

Ordinance no. 182.

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESS AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION, RECONSTRUCTION ENLARGMENT, ALTERATION, OR RELOCATION OF ANY BUILDING OR STRUCTURE: PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS: AND PROVIDING FOR PENALTIES FOR ANY PERSON WHO FAILS OR REFUSES TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED and ORDAINED by the Bprough of Clymer, Indiana County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.00 - Statement of Intent

The intent of this Ordinance to:

- A. promote the general health, welfare, and safety of the community;
- B. encourage the utilization of appropriate construction practices to minimize flood damage in the future;
- C. to minimize danger to public health by protecting water supply and natural drainage.

Section 1.01 - Applicability

- 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 minor repairs to existing buildings or structures, providing

that no structural change or modifications are involved.

Section 1.02 - Abrogation and Greater Restrictions

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

Section 1.03 - 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 effect 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 - Municipal Liability

The grant of a permit of approval of a subdivision plan in the identified flood-prone area(s) shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by the official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.

ARTICLE II. - ADMINISTRATION.

Section 2.00 - 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.

(Note) If any proposed new construction is located within a designated flood-prone area, prospective building permit applicants shall also comply with the provisions of Part II of this Ordinance,

Section 2.01 - Application Procedures

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.

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- 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 2.02 - Changes

After the issuance of a building permit by the Building Permit Officer, no change of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer.

Section 2.03 - Placards

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

Section 2.04 - Start of Construction

Work on the proposed construction shall begin within 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 of 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.

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Section 2.05 - 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 Borough Council of Clymer, Pennsylvania, for whatever action it considers necessary.

Section 2.06 - 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:

<u>Estimated Cost</u>	<u>Fee</u>
\$ 0.00 to \$200.00	\$ 0.00
201.00 to \$1,000.00	5.00
Each additional \$1,000.00 or part thereof beyond the first \$1,000.00	1.00

Section 2.07 - Appeals

Any person aggrieved by the Building Permit Officers estimate of the cost of the proposed construction may appeal to the Borough Council of Clymer, Pennsylvania. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Borough Council of Clymer, Pennsylvania, shall set a time and place not less than ten (10) nor more than thirty (30) days 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 at which time they may appear and be heard. The determination of the estimated cost by the Borough Council of Clymer, Pennsylvania shall be final in all cases.

Section 2.08 - Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of Clymer, Indiana County, Pennsylvania, of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in the county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or 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-compliance 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 Borough Council of Clymer, Pennsylvania, to be a public nuisance and abatable as such.

ARTICLE III. - ADDITIONAL ADMINISTRATIVE REQUIREMENTS

Section 3.00 - Additional Application Information

To insure that all new construction within the identified flood-prone area(s) 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~~ an application for a permit.

A. A Plan which accurately locates the construction proposal 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 of the ground, storage elevations, size of the structure, location and elevations of streets, water, supply, sanitary facilities, soil types and floodproofing measures.

ARTICLE IV - DESIGNATION OF FLOOD-PRONE AREA (S)

Section 4.00 - Identification

The "Flood-prone Area(s)" shall be any area(s) of the Borough of Clymer, Indiana County, Pennsylvania, which are identified as being flood-prone through a study of special flood hazard areas by the Federal Insurance Administration.

Section 4.01 - Change in Designation of Area(s)

The boundaries of areas considered to be flood-prone may be revised and modified by the Borough Council of Clymer, Pennsylvania, where there are changes through natural or other causes, or where further detailed engineering studies or information indicate the need and provide the basis for such modification or revision.

Section 4.02 - Boundary Disputes

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Municipal Planning Commission and any party aggrieved by this decision may appeal to the Borough Council of Clymer, Pennsylvania. The burden of proof shall be on the appellant.

ARTICLE V - SPECIFIC REQUIREMENTSSection 5.00 - General

A. In the identified Flood-prone Area(s), the development and/or use of land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of all other applicable codes and ordinances in force in the municipality.

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.†

Section 5.01 - 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 Municipal Code Enforcement Officer.

D. Fill shall be permitted only to the extent to which it does not adversely affect adjacent properties.

Section 5.2 - Anchoring

A. All building 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.

Section 5.03 - Placement of Buildings and Structures

A. All building 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 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.

Section 5.04 - Floors, walls and Ceilings

A. Wood flooring 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 finish 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 ~~below~~ the established flood elevation shall have sufficient wet strength and be so installed as to survive inundation.

Section 5.05 - Electrical Systems

A. All electric 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.

Section 5.06 - 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 area(s).

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

Section 5.07 - 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 ~~below~~ 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.

Section 5.08 - Storage

A. 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:

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ARTICLE VI - DEFINITIONS

Section 6.00 - General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

Section 6.01 - Specific Definitions

- A. 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 of structure.
- B. 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.
- C. 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.
- D. Flood-prone Area - a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source; and/or any Flood-prone Area as identified in Article IV of this Ordinance.
- E. Minor Repair - the replacement of existing work with equivalent material 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.
- F. New Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building, structure, and/or improvements such as streets, utilities, etc. Also, for purposes of this Ordinance, all proposed subdivision and/or land development shall be considered to be new construction.
- G. Obstruction - any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel re-rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard 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.
- H. Person - any person, persons, partnership, business or corporation.
- I. Structure - anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, cabins, mobile homes, and other similar items.

ARTICLE VII - EFFECTIVE DATE

This Ordinance shall become effective on January ninth, 1975, and shall remain in force until modified, amended, or rescinded by the Borough of Clymer, Indiana County, Pennsylvania.

Adopted by Borough Council of Clymer, Pennsylvania, this ninth day of January 1975.

Roe Johns

President

Attest.

C. L. Longwill,

Secretary