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ORDINANCE NO. 75-1

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, ALTERATION, OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; AND PROVIDING FOR PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

The following is hereby enacted and ordained by the Board of Supervisors of the Township of Fannett, Franklin County, Pennsylvania.

Section 1. Statement of Intent

- A. 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 building permit has been obtained from the municipal Building Permit Officer.
- B. A building permit shall not be required for repairs to existing buildings or structures, provided that no structural changes or modifications are involved exceeding an actual cost of one thousand (\$1,000.00) dollars. A building permit shall not be required for any other construction not exceeding an estimated cost of one thousand (\$1,000.00) dollars, as determined by the Building Permit Officer. These exceptions from requirement of a building permit shall not excuse noncompliance with the provisions of Section 18, hereinafter, of this ordinance.
- C. A building permit shall not be required for the construction of fences of no greater than four (4) feet in height above the ground surface. No fences may be constructed in identified flood-prone areas, however, except such as are designated hereinafter under Section 18, subsection 4B of this ordinance.

Section 2 Definitions

For the purposes of this ordinance, the following definitions shall apply:

- A. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.
- B. Person - any person, persons, partnership, business or corporation.
- C. Structure - a combination of materials to form anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, mobile homes, carports, porches, driveways, swimming pools, and other similar items.
- D. Accessory Use of Structure - a use or structure on the same lot with and of a nature customarily incidental and subordinate to, the principal use or structure.
- E. Established Flood Elevation - the elevation at a point on the boundary of the identified flood-prone area which is nearest to the construction site in question.
 - 1. The said elevation shall be determined, in each case, based on engineering data to be submitted by the building

permit applicant, subject to approval by the Building Permit Officer, or, in the case of appeal, by the said Board of Supervisors. The decision of said Board will be final, in any such appeal.

- F. Minor Repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change or modification in construction, exit facilities, or permanent fixtures or equipment.
- G. Obstruction - any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any flood-prone area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property. Any obstruction shall be deemed a structure for purposes of this Ordinance.
- H. Critical Electrical Installations - any and all major electrical appliances requiring more than 220 volts for operation, or necessary for or customarily incidental to human habitation, such as clothes dryers, electric water heaters, electric stoves, and other such appliances.

Section 3. Application Procedure

Application for such a building permit shall be made in writing to the Building Permit Officer on forms supplied by the municipality. Such application 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 cost.
- F. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

Section 4. Issuance of Permit

The Building Permit Officer shall issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations.

Section 5. Permit Changes

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made in 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.

Section 6. 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 7. Start of Construction

Work on the proposed construction shall begin with 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 Building Permit Officer. 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 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; 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.

Section 8. Inspection and Revocation

During the construction period, the Building Permit Officer or other authorized official 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 municipal laws and ordinances. 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 said Board of Supervisors for whatever action it considers necessary.

Section 9. Fees

Applications for a building permit shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:

All Areas:

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 to \$1,000.00	no permit required
\$1,001.00 to \$10,000.00	\$10.00
\$10,001.00 to \$30,000.00	\$25.00
Each additional \$10,000.00 or part thereof beyond the first \$30,000.00	\$ 5.00

Flood-Prone Areas:

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 to \$1,000.00	no permit required
\$1,000.00 to \$10,000.00	\$20.00
\$10,001.00 to \$30,000.00	\$40.00
Each additional \$10,000.00 or part thereof beyond the first \$30,000.00	\$ 6.00

Section 10. Appeals

Any person aggrieved by the Building Permit Officer's estimate of the cost of the proposed construction, his refusal to issue a permit, his revocation of an existing permit, or any order or direction given by him to any permittee hereunder, may appeal to the said Board of Supervisors, except that in the case of boundary disputes, provided for hereinafter in Section 17 of this ordinance, an initial determination by the Building Permit Officer. Upon receipt of such appeal, the said Board of Supervisors shall set a time and place not less than ten (10) days nor more than thirty (30) days thereafter for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, and they may appear and be heard at said hearing. The determination of the estimated cost by the said Board of Supervisors shall be final in all cases.

Section 11. 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 a summary offense and, upon conviction, shall pay a fine to Fannett Township, Franklin County, Pennsylvania, of not less than Twenty-Five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars, plus costs of prosecution. In default of such payment, such person shall be imprisoned in the Franklin County Prison for a period not to exceed ten (10) days. Each day during any of which day any violation of this ordinance continues shall constitute a separate offense. In addition to the above penalties all other remedies for the proper enforcement of this ordinance are hereby reserved, including but not limited to an action in equity. 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-compliances 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 said Board of Supervisors to be a public nuisance and abatable as such.

Section 12. Severability Clause

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.

Section 13. Additional Application Information

To insure that all new construction within the identified flood-prone areas will be conducted employing adequate flood damage controls, the Building Permit Officer shall require the following specific information to be included as part of an application for a building permit, whenever such application shall involve a land site within any flood-prone area:

- A. A plan which accurately locates the construction proposed with respect to the flood-prone area boundaries, stream channel and existing flood-prone developments. Included shall be all plans for proposed subdivision and/or land development to assure that:

1. all such proposals are consistent with the need to minimize flood damage;
 2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 3. adequate drainage is provided so as to reduce exposure to flood hazards.
- B. Such plan shall also include existing and proposed contours and elevation of the ground, storage, elevations, size of the structure, location and elevations of streets, water supply, sanitary facilities, soil types and floodproofing measures.
- C. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in Section 18 of this Ordinance.

Section 14. Review of Application by County Conservation District

A copy of all applications and plans for new construction in the identified flood-prone areas to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer, and in event of appeal under the provisions of this Ordinance, by the said Board of Supervisors, for possible incorporation into the proposed plan.

Section 15. Review of Application by Others

1. A copy of all plans and applications for new construction in the identified flood-prone areas to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or

individuals (eg., planning commission, municipal engineer, etc.) for review and comment.

2. Anything to the contrary elsewhere set forth in this Ordinance notwithstanding, this Ordinance shall not supersede or otherwise repeal or vacate the provisions of any other Ordinance of this Township requiring approval of land subdivision plans, but in all cases the requirements of this Ordinance and of such other Ordinances shall be met.

Section 16. Identification of Flood-Prone Areas

The term, "Flood-Prone Areas", as used in this Ordinance shall mean all areas of Fannett Township, Franklin County, Pennsylvania, shown as "special Flood Hazard Area" on Federal Insurance Administration map set No. H 01-19, Department of Housing and Urban Development, under identification date of February 7, 1975, and "Flood-Prone Areas" will also include any and all other areas found to be flood hazard areas by further study of the said governmental agency of the United States and thereafter made subject to the provisions of this Ordinance for flood-prone areas by resolution or Ordinance of the said Board of Supervisors.

Section 17. Boundary Disputes

Should any dispute concerning location of any flood-prone area boundary arise, upon application by the applicant for such permit to the Township Planning Commission of this Township within ten (10) days after decision by the Building Permit Officer that the site involved is within a flood-prone area, an initial determination shall be made by said Planning Commission using such information as it shall have available, and any party aggrieved by this initial determination may appeal to the said Board of Supervisors. The burden of proof in such appeal shall be on the appellant. Such appeal must be filed, in writing, within thirty (30) days after such initial determination. The provisions of Section 10, hereinbefore, of this Ordinance, shall apply with respect to notice of and conduct of hearing of such appeal.

Section 18. Specific Requirements for Construction in
Flood-Prone Areas

1. In General

- A. Building permits involving any land site in a flood-prone area shall be issued provided that the proposed construction and/or use adheres to the restrictions and requirements of all other applicable codes and ordinances in force in this Township, and to all the restrictions and requirements set forth in this Ordinance.
- B. All first floor levels (including basements) in residential structures shall be constructed at an elevation of at least one (1) foot above the established flood elevation.
- C. Non-residential structures, or parts thereof, may be constructed below the established flood elevation provided these structures are designed to preclude and/or withstand inundation to an elevation of, at least, one (1) foot above the established flood elevation.

2. Fill

- A. All fill shall extend laterally fifteen (15) feet beyond the building line from all points.
- B. All fill shall consist of soil and/or small rock materials only. Sanitary land fills shall be prohibited. The fill material shall be compacted to provide the necessary permeability and resistance to erosion or scouring.

- C. Fill slopes shall be no steeper than one (1) vertical unit to two (2) horizontal units, unless substantiating data justifying steeper slopes are submitted to and approved by the Building Permit Officer, or in event of appeal under the provisions of this Ordinance, by the said Board of Supervisors.
- D. Fill shall be permitted only to the extent to which it does not adversely affect adjacent properties.

3. Anchoring

- A. All buildings or structures shall be anchored to prevent movement or collapse.
- B. All air ducts, large pipes and storage tanks located at or below the established flood elevation shall be firmly anchored to prevent flotation.

4. Placement of Buildings and Structures

- A. All buildings and structures shall be designed, constructed and placed on the lot so as to offer the minimum obstruction to the flow of water.
- B. The following shall not be placed or caused to be placed in identified flood-prone areas: fences, except two-wire strand fences, other structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood-prone areas.

5. Floors, Walls and Ceilings

- A. Wood floorings used below an elevation of one (1) foot above the established flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
- B. All finished flooring below an elevation of one (1) foot above the established flood elevation shall be made of materials which are stable and resistant to water damage resulting from submersion.
- C. All carpeting or carpet cushions employed as a finished flooring surface below an elevation of one (1) foot above the established flood elevation shall be made of materials which are resistant to water damage resulting from submersion.
- D. Plywood used below an elevation of one (1) foot above the established flood elevation shall be of an "exterior" or "marine" grade and of a water-resistant or water-proof variety.
- E. Basement ceilings below an elevation of one (1) foot above the established flood elevation shall have sufficient wet strength and be so installed as to survive inundation.

6. Electrical systems

- A. All electrical water heaters, electric furnaces, and other critical electrical installations shall be prohibited below an elevation of one (1) foot above the established flood elevation.

- B. Electrical distribution panels shall be placed at least three (3) feet above the established flood elevation.
- C. Separate electrical circuits serving areas below the established flood elevation shall be dropped from above.

7. Plumbing

- A. Water heaters, furnaces, and other critical mechanical installations shall be prohibited below an elevation of one (1) foot above the established flood elevation.
- B. No part of any on-site sewage disposal system shall be allowed within the identified flood-prone areas.
- C. Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the systems into flood waters.
- D. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

8. Paints and Adhesives

- A. Adhesives used below an elevation of one (1) foot above the established flood elevation shall have a bonding strength that is unaffected by inundation.

- B. Doors and all wood trim used below an elevation of one (1) foot above the established flood elevation shall be sealed with a waterproof paint or similar product.
- C. Paints or other finishes used below an elevation of one (1) foot above the established flood elevation shall be capable of surviving inundation.

9. Storage

No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal, or plant life, shall be stored in a flood-prone area unless they are properly anchored and/or floodproofed to preclude their causing damage to life and property.

10. Definition of "Construction"

The term "construction" as used hereinbefore in subsection 1A of Section 18 of this Ordinance shall mean any one or more of the acts prohibited, in the absence of a building permit, by this Ordinance.

Section 19. Building Permit Officer

The said Board of Supervisors shall appoint an individual as Building Permit Officer, to hold such office for such term and upon such compensation as said Board shall provide from time to time, and upon any vacancy in the said office, said Board shall appoint a successor or successors therefor. Said Officer shall be charged with the duty of reviewing applications for building permits, issuing such permits when appropriate, collecting the fees therefor (which fees shall

be transmitted by him to the Said Board), inspecting sites when appropriate and such additional duties as may be set forth in this Ordinance, expressly or by necessary implication. Such officer shall have no authority or power, however, to commence criminal actions or other judicial procedures for enforcement of this Ordinance, without prior approval of said Board in each case.

Section 20. Effective Date

Adopted by the Board of Supervisors of Fannett Township, Franklin County, Pennsylvania, the 6th day of November, 1975.

This Ordinance shall become effective five (5) days after such adoption.

BOARD OF SUPERVISORS OF
FANNETT TOWNSHIP, FRANKLIN
COUNTY, PENNSYLVANIA

By Wendell Campbell
Chairman

By Roy Frank Stake
Vice Chairman

By W J Allen
Supervisor

