

ORDINANCE NO. 63

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 OF RUSH WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the Township of Rush, Schuylkill 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.

Section 1.01 Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause



to be undertaken, any construction or development anywhere within the Township of Rush 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.

#### 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.

#### 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 on rare occasions. 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 of Rush 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 of Rush.

### 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 such as those required by State and Federal Laws have been obtained, such as those required by Act 537, the Pennsylvania Sewage Facilities Act; the Dam Safety and Encroachments Act; the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act. 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 of Rush, 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 of Rush 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 of Rush. 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.
  4. Site location.
  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 and Special Permits shall also provide the following specific information:
1. A plan of the entire site, 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. a location map showing the civinity in which the proposed activity or development is to be located within the municipality.
    - c. topography based upon the National Geodetic Vertical Datum of 1929 showing existing and proposed contours at intervals of two (2) feet,



- d. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet,
- e. the location of all existing streets, drives, and other accessways with information concerning widths, pavement types and construction, and elevations,
- f. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and any other natural or man made features affecting, or affected by, the proposed activity or development,
- g. the location of the identified floodplain area boundary line, floodway line if available, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities,
- h. a general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:
  - i.) all such proposals are consistent with the need to minimize flood damage;
  - ii.) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
  - iii.) adequate drainage is provided so as to reduce exposure to flood hazards.



2. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
  - a. detailed architectural or engineering drawings including building size, floor plans, sections, and exterior building elevations, as appropriate,
  - b. the proposed lowest floor elevations of any proposed building based upon National Geodetic Vertical Datum of 1929,
  - c. complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood,
  - d. detailed information concerning any proposed flood-proofing measures,
  - e. cross-section drawings for all proposed streets, drives, and other accessways and parking areas showing all rights-of-way and pavement widths,
  - f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades,
  - g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities,
  - h. soil types.
3. The following data and documentation:
  - a. a document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately



designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors 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.

- b. detailed information needed to determine compliance with Section 4.01 G., Storage, and Section 4.02, Development Which May Endanger Human Life, including:
  - i.) the amount, location and purpose of any materials or substances referred to in Sections 4.01 G. and 4.02 which are intended to be used, produced, stored or otherwise maintained on site.
  - ii.) for any proposed structure regulated under Section 4.02, a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above mentioned materials or substances during a one hundred (100) year flood.
- c. the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."
- d. 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 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 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 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 or 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 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 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 Building Permit Officer to approve such a request.

#### Section 2.08 Inspection and Revocation

- A. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township of Rush laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
- B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- C. 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 Governing Body for whatever action it considers necessary.
- D. A record of all such inspections and violations of this ordinance shall be maintained.



Section 2.09 Fees

Applications for a building permit shall be accompanied by a fee, payable to the Township of Rush, 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 \$1,000.00	\$ 5.00
Each additional \$1,000.00, or part thereof beyond the first \$1,000.00	1.00

Section 2.10 Enforcement

A. Notices

Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance