

ORDINANCE NO. 2-90

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING 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; ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

WHEREAS, the Township Code empowers the Township to enact a Building Permit Ordinance, and to provide for its administration and enforcement; and

WHEREAS, the Pennsylvania Floodplain Management Act requires compliance with Federal and State floodplain requirements; and

WHEREAS, the Board of Supervisors of Worth Township deem it necessary for the purpose of promoting the health, safety and general welfare of the township to enact such an ordinance; and

WHEREAS, the Board of Supervisors deem it necessary to reduce the financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Township of Worth, Butler County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I GENERAL PROVISIONS

Section 1.00 Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, any construction or development or demolition anywhere within the Township unless a permit has been obtained from a Building Permit Officer.
- B. A Building Permit shall not be required for any repairs under \$1500.00. Remodeling or structural improvement of existing buildings which does not alter the basic structure, create additional lot coverage, or change the use of the parcel or building is exempt from the requirement of a Building Permit.

Section 1.01 Abrogation and Greater Restrictions

This Ordinance supersedes any provisions currently in effect in floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 1.02 Severability

If any section, subsection, paragraph, sentence, clause 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, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 1.03 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. 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 within such areas will be free from flooding or flood damages.

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 thereunder.

ARTICLE II ADMINISTRATION AND ENFORCEMENT

Section 2.00

This Ordinance shall be administered and enforced by the Worth Township Supervisors with the assistance of such personnel as may be assigned to the Worth Township Planning Commission by the Board of Commissioners to effect the intent and purpose of this Ordinance. All such personnel shall be designated "Building Inspectors."

Section 2.01 Issuance of a Building Permit

- A. The applicant shall furnish proof to the Worth Township Supervisors or their designee that he has consulted the local municipal officials and/or State officials and that the proposed building or structure complies with all applicable rules, regulations and ordinances of the municipality and/or State, such as those required by the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the U. S. Clean Water Act, Section 404, 33, U.S.C. 1334. No permit shall be issued if the requirements of these laws have not been met.
- B. The applicant must furnish proof to the Worth Township Supervisors, or their designee, that he has obtained a permit for the installation of an individual sewage system (septic tank), if applicable, from municipal sewage enforcement officer in compliance with the provisions of Act 537, Pennsylvania Sewage Facilities Act, or proof that he may connect to a community or public sewage system.
- 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

A. Application for such a building permit shall be made, in writing to the Township Building Permit Officer on forms supplied by the Township. Such application shall contain at least the following, if applicable:

1. Name and address of 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 and the proposed and existing locations of all utilities. The Worth Township Building Permit Officer may waive the requirement of a plan if the work involved is of a minor nature and the building operation is adequately described.

B. If any proposed construction or development is located entirely or partially within the identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable to Building Permit Officer to determine that:

- a. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
- b. All utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:

1. A completed Building Permit Application Form as required by Section A. above;
2. The elevation of the proposed lowest floor including basement of any proposed building based upon National Geodetic Vertical Datum of 1929;
3. The elevation of the one-hundred (100) year flood;
4. If available, information concerning flood

- depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood;
5. Detailed information concerning any proposed floodproofing measures;
 6. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one-hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

7. The appropriate component of the Department of Environmental Resources "Planning Module of Land Development."

Section 2.03 Emergency

In case of emergency, work may be carried out without a building permit so long as application for a permit is filed within 24 hours, Saturdays, Sundays, and Holidays excepted, and so long as the permit is not for construction or development in the floodplain.

Section 2.04 Display of Permit

Upon issuance of a building permit, the signed permit shall be kept at the sight of the operation during all times that work is in progress and until the completion of the building. After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Worth Township Supervisors as conforming to the provisions of this Ordinance and any other applicable rules, regulations and ordinances. A building permit shall become void unless operations are commenced within six (6) months from the date of approval, unless such time is extended by the Worth Township Supervisors.

Section 2.05 Transfer of Permit

Upon issuance of a permit, said permit may be transferred to the owner's successor.

Section 2.06 Revocation of Permit

The Worth Township Supervisors may revoke a building permit or approval issued under the provisions of this Ordinance in case of any false statements or misrepresentations of fact in the application or on the plans of which the permit or approval was based.

Section 2.07 Fees

Before receiving a building permit, the owner or his agent shall pay to the Township such a fee as may be specified from time to time by

Resolution of the Board of Township Supervisors.

Section 2.08 Violations and Penalties

The Worth Township Supervisors shall serve notice of violation or order on the person responsible for the erection, construction, enlargement, alteration, repair, use or occupancy of a building or structure in violation of the provisions of this Ordinance, and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and every day that such violation is permitted to continue after the time for abatement of violation stated in the notice shall constitute a separate violation.

Any such person violating any provision of this Ordinance on conviction thereof by a Magistrate or Justice of the Peace shall be subject to a fine of not less than \$100.00 and not more than \$500.00, or in default thereof shall be subject to imprisonment for a period not exceeding 30 days for each provision of law thus violated. Every day that such violation is permitted to continue shall constitute a separate offense.

Section 2.09 Exceptions

The provisions of the Ordinance requiring the payment of a building permit fee shall not apply or be effective as to any building or structure to be erected, constructed, enlarged, altered, or repaired to be used as a municipal building, public or parochial school, fire department, police department, church or religious institution, or public utility; however, all other provisions of this Ordinance shall apply.

ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS

Section 3.00 Identification

For the purpose of this Ordinance, the identified floodplain shall be those areas of the Township which have been identified as being subject to flooding by a one hundred (100) year flood. These areas are shown on the Flood Hazard Boundary Map (FHBM), as issued by the Federal Emergency Management Agency, dated April 18, 1980, or the most recent revision thereto.

Section 3.01 Determination of the 100 Year Flood Elevation

For the purposes of this Ordinance, the one-hundred (100) year flood elevation shall be used as the basis for the regulation. To determine the one-hundred year flood elevation, the elevation at a given point on the boundary of the Floodplain District whichever is nearest to 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 as such:

1. Corps of Engineers - Flood Plain Information Reports
2. U. S. Geological Survey - Flood Prone Quadrangles

3. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information
4. Pennsylvania Department of Environmental Resources - Flood Control Investigations
5. Known Highwater Marks from Past Floods
6. Other Sources

Section 3.02 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Township Supervisors where studies or information provided by a qualified agency or person documents the need for such revision or modification. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

Section 3.03 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, any party aggrieved by such determination may appeal to the Township Supervisors. The burden of proof shall be on the appellant.

ARTICLE IV GENERAL TECHNICAL REQUIREMENTS

Section 4.00 General

- A. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- B. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be one and one-half (1 1/2) feet or more above the one-hundred (100) year flood elevation.
- C. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one-half (1 1/2) feet or more above the one-hundred (100) year flood elevation or be flood-proofed up to that height.

Any structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this article. Additional information may be obtained from the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972.)

Section 4.01 Design and Construction Standards

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

- A. Fill

If fill is used, it shall:

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

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and effective 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.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replaced water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. Other Utilities

All other systems such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

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

F. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 5.01, Prohibited Uses, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

G. 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 effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. 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.

I. Floors, Walls and Ceilings

1. 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.
2. Plywood used at or below Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

J. Paints and Adhesives

1. Paints or other finishes used at or below Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finished material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet

above the one-hundred (100) year flood elevation.

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

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

1. 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.

Section 4.02 Mobile Homes

A. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:

1. anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Home Park Requirements (NFPA No. 501A-1974; ANSI A119.3-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:
 - a. over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
 - b. frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
 - c. all components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4800) pounds.
2. elevated in accordance with the following requirements:
 - a. the stands or lots shall be elevated on

compact fill, or on pilings so that the lowest floor of the mobile home will be one and one-half (1 1/2) feet or more above the elevation of the one-hundred (100) year flood.

- b. adequate surface drainage is provided.
- c. adequate access for a hauler is provided.
- d. where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

ARTICLE V PROHIBITED USES

Section 5.00

With any identified floodplain area, the following uses shall be prohibited entirely:

A. Any of the following obstructions:

- 1. hospital (public or private)
- 2. nursing homes (public or private)
- 3. jails or prisons
- 4. new mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.

B. Any new or substantially improved structure intended for the production, storage or maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises:

- 1. Acetone
- 2. Ammonia
- 3. Benzene
- 4. Calcium carbide
- 5. Carbon disulfide
- 6. Celluloid
- 7. Chlorine
- 8. Hydrochloric acid
- 9. Hydrocyanic acid
- 10. Magnesium
- 11. Nitric acid and oxides of nitrogen
- 12. Petroleum products (gasoline, fuel oil, etc.)
- 13. Phosphorus
- 14. Potassium
- 15. Sodium

16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

ARTICLE VI EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 6.00 General

Structures existing in any identified floodplain area prior to the enactment of this Ordinance may continue to remain, provided that any modification, alterations, reconstruction, or improvement of any kind to an existing structure, to an extent or an amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

ARTICLE VII VARIANCES

Section 7.00 General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

Section 7.01 Variance Procedures and Conditions

Requests for variances shall be considered by the Township in accordance with the following procedures:

1. No variance shall be granted for any activities prohibited by Section 5.00.
2. If granted, a variance shall involve only the least modification necessary to provide relief.
3. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
4. Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - a. the granting of the variance may result in increased premium rates for flood insurance.
 - b. such variances may increase the risks to life and property.
5. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
 - a. that there is good and sufficient cause.

- b. that failure to grant the variance would result in exceptional hardship to the applicant.
- c. that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

6. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.

ARTICLE VIII DEFINITIONS

Section 8.00 General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

Section 8.01 Specific Definitions

- 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. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, re relocation of a building or structure, including the placement of mobile homes.
- C. Development - any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
- D. Flood - a temporary inundation of normally dry land areas.
- E. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the usual and rapid accumulation of surface waters from any source.
- F. Flood-proofing - means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their

contents.

- G. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alterations of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent affecting public health or general safety.
- H. Mobile home - means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.
- I. Mobile home park - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.
- J. 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 channel, watercourse, or 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 is placed where the flow of the water might carry the same downstream to the damage of life and property.
- K. One hundred year flood - a flood that, on the average, is likely to occur once every one-hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year.)
- L. Regulatory flood elevation - the one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.
- M. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.
- N. Subdivision - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development. The division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

ARTICLE IX REPEALER

This Ordinance hereby revokes in whole or in part all ordinances of the

Township of Worth which conflict in whole or part with this Ordinance.

This Ordinance shall become effective on February 20, 1990.

Passed and approved February 13, 1990.