

**MUNICIPALITY OF NORRISTOWN
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE NORRISTOWN MUNICIPAL CODE TO RE-TITLE CHAPTER 120 AS BUILDING PERMITS; PROVIDE FOR ENFORCEMENT OF CHAPTER 120; AMEND THE PENALTIES FOR VIOLATIONS OF THE CHAPTER 120; PROVIDING FOR AN ENFORCEMENT PROVISION IN CHAPTER 251; REPEALING ALL INCONSISTENT ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Municipality of Norristown is desirous to insure that all construction and building within the Municipality is conducted in a manner consistent with the highest level of accountability; and

WHEREAS, the Municipality is desirous of protecting the public health and safety of its residents and individuals working within its borders; or your actions

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED THAT:

SECTION I. AMENDMENT TO NORRISTOWN MUNICIPAL CODE

A. The Norristown Municipal Code is hereby amended as follows:

CHAPTER 120 BUILDING PERMITS

§ 120-1 Intent.

The intent of this chapter is to:

- A. Promote the general health, welfare and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to insure accountability from all individuals engaged in construction and development within the Municipality.

§ 120-2 Applicability.

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Municipality unless a building permit has been obtained from the Building Permit Officer.

§120-3 REPEALED

§120-4 REPEALED

§ 120-7 Application procedures and requirements.

B. Information to be supplied.

(1) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall comply with all applicable provisions of Chapter 320.

§ 120-13 Inspection; revocation of permit.

B. In the discharge of his/her duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.

C. In the event that the Building Permit Officer 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 Building Permit Officer shall revoke the building permit and report such fact to the Council for enforcement for the provisions of this Chapter.

§120-15 Enforcement

A. Notices. Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulations adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided and all work in connection therewith shall cease. Such notice shall be in writing; include a statement of the reasons for its issuance; be served upon the property owner, the contractor or an agent of either as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner, contractor or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; and contain an

outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and allow for the continuation of work.

B. Violations and penalties.

1. Any person who fails to comply with obtaining a building permit pursuant to the provisions of this chapter shall be guilty of an offense and, upon conviction shall be subject to the following fine plus the costs of prosecution:
 - a. First offense: Five hundred dollars (\$500.00)
 - b. Second offense within one (1) year of first offense: One thousand dollars (\$1,000.00).
 - c. Third offense within one (1) year of second offense: One thousand dollars (\$1,000.00) and a suspension of the right to work within the Municipality of Norristown for one (1) year commencing with the payment of the one thousand dollars (\$1,000.00) fine for the third offense.

Said fines shall be applicable to the contractor and all subcontractors working on the same job.

2. Any person who fails or refuses to comply with, any notice, order of direction of the Building Permit Officer or any other authorized employee of the municipality to stop work pursuant to the provisions of this chapter, except such work as that person is directed to perform by the building, plumbing and/or electrical inspector to remove a violation or unsafe condition, shall be guilty of a separate offense and, upon conviction shall be subject to a one thousand dollar (\$1,000) fine plus the costs of prosecution.

3. The owner of a building, structure or premises where anything in violation of these building regulations shall be placed or shall exist and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be liable to a fine of not more than one thousand dollars (\$1,000.00) for each offense.

Each day during which any violation of this chapter 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 chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Council to be a public nuisance and abatable as such.

§ 120-16 Repealed

Article III – Repealed

Article IV Repealed

Article V Repealed

Article VI Repealed

Article VII Repealed

§ 251-9 IS REPEALED AND REPLACED AS FOLLOWS:

§ 251-9 ENFORCEMENT

A. Notice.

Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulations adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided and all work in connection therewith shall cease. Such notice shall be in writing; include a statement of the reasons for its issuance; be served upon the property owner, the contractor or an agent of either as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner, contractor or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; and contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and allow for the continuation of work.

B. Violations and penalties.

1. Any person who fails to comply with obtaining a license pursuant to the provisions of this chapter shall be guilty of an offense and, upon conviction shall be subject to the following fine plus the costs of prosecution:
 - a. First offense: Five hundred dollars (\$500.00)
 - b. Second offense within one (1) year of first offense: One thousand dollars (\$1,000.00).
 - c. Third offense within one (1) year of second offense: One thousand dollars (\$1,000.00) and a suspension of the right to work within the Municipality of Norristown for one (1) year commencing with the payment of the one thousand dollars (\$1,000.00) fine for the third offense.

Said fines shall be applicable to the contractor and all subcontractors working on the same job.

2. Any person who fails or refuses to comply with, any notice, order of direction of the Building Permit Officer or any other authorized employee of the municipality to stop work pursuant to the provisions of this chapter, except such work as that person is directed to perform by the building, plumbing and/or electrical inspector to remove a violation or unsafe condition, shall be guilty of a separate offense and, upon conviction shall be subject to a one thousand dollar (\$1,000) fine plus the costs of prosecution.
3. The owner of a building, structure or premises where anything in violation of these building regulations shall be placed or shall exist and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be liable to a fine of not more than one thousand dollars (\$1,000.00) for each offense.

Each day during which any violation of this chapter 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 chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Council to be a public nuisance and abatable as such.

SECTION II. SEVERABILITY

In the event that any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

SECTION III. REPEALER

All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION IV. 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 Municipal Council of the Municipality of Norristown,

Montgomery County, Pennsylvania this _____ day of _____, 2017.

ATTEST:

NORRISTOWN MUNICIPAL COUNCIL

CRANDALL O JONES,
MUNICIPAL ADMINISTRATOR

SONYA D SANDERS,
COUNCIL PRESIDENT

DRAFT