

ordinance no. 18 (1)

HARMONY TOWNSHIP ORDINANCE NO. 18

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING

PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT: PRO-

VIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS: SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP WHICH ARE SUBJECT TO FLOODING: AND ESTABLISHING 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 TOWNSHIP OF HARMONY. Forest county,

Pennsylvania, and is hereby enacted and ordained by the author same as follows:

ARTICLE I GENERAL PROVISIONS Section 1.00 Intent

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The Intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

Section 1.01 Applicability

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

Section 1.02 Repealer and Effective Date

This provision of any Ordinance heretofore adopted in consistent with the provisions hereof are hereby repealed. This Ordinance becomes effective thirty (30) days following its enactment.

section 1.03 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any

reason whatsoever, .such decision. shall not affect the

remaining portions of this Ordinance, which shall remain full force and effect, and for this purpose the provision of this Ordinance are hereby declared to be severable.

Section 1.04 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions

of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural

causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain area, or that land uses permitted with such areas, will be free from flooding or flood damage.

This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

ARTICLE II ADMINISTRATION

Section 2.00 Building Permits Required

Building permits shall be required before any construction or development is undertaken within any area of the Township.

Section 2.01 Issuance of Building Permit

A. The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances. In addition the

Building Permit Office shall require that the applicant

certify that within the detailed flood plain (i.e. Zone AE) the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation

of the 100 year flood more than one (1) foot at any point within the Township.

B. Prior to the issuance of any building permit, the

Building Permit Officer shall review the application

for permit to determine if all other necessary govern-

ment permits such as those required by State and Federal

laws have been obtained, such as those required by Act 537, The Pennsylvania Sewage Facilities Act; the Dam Safety and Encroachments Act; the U. S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act.

No permit shall be issued until this determination has been made.

C. No encroachment, alteration, or improvement of any kind

shall be made to any watercourse until all adjacent municipalities which may be affected by such action have

been notified by the Township, and until all required permits or approvals have been first obtained from the

Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and

Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township

prior to any alteration or relocation of any watercourse. ~

Section 2.02 Application Procedures and Requirements

A. Application for such a building permit shall be made, in

writing, to the Building Permit Officer on forms supplied

by the Township. Such application shall contain the following:

1. Name and address of the applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location.
5. Brief description of proposed work and estimated cost.
6. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
7. In the case of commercial or industrial buildings, whether State approval is required, and if so, evidence of the applicant having first secured a permit from the Sewage Enforcement Officer.
8. Whether the proposed construction entails the installation of any on-site sewage disposal facility, and if so, evidence of the applicant having first secured a permit

from the Sewage Enforcement Officer.

If any proposed construction or development is located

entirely or partially within any identified floodplain area, applicants for building permits and special permits shall also provide the following specified information:

1. A plan of the entire site, drawn at a scale of one

(1) inch being equal to one hundred (100) feet or less, showing the following:

- a. north arrow, scale, and date;
- b. a location map showing the vicinity in which the proposed activity or development is to be located within the municipality;
- c. topography based upon the National Geodetic Vertical Datum of 1929 showing existing and proposed contours at intervals of two (2) feet;
- d. all property and lot line including dimensions, and the size of the site expressed in acres or square feet;
- e. the location of all existing streets, drives, and other accessways with information, concerning widths, pavement types and construction, and elevations;
- f. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and any other natural or manmade features affecting, or affected by, the proposed activity or development;

? the location of the identified floodplain area boundary line, floodway line if available,

information and spot elevations concerning the one hundred (100) year flood elevations, and

information concerning the flow of water including ~

direction and velocities; and

- h. a general plan of the entire site accurately showing the location of all proposed buildings, structures,

and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:

i) all such proposals are consistent with the need to minimize flood damage;

ii) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

iii) adequate drainage is provided so as to reduce exposure to flood hazards.

2. Plans of all proposed buildings, structures, and other improvements, drawn at suitable scale showing the following:

a. detailed architectural or engineering drawings

including building size, floor plans, sections and exterior building elevations, as appropriate;

b. the proposed lowest floor elevations of any proposed building based upon National Geodetic Vertical Datum of 1929;

c. complete information concerning flood depths,

pressures, velocities, impact and uplift forces, and other factors associated with a one hundred (100) year flood;

d. detailed information concerning any proposed flood-proofing measures;

e. cross-section drawings for all proposed streets, drives, and other accessways and parking areas showing all rights-of-way and pavement widths;

f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades;

g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities; and

h. soil types.

3. *The following data and documentation:*

a. a document, certified by a registered professional

engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations,

pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood, and

such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development;

b. detailed information needed to determine compliance with Section 4.01, Storage, and Section 4.02, Development Which May Endanger Human Life, including:

i) the amount, location and purpose of any

materials or substances referred to in Sections 4.01 G. and 4.02 which are intended to be

used, produced, stored or otherwise maintained on site,

ii) for any proposed structure regulated under

Section 4.02, a description of the safeguards incorporated into the design of the structure to prevent leaks, or spills of the above mentioned materials or substances during a one hundred (100) year flood.

/ c. the appropriate component on the Department of Environmental Resources' "Planning Module for Land Development"; and

d. where any excavation or grading is proposed, a

plan meeting the requirements of the Department

of Environmental Resources, to implement and maintain erosion and sedimentation control.

Section 2.03 Changes

After the issuance of a building permit by the Building Permit Officer, 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 Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the

applicant to the Building Permit Officer for consideration.

Section 2.04 Placards

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises

during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

Section 2.05 Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of the issuance of the building permit. Construction shall be considered to have started with the first placement of permanent construction on 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 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, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes or electric or other service lines from the street.

All building permits shall expire on the first (1st) day of the twelfth (12th) month following the date of issuance. Upon the payment of an additional fee, such expired permit will be extended

for an additional period of twelve (12) months only, and

no further extension shall be permitted except as may be allowed at the discretion of the Board of Supervisors upon application therefore by the applicant and proof of economic or other hardship acceptable to the Board of Supervisors.

Section 2.06 Inspection and Revocation

A. During the construction period, the Building Permit Officer or other authorized official shall inspect

the premises to determine that the work is progressing in compliance with the information provided on the

permit application and with all applicable Township laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

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B. In the discharge of his duties, the Building Permit

Officer shall have the authority to enter any building, structure, premises or development in the identified

flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

C. In the event 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 Board of Supervisors for whatever action it considers necessary.

D. A record of all such inspections and violations of this Ordinance shall be maintained. **Section 2.07 Fees**

Applications for a building permit shall be accompanied by a fee payable to the municipality as may be established by

resolution of the Board of Supervisors from time to time.

Section 2.08 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 Ordinance, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give

notice of such alleged violation as hereinafter provided.

Such notice shall (a) be in writing; (b) include a statement ~! of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon

the property owner or his agent as the case may require; provided, however, that such notice or order shall be

deemed to have been properly served upon such owner 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; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions

of this Ordinance. B. 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 Building Permit Officer or any other authorized

employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in 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 noncompliance with, this Ordinance 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 noncompliances within a reasonable time. *Any development* initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated,

in noncompliance with this Ordinance may be declared by the

Board of Supervisors to be a public nuisance and abatable as

As such . **Section 2.09 Appeals**

A. *Any person aggrieved by an action or decision of the*

Building Permit Officer, refusing to grant a modification to the provisions of this Ordinance covering the development of land or the manner of construction or materials to be

used in the erection, alteration, modification, etc., of a

building or structure, may appeal to the Board of Supervisors.

Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.

B. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than ten

(10) nor more than thirty (30) days, for the purpose

of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties. C. Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom by appeal to

court, as provided by the laws of this Commonwealth

including the Pennsylvania Floodplain Management Act.

ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS

Section 3.00 Identification

The identified floodplain area shall be any area of the Town-

ship of Harmony, subject to the one hundred (100) year flood, which is identified as a Special Flood Hazard Area (Zones A & AE) in the Flood Insurance Study and on the accompanying

Flood Insurance Rate Map, as issued by the Federal Insurance Administration dated November 5, 1986.

Section 3.01 Determination of One Hundred' (100) Year Flood Elevation

For purposes of this Ordinance, the one hundred (100) year flood elevation as shown in the Flood Insurance Study shall be used. To determine the one hundred (100) year flood elevation in

those areas in which it is not provided in the Flood Insurance Study, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination other sources of data, where available, shall be used such as: A. Corps of Engineers - Floodplain Information Reports

B. U. S. Geological Survey - Flood Prone Quadrangles

C. U.S.D.A., Soil Conservation Service - County Soil Sur-

veys, (Alluvial Soils) or P.L. 566 Flood Information D. Pennsylvania Department of Environmental Resources - Flood Control Investigations

E. Known Highwater Marks from Past Floods F. Other sources In lieu of the above, the municipality may require the appli-

cant to determine the elevation with hydrologic and hydraulic techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted

in sufficient detail to allow a thorough technical review by the Township.

Section 3.02 Changes in Identification of Area

The delineation of any of the identified floodplain area may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission

or other qualified agency or individual documents the notification for such changes. However, prior to any such change, approval

must be obtained from the Federal Insurance Administration (FIA).

Section 3.03 Boundary Disputes

should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Building Permit Officer and any party aggrieved by this decision may

appeal to the Board of Supervisors. The burden of proof shall , on the appellant.

GENERAL TECHNICAL REQUIREMENTS

Section 4.00 General

In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.

Within any identified floodplain area, the elevation. of the lowest floor (including basement) of any new or improved residential structures shall be one and

one-half (1%) feet or more above the one hundred (100) year flood elevation.

Within any identified floodplain area, the elevation of the lowest floor (including basement) of non-

residential structures shall be one and one-half (1%) feet or more above the one hundred (100) year flood

elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

Any structure or part thereof which will not be completely or adequately elevated shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood proofing Regulations" (U.S. Army Corps of Engineers, June, 1972) or some other equivalent standard for that type of construction.

Section 4.01

Design and Construction Standards and Prohibition

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified floodplain area:

1. Fill

If fill is used, it shall:

- a. extend laterally at least fifteen (15) feet beyond the building line from all points;
- b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying ~ steeper slopes are submitted to, and approved by the Building Permit Officer; and
- e. be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage Facilities

Storm drainage facilities shall be designed to

convey the flow of storm water runoff in a safe and efficient manner, The system shall insure

proper drainage along streets, and provide positive

drainage away from buildings. The system shall also

be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations

and collector systems)

shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. .

4. Water Facilities

All new or replacement water facilities shall be designed

to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

5. Streets

The finished elevation of proposed new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

6. Utilities

All utilities such as gas line, electrical and

telephone systems being placed in an identified flood-

plain area should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

7: Storage

All materials that are buoyant, flammable, explosive, or in time of flooding could be injurious to human,

animal, or plant life, and not listed in Section 4.02, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation

and/or flood proofed to the maximum extent possible.

8. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a

minimum affect upon the flow and height of flood water.

9. anchoring

a. All buildings and structures shall be firmly

anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral ~ movement.

b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

10. Floors, Walls and Ceilings

a. Wood flooring used at or below the Regulatory

Flood Elevation shall be installed to accommodate a lateral expansion of the flooring perpendicular to the flooring grain

without causing structural damage to the building.

b. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

c. Walls and ceilings at or below the Regulatory

Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

11. Paints and Adhesives

a. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" paint or other finishing material.

i b. Adhesives used at or below the Regulatory Flood

Elevation shall be of a "marine" or "water-resistant" paint or other finishing material.

c. All wooden components (doors, trim, cabinets,

etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

12. Electrical Systems and Components

a. Electric water heaters, furnaces, air conditioning

and ventilating systems, and other electrical equipment or apparatus shall be located below the Regulatory Flood Elevation.

b. Electrical distribution panels shall be at least three (3) feet above the one Hundred (100) year flood elevation.

c. Separate electrical circuits shall serve lower levels and shall be dropped from above.

13. Plumbing

a. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.

b. No part of any on-site sewage disposal system shall be located within any identified floodplain.

c. Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.

d. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into

flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

B. The following minimum standards shall apply for all construction and development proposed to be undertaken

anywhere within the Township, whether identified as a floodplain area or not:

1. Foundations shall be solid, made of concrete, brick, cinder blocks, cement blocks, or stone; or, shall be supported by pillars of stone, brick, cement blocks or concrete.

2. Chimneys shall be constructed of brick, cement blocks or stone.

3. Roofing shall be of fire-resisting material.

4. Siding of a frame building shall be of wood 'or composition shingles, weather boarding, patented insulated siding, patented metal siding, or other substantial material approved by the inspector.

5. Inside or outside toilets shall be of such type and. construction as meets Public Health regulations.

6. All buildings used as dwellings shall have at least two exits.

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7. All dwellings shall have a minimum floor area, computed exclusive of porches, garages and basements, of 200 square feet.

C. Other Prohibitions

1. It shall be unlawful for any person, partnership, business or corporation to move into, erect or maintain within said Township for use as dwelling, whether temporary or otherwise, any semi-trailer or streetcar, passenger car, camper, motor home, mobile home or bus, except for temporary purposes which is hereby defined to be a period not exceeding an aggregate of sixty (60) days in any calendar year (whether consecutive or otherwise), without securing a building permit as required by this Ordinance. No such building permit shall be issued to the owner of any such vehicle or structure unless such vehicle or structure and its placement meet all of the standards and requirements otherwise imposed by this Ordinance for the issuance of same.

2. No dwelling or structure intended for use as a dwelling, including house trailers, shall be erected upon any lot not existing in separate ownership on the date of adoption of this Ordinance, which shall contain less than 40,000 square feet in area. Only one such dwelling or structure used as a dwelling shall be permitted for each 40,000 square feet.

3. No dwelling, semi-trailer, streetcar, passenger car, or bus located in the Township prior to the adoption of this Ordinance shall be allowed by *the* owners to deteriorate or be neglected to the extent that it shall be deemed by the Supervisors to be a hazard and menace to the health and safety of the citizens of the Township.