

SOUTH BEAVER TOWNSHIP

ORDINANCE NO. 32

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, OF BEAVER COUNTY, PENNSYLVANIA, REQUIRING PROCUREMENT OF A BUILDING PERMIT PRIOR TO THE ERECTION OF A BUILDING OR STRUCTURE, ALTERATION OR REMODELING OF THE EXTERIOR OF AN EXISTING BUILDING OR STRUCTURE; AND REQUIRING PROCUREMENT OF A FLOOD PLAIN PERMIT AS TO ANY DEVELOPMENT, SUBSTANTIAL IMPROVEMENT, CONSTRUCTION, USE OR ACTIVITY IN ANY IDENTIFIED FLOOD PLAIN/FLOOD PRONE AREA WITHIN THE TOWNSHIP, INCLUDING MINIMUM STANDARDS AND SPECIFICATIONS AS TO DEVELOPMENT, ETC., THEREIN; AND REQUIRING COMPLIANCE WITH ANY RELATED AND APPLICABLE LAW, REGULATION AND/OR ORDINANCE OF THE COMMONWEALTH OF PENNSYLVANIA AND THE TOWNSHIP, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of South Beaver of Beaver County, Pennsylvania under and by virtue of the authority of the Second Class Township Code, the Pennsylvania Municipalities Plan Code and related laws and regulations, the following:

ARTICLE I. BUILDING PERMIT

Section 101. No excavation for a foundation, nor erection of a new building or structure having a floor or ground coverage area of more than one hundred seventy-five (175) square feet and a height of ten (10) feet; nor alteration or remodeling of the exterior of an existing building which changes the structural shape and/or appearance of same, nor placement of building material therefore, nor placement of a mobile home, modular home or similar structure shall occur upon land, public or private, including but not limited to streets or roads, until a Building Permit shall be issued therefor by the Township of South Beaver.

Section 102. An application for a Building Permit shall be made on a form prescribed by the Township of South Beaver and submitted to the Township of South Beaver in duplicate, together with a fee in accordance with a Fee

Schedule adopted and set by Resolution of the Township from time to time. Such application shall be completed by the applicant as required to sufficiently describe the contemplated building or structure to be erected, altered and/or remodeled, the estimated costs thereof detailing or being accompanied with documentation of compliance with all laws, regulations and/or ordinances of the Commonwealth of Pennsylvania and/or the Township of South Beaver, and signed by the applicant.

A. An application for a Building Permit shall be reviewed by the Township of South Beaver and granted preliminary or final approval within ninety (90) days following the first general public meeting of the Supervisors of the Township of South Beaver held after receipt of the application and required fee.

1. The decision of final approval, preliminary approval or denial of the application must be sent to the applicant, in writing, by the Township within fifteen (15) days after such decision is made. Reasons for denial or for preliminary approval [the latter being conditions or items which must be completed before final approval will be granted] shall be included in such written notice to the applicant. If preliminary approval is granted, the applicant shall have six (6) months from the date of the written notice by the Township to complete the designated conditions, and submit compliance data to the Township, unless an extension of time is requested by the applicant and approved by the Township, otherwise the application shall be deemed denied.

2. Upon approval being granted by the Township, the Building Permit placard issued by the Township shall be visually posted and displayed at the involved site of construction, alteration or remodeling.
- B. No application for a Building Permit shall receive final approval until the applicant evidences compliance to all applicable laws, regulations and/or ordinances of the Commonwealth of Pennsylvania and/or the Township of South Beaver, including but not limited to the Pennsylvania Sewage Facilities Act, Building Energy Conservation Act, Building Regulations of the Commonwealth of Pennsylvania under the Act of April 27, 1927, P.L. 465, as amended, Storm Water Management Act, or any other applicable law, regulation or ordinance now or hereafter duly enacted, including those applicable as to highway, street or road entry permits for driveways or other access to same.

ARTICLE II. FLOOD PLAIN PERMIT

Section 201. No Development or Substantial Improvement, construction, use or activity shall be commenced or undertaken in any flood-plain/flood-prone area until a Flood Plain Permit is issued therefor by the Township of South Beaver. Such Flood Plain Permit shall be an additional permit to any permits that may be required by Article I of this Ordinance, or any other Ordinance of the Township.

- A. Flood-plain/flood-prone areas of the Township of South Beaver shall be determined from and in accordance to the flood plain districts as delineated on the Federal Insurance Administration Hazard Boundary Map dated January 10, 1975 and the Federal Insurance Administration Flood Insurance Study

dated November 17, 1981 including any maps thereafter promulgated relative thereto, and same are deemed part of this ordinance. Said flood-plain/flood-prone areas may be revised from time to time due to the occurrence of natural or man-made changes, and/or due to more detailed studies conducted or undertaken by the United States Army Corps of Engineers, a River Basis Commission, or other Qualified agency or individual which documents the need for or the possibility of a need for a change, provided however, prior to such revision, approval thereof must be obtained from or be directed by the Federal Insurance Administration or its successor, and upon such approval or directive being made, such flood-plain/flood-prone areas or district maps shall be deemed applicable hereto and made part hereof.

- B. 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 proper bureau or division of the Department of Environmental Resources.

In addition, the Federal Insurance Administrator and proper bureau or division of the Pennsylvania Department of Community Affairs shall be notified prior to any alteration or relocation of any watercourse.

- C. In any area designated as a General Flood Plain Area, no new Development, Substantial Improvement or construction

shall be located within an area measured fifty (50) feet landward from the top of the bank of any watercourse, unless a permit is first obtained from the proper bureau or division of the Department of Environmental Resources.

- D. In any area designated as a Floodway Area:
1. Any new Development, Substantial Improvement, construction, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
 2. No new Development, Substantial Improvement or construction shall be allowed and same is prohibited unless a permit is obtained from the proper bureau or division of the Department of Environmental Resources.
- E. No use, building, structure, Development or Substantial Improvement shall adversely affect the capacity of the channels or floodways or any watercourse, drainage ditch or any other drainage facility or system.
- F. All new replacement water supply and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the utility systems or discharges from the utility systems into flood waters.
- G. All new or replacement on-site waste disposal systems shall be located so as to avoid impairment of them or contamination of them from flooding.

- H. All public utilities and facilities shall be located and constructed to minimize flood damage.
- I. Within any flood-plain/flood-prone area, structures shall be subject to the following elevation and/or flood-proofing requirements:
1. New residential structures - the lowest floor (including basement) of any new or substantially improved residential structure shall be at least one and one-half (1-1/2) feet above the one-hundred (100) year flood elevation.
 2. New non-residential structures - the lowest floor (including basement) of any new or substantially improved non-residential structure shall be at least one and one-half (1-1/2) feet 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, in which event said non-residential structure 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.
 3. Existing structures, residential or non-residential -
 - a. No expansion or enlargement of an existing

structure shall be allowed within any identified floodway that would cause any increase in flood heights.

- b. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or 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.
- c. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

J. In addition to any other requirement, the following standards shall apply to any or all Development, Substantial Improvement, construction or improvement in any flood-plain/flood-prone area:

- 1. 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,
- e. be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage

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. Water and Sanitary Sewer Facilities and Systems

- a. All new or replacement 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.
- b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- c. No part of any on-site sewage system shall be

located within any identified flood-plain 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.

4. Other Utilities

All other utilities 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.

5. 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.

6. 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.

7. Electrical Components

- a. Electrical distribution panels shall be at least three (3) feet above the one-hundred (100) year flood elevation.
- b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

8. Equipment

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

9. Fuel Supply Systems

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.

- K. Mobile homes are prohibited in any area of Floodway Area. In any other area of a flood-plain/flood-prone area where same be located, all mobile homes and any additions thereto shall be 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 Institute and the National Fire Protection Association Standards as specified

in the Standard for Installation of Mobile Home Park Requirements, as amended, for Mobile Homes in Hurricane Zones or other Appropriate Standards such as the following:

1. 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 four (4) additional ties per side for units less than fifty (50) feet in length.
2. Frame ties shall be provided at each corner of the mobile homes, 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.
3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
4. The stands or lots shall be elevated on compacted 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 elevation.
5. Adequate surface drainage is provided.
6. Adequate access for a hauler is provided.
7. 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.

L. When a Flood Plain Permit is required, application shall be made (with one original and six copies thereof) to the Township, accompanied with such fee as set by the Township by Resolution from time to time, which application will be supplemental to any other application required by this Ordinance, and it shall contain and include the following:

1. Name and address of applicant.
2. Name and address of owner of land involved.
3. Brief description of proposed work and estimated cost.
4. A location plan map that clearly identifies the entire project site in relation to the municipal boundaries of the Township, and the applicable Flood Plan District as to the entire site.
5. A detailed set of plans of the entire site, clearly and legibly 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. topographic contour lines of the entire site, which in the area of the flood-plain/flood-prone area of the site shall be at intervals to indicate differences of one (1) foot in elevation.
 - c. The location of all existing structures, streets, drives and other access-ways, bodies of water or watercourses, surface water drainage conditions and direction of flow and velocity as to all such water bodies or courses.
 - d. The proposed location of any new structures, streets, drives and other access-ways.
 - e. The details of any proposed Development, Substantial Improvement, construction, grading, or other physical development activity, together with complete information concerning elevation and other factors associated with the one-hundred (100) year flood elevations and flood plain management, including but not limited to the specifics of the criteria of this Article II.
6. A written certification by registered professional engineers and/or architects, that states and assures that the proposed Development, Substantial Improvement, construction, uses or activities involved have been adequately designed to withstand the one-hundred (100) year flood elevation, pressures, velocities, impact and uplift forces associated with the one-hundred (100) year flood elevation as may appear in the Flood

Insurance Study prepared for the Township by or at the direction of the Federal Insurance Administration, and that the proposal and application comply with all requirements of this Ordinance and all applicable laws, codes and regulations as promulgated and enacted by the United States of America, the Commonwealth of Pennsylvania, or their agencies, departments or political subdivisions, and further that:

- a. any proposed structure or proposed alteration of an existing structure is designed to fully protect the health and safety of the general public and any occupants thereof, and that such structure is designed to survive inundation by waters of the one-hundred (100) year flood elevation without any lateral movement or damage to either the structure itself, or to any of its equipment and content, with the ability to provide inside refuge for occupants for an indefinite period of time so as to permit safe evacuation of such occupants; and
- b. no facet of the proposal will cause any unlawful increase of the one-hundred (100) year flood elevation.

M. Upon receipt of the application for a Flood Plain Permit, in the form as above required with the certification of the applicant's registered professional engineer and/or architect therewith included, the Township shall forward for review purposes only one complete copy thereof to (1) the Township Planning Commission, (2) the Beaver County Planning Commission, (3) the Township Engineer, (4)

the Pennsylvania Department of Community Affairs, and (5) the Pennsylvania Department of Environmental Resources.

1. On or before ninety (90) days following the first general public meeting of the Supervisors of the Township after receipt of the application, the Township shall preliminarily approve or disapprove the application.
 - a. If the application is preliminarily approved, the Township shall notify the Department of Community Affairs, in writing delivered by certified mail, of such preliminary approval, with a copy thereof being forwarded to the applicant.
 - b. If the applicant is denied, finally or conditionally, the Township shall notify the applicant in writing and specify the reason therefor.
2. No Flood Plain Permit shall be issued until the Department of Community Affairs has had thirty (30) days from the date of receipt of the preliminary approval notice specified in subparagraph (1)(a) of this paragraph M, to review and respond to said preliminary approval.
 - a. If the Department of Community Affairs disapproves the application, it shall notify the Township and the applicant of such disapproval in writing with the

reasons therefor, and no Flood Plain Permit shall be issued.

b. If the Department of Community Affairs fails to disapprove the application and have such written notice of disapproval delivered to the Township and the applicant within thirty-five (35) days following receipt of said preliminary notice, the Flood Plain Permit shall be issued to the applicant unless just cause shall exist for denial of the application.

3. A Flood Plain Permit may be revoked in the event that the permit-holder fails to adhere to the requirements of this Ordinance, applicable codes, regulations, other ordinances or laws, or that compliance to the approved plans is not being adhered to in the course of implementation thereof.

4. In the event of denial of or revocation of a Flood Plain Permit, the applicant or permit-holder whose permit has been revoked may file an appeal within thirty (30) days from the denial or revocation to the Township Supervisors, which shall set a hearing thereon within thirty (30) days of receipt of the appeal. Said hearing shall be held in accordance to the Local Agency Law, and if the appellant shall be aggrieved by the decision rendered, the appellant may appeal therefrom to the Court as provided by the laws of this Commonwealth, including the Pennsylvania Flood Plain Management Act.

N. If compliance with any requirements of this Article II would

result in exceptional hardship for a prospective builder, developer or landowner, the Township, upon request of the applicant, may grant relief from the strict application of the requirements provided the Department of Community Affairs specifically and overtly approves granting of such variance.

1. Request for variance shall be set forth in the application for a Flood Plain Permit, which shall detail the variance requested and the reasons therefor.
 - a. Upon the Township forwarding a copy of the application to the Department of Community Affairs as provided in paragraph M hereof, the request for variance will be brought to the attention of said Department.
 - b. If the Department of Community Affairs does not affirmatively approve granting of the requested variance within thirty (30) days of receipt of the application, such request shall automatically be deemed denied.
2. No variance shall be considered or granted:
 - a. That would cause any increase in the one-hundred (100) year flood plain elevation.
 - b. That would reduce the ability of any structure to resist the affects of the one-hundred (100) year flood elevation.

- c. Except, when granted, would involve the least modification from the requirements of this Article II necessary to provide relief from exceptional hardship, and being subject to whatever reasonable safeguards that may be necessary to protect the public health, safety and welfare.
 - d. That would create a nuisance, cause fraud, or victimize the public, or conflict with any applicable statute, regulation or code of the Commonwealth of Pennsylvania, the United States of America or the Township.
3. In the event a variance is granted, the applicant is hereby notified that, and the Township shall again notify the applicant upon the granting of the application with a variance approved therein, that:
- a. the granting of the variance may result in increased premium rates for flood insurance; and
 - b. such variance may increase the risks to life and property.
4. The Township shall keep record of any variance granted and shall report same to the Federal Insurance Administration as required by applicable law and regulations.

Section 202. Any new Development, Substantial Improvement, construction, uses

or activities undertaken or allowed within any identified flood-plain/flood-prone area shall be undertaken in strict compliance with the provisions of this Ordinance and all other applicable laws, codes, ordinances or regulations. In the event there is a conflict between the provisions of this Ordinance or any other Ordinance of the Township, or any law, code or regulation, the more restrictive provisions shall apply.

ARTICLE III - DEFINITIONS

Section 301. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application. In the event any definition or meaning of a word or words hereinafter set forth is inconsistent with the definition or meaning of such word or words as set forth in any applicable law or regulation of the Commonwealth of Pennsylvania or the United States of America, or the definition or meaning of such word or words is not included herein, then the definition or meaning of such word or words as set forth in said laws or regulations shall govern.

Section 302. The following meaning of words as hereinafter listed shall be applicable to this Ordinance.

Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers useable for human habitation, office or storage purposes.

Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Developer - any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made an application for a permit under this Ordinance or to erect or construct any building, structure or improvements for which a permit is required under this Ordinance.

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, mining, dredging, filling, grading, excavation, or drilling operations upon and of lands.

Dwelling - a building designed and constructed for residential purposes in which people live.

Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Flood-plain - 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 unusual and rapid accumulation of surface waters from any source.

Flood-plain District - the type or classification of a land area forming a flood-plain, which type or classification, or number thereof shall depend upon the National Flood Insurance Program, which may include but not be limited to:

- a. Floodway Area - the area identified as "Floodway" in the Flood Insurance Study prepared by the Federal Insurance Administration.
- b. Flood-Fringe Area - the area identified as "Floodway Fringe" in the Flood Insurance Study prepared by the Federal Insurance Administration.
- c. General Flood-Plain Area - the area identified as "Approximate 100 year Flood-plain" in the Flood Insurance Study prepared by the Federal Insurance Administration.

Floodproofing - 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.

Identified flood-plain area - the flood-plain area specifically identified in this Ordinance as being inundated by the one-hundred (100) year flood.

Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Flood Plain (FA), as identified in the Flood Insurance Study prepared by the Federal Insurance Administration.

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 a channel, watercourse, or flood-plain/flood-prone area which (1) may impede, retard, or change the direction of flow of water either in itself or by catching or collecting debris carried by water, or which (2) is placed where the flow of the water might carry same downstream to the possible damage of life and/or property.

One-hundred (100) year flood - a flood that, on the average is likely to occur once in every one-hundred (100) years, i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year to such elevation.

Regulatory flood elevation - the one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

ARTICLE IV - ADMINISTRATION

Section 401. Administration of the provisions of this Ordinance on behalf of the Supervisors of South Beaver Township shall be controlled by the Secretary of the Township, or such other person appointed by the Supervisors from time to time.

ARTICLE V - VALIDITY, REPEALER AND EFFECTIVE DATE

Section 501. Should any section, clause, part or word of this Ordinance be declared by a Court of competent jurisdiction invalid, illegal or unconstitutional, such decision of the Court shall not affect the validity or impair any of the remaining sections, clauses, parts or words of this Ordinance, the provisions of this Ordinance being thus severable and declared valid.

Section 502. Upon this Ordinance being effective, Ordinance No. 2 of the Township of South Beaver, and Ordinance No. 22 of the Township amending said Ordinance No. 2 are hereby repealed. All other Ordinances of the Township insofar as same may be inconsistent herewith are repealed to the extent or only insofar as they are inconsistent with the terms of this Ordinance.

Section 503. This Ordinance shall become effective upon publication and adoption as required by law.

ARTICLE VI - PENALTIES

Section 601. Any penalty set forth and provided pursuant to legislation of the Commonwealth of Pennsylvania for conduct contrary to the requirements of this Ordinance, shall be deemed a violation and penalty chargeable by the Township of South Beaver.

Section 602. Any other violation of this Ordinance or the requirements hereof shall be deemed a summary offense and, upon conviction thereof in a summary proceedings, a person or persons, developer, or legal entity chargeable with violation hereof, shall be sentenced to a fine of not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each and every violation. Each violation and/or each day same is

continued shall be deemed a separate offense. All fines collected shall be paid to the Township of South Beaver. In the event any fine imposed is not duly and timely paid, the violator so sentenced may be incarcerated by a Court of competent jurisdiction up to the maximum period as provided by law.

ADOPTED AND ENACTED this 11th day of September, 1984.

ATTEST:

TOWNSHIP OF SOUTH BEAVER

Carol Miller

Secretary

Thomas E. Horn

Supervisor

Charles W. W. Effick

Supervisor

Donald W. Brown

Supervisor