

ORDINANCE 87-1  
AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS,  
BUSINESSES, GOVERNMENTAL ENTITIES, 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; AND ESTABLISHING PENALTIES FOR ANY  
PERSONS OR BUSINESSES WHO FAIL, OR REFUSE TO  
COMPLY WITH, THE REQUIREMENTS OR PROVISIONS  
OF THIS ORDINANCE

BE IT ENACTED and ORDAINED by Lewis Township, Union County, Pennsylvania,  
and it is hereby enacted and ordained by the authority of the same as  
follows:

ARTICLE I GENERAL PROVISIONS

Section 1.00 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage 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.
- E. Comply with federal and state floodplain management requirements.

### Section 1.01 Applicability

- A. It shall be unlawful for any person, partnership, business, governmental entity or corporation to undertake, 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.
- B. A Building permit shall not be required for minor repairs to existing buildings or structures provided that no structural changes or modifications are involved. Also, permits shall not be required for portable utility sheds, corn cribs, small animal shelters, and similar small agricultural related structures; provided, however, they are not to be located within any floodplain area.

### Section 1.02 Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

### 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 in full force and effect, and for this purpose the provisions 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. 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

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.
- 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 government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 104, 33, U.S.C. 1334. 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 applicant.
  2. Name and address of owner of land on which proposed construction is to occur.
  3. Name and address of contractor/builder.
  4. Property address and Union County Tax Sheet and Parcel Number.
  5. Listing of other permits required.
  6. Brief description of proposed work and estimated cost.
  7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the 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 minimum 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.

4. The following data and documentation:

NOTE: The following subsection is not required per se. However, the National Flood Insurance Program (NFIP) does require that documentation be provided to show that the cumulative effect of any proposed construction or development, together with all other existing development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point. This subsection would place the burden of providing such documentation upon the applicant.

- a. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
- b. 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.

- c. detailed information needed to determine compliance with Section 4.02 F., Storage, and section 4.03, Development which may Endanger Human Life, including:
  - i) the amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.

- ii) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 4.03 during a one hundred (100) year flood.
- d. the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."
- e. 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 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval may 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 for possible incorporation into the proposed plan.

#### Section 2.04 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

#### Section 2.05 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 of~~ approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to Building Permit Officer for consideration.

## Section 2.06 Placards

In addition to the building permit, the Building Permit Officer shall issue a placard or suitable substitute 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 2.07 Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within eighteen (18) 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 and/or development shall be considered to have started with the preparation of land, 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 electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the extension.