking spaces which shall be located upon the tract upon which the multifamily dwelling is to be constructed, said parking places to be off the public roadways and an additional parking space shall be provided for every two dwelling units located in each multifamily unit.
5. All buildings constructed to be used for multifamily dwellings shall be set back at least 50 feet from the edge of the right-of way of the public road, whether state or Township, and in the event that more than one multifamily unit is to be constructed on a tract of land there shall be a minimum of 50 feet between said units.
6. The building construction and/or the remodeling to be performed of existing structures shall meet all existing insulation standards at the time of construction and shall contain a two hour fire rated divider between individual dwelling units.
7. Multiple-family dwellings shall be constructed only upon land which has frontage on a public road and the Township Supervisors and/or the Planning Commission may require the proponent of the multiple-family dwellings to provide a traffic survey indicating the ability of the roadway to handle the additional traffic which would be generated by the proposed construction.
8. Property containing multifamily dwellings shall contain no other uses except parking and recreational areas for the residents of the buildings.
9. The property upon which multiple-family dwelling units are constructed or upon which existing structures are to be remodeled into multiple-family dwelling units shall be properly landscaped and construction plans shall indicate that provisions have been made for the collection and disposal of stormwater and the prevention of stormwater runoff satisfactory to meet the approval of the Government agency having authority over such matters, including but not limited to the Butler County Conservation District Office.
10. Construction of multiple-family dwelling units shall provide that all utilities shall be under ground.

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11. All multiple-family dwellings must be connected to a public water system and a public sanitary sewage system approved by the Pennsylvania Department of Environmental Protection or such other Commonwealth agency which may have authority over such matters and operated by a municipality, municipal authority or public utility company.
12. No building permit for the construction of multiple-family dwellings shall be approved by the Supervisors until the Supervisors have received from the owners of the property irrevocable letters of credit or performance bonds or cash bond sufficient to guarantee the final paving of the roadways necessary for the construction of the multiple-family dwellings or the remodeling of existing structures into multiple-family dwellings and further such security shall also be given to the Supervisors for site preparation.
13. Each dwelling unit located within a multiple-family dwelling shall have private bath and cooking area for the exclusive use of the residents of that particular unit and each unit shall contain at least three rooms, one of which may be the bathroom.
14. All multiple-family dwellings shall provide at least two exits to the outside, one of which shall be a direct exit to a fire escape or to ground level and the other may exit upon a common hallway or stairwell.
15. No more than four dwelling units shall be permitted to be constructed per acre of land.

(Ord. 46A, 6/5/1980, Art. V; as amended by Ord. 60, 8/12/1985; and by Ord. 204, 1/5/2004)

### **§4-206. Rules Pertaining to Condominiums and Co-operatives.**

1. Landowner shall satisfy the Planning Commission at the time of application for final approval that all area for which the final approval is sought will be adequately maintained in perpetuity so as not to cause a public nuisance.
2. If the landowner provides for the establishment of an association of residents to own and maintain common open spaces on the site, he shall indicate the organization of such association, including by-laws, and the legal mechanism that will bind such association to perpetual maintenance of the open space.
3. In the event that the organization established to own and maintain the common open space or successor organization fails to maintain open space in reasonable order and condition, the Township Supervisors may serve written notice upon the residents of the units setting forth the deficiency in maintenance, demanding that they be corrected.



4. If deficiencies are not corrected within 30 days, Supervisors may enter the common open space containing the deficiencies and maintain the area.
5. The cost of maintenance of common open space by the Township Supervisors shall be assessed ratably against the properties within the development that have rights to the common open space and shall become a lien on said properties, to be filed by the Township Supervisors with the Prothonotary of Butler County.
6. The period during which the Township shall maintain the common open space shall not constitute a taking of land nor entitle the public to use such common open space but shall be an action to protect the health, safety and welfare of the residents of the Township.
7. Nothing in this section shall limit the right of the Township to obtain equitable or injunctive relief from a court of competent jurisdiction and all of the remedies set forth in this Part shall be deemed cumulative and not exclusive.

(Ord. 46A, 6/5/1980, Art. VI, as amended by Ord. 60, 8/12/1985)

#### **§4-207. Appeals.**

1. Appeals from the decision of the Supervisors of the Jefferson Township with regard to a proposed development of one or more multiple-family dwellings within the geographic limits of Jefferson Township may be taken to the Court of Common Pleas of Butler County within 30 days of the date of the decision of the Township Supervisors.
2. Each and every section of this Part is hereby deemed to be severed from the remaining sections of the Part and in the event that any portion of this Part is determined to be illegal the same may be deleted from the ordinance without having any affect upon the other provisions of this Part.

(Ord. 46A, 6/5/1980, Art. VII)

#### **§4-208. Restriction Upon Time.**

1. In the case of a permit which has been issued by the Site Inspector and which did not require the approval of the Township Supervisors the permit shall be valid for a period of two years from the date of issuance. In the event that construction is not commenced on or before 180 days from the date of such permit the permit shall lapse and the landowner shall cease and desist from beginning any construction from that date forth.
2. In the case of those plans which are required to be submitted by the landowner to the Planning Commission for approval by the Township Supervisors, construction

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on each approved multiple-family dwelling must begin within two years from the date of the approval by the Township Supervisors.

In the event that construction has not commenced within two years from the approval by the Supervisors then and in that event any building permit issued to the land owner shall be declared terminated and in the event that no building permit has yet been issued, the Site Inspector shall not issue such permit.

3. In the event that the landowner has not commenced construction within the two-year period set forth in Subsections 1 and 2 of this section, the landowner must submit a new or revised plan to the Site Inspector or the Township Supervisors, whichever is required by this Part, for new and separate approval under the requirements then in effect.

(Ord. 46A, 6/5/1980, Art. VIII)

### **§4-209. Penalties.**

Please see Chapter 1, Part 5, "Ordinance Enforcement Procedure."

(Ord. 46A, 6/5/1980, Art. IX; as amended by Ord. of 3/4/1982; by Ord. 60, 8/12/1985; and by Ord. 155, 1/5/1998)