

BUILDING PERMIT  
ORDINANCE  
OF  
PEACH BOTTOM  
TOWNSHIP

**AN ORDINANCE REGULATING THE ERECTION, MOVING, PLACEMENT, CONSTRUCTION AND ENLARGEMENT OF BUILDINGS AND STRUCTURES IN PEACH BOTTOM TOWNSHIP, YORK COUNTY, PENNSYLVANIA, TO BE CITED AS THE "BUILDING PERMIT ORDINANCE OF PEACH BOTTOM TOWNSHIP".**

The following ordinance regulating the erection, moving, placement, construction and enlargement of buildings, structures and other development in Peach Bottom Township, York County, Pennsylvania, to be cited as the "Building Permit Ordinance of Peach Bottom Township" is hereby ordained and enacted by the Board of Supervisors of Peach Bottom Township, York County, Pennsylvania."

SECTION 1. Requirement

- A. It shall be unlawful for any firm, person, association or corporation to cause or permit any building or structure ~~with a value in excess of one thousand (\$1,000.00) dollars (including materials, labor, foundation, etc.)~~ to be erected, moved, placed, constructed or enlarged within Peach Bottom Township, or development as hereinafter defined to occur within the flood-prone area of Peach Bottom Township, unless a permit to do so shall first be secured as provided herein and unless such erection, movement, construction, placement, enlargement or development is done in strict accordance with the provisions of this ordinance, with the application submitted pursuant to Section 3 of this ordinance and with the permit issued pursuant to this ordinance. ~~The "value" of various structures shall be established by a schedule which schedule shall be set forth from time to time by resolution of the Board of Supervisors. The value of other structures shall be based upon reasonable cost.~~

Irrespective of other provisions of this section with respect to a movable agricultural building or structure on account of which a permit was issued to place it at its original location, such building or structure may be moved to a different location without a new permit provided the new location is in conformance with all setback and other requirements established by the township zoning ordinance, is in accordance with all of the provisions of the township subdivision and land development ordinance, and with all other applicable township ordinances and any applicable federal or state laws.

- B. It shall be unlawful for any firm, person, association or corporation to occupy or use any building or structure for which a permit was required to construct, erect, move, place or enlarge without first securing a Certificate of use and Occupancy pursuant to Section 7 of this ordinance and Section 405 of the Township Zoning Ordinance.
- C. It shall be unlawful for any firm, person, association, or corporation to dig, construct, erect, or place a pond, pool, or artificial lake designed to contain water or other liquid substance, which liquid substance will when filled be eighteen (18) inches or more in depth and more than twelve (12) feet from side to side at its longest measurement, unless a permit to do so shall first be secured as provided herein, and such pond, pool or artificial lake is dug, constructed, erected, or placed in strict accordance with the provisions of this ordinance, with the application submitted pursuant to Section 3 of this

ordinance, and with the permit issued pursuant to this ordinance. The location of such pond, pool, or artificial lake must be in compliance with the requirements set forth in the Township zoning ordinance.

- D. It shall be unlawful to make any encroachment, alteration or improvement of any kind 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 Protection Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

SECTION 2. Definitions - Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give this ordinance its most reasonable application.

- A. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Basement - any area of a building which is below ground level on all sides.
- C. Building - a combination of materials to form a structure that is safe and stable and adapted to permanent or continuous use or occupancy for public, residence, business, agriculture, manufacturing or storage purposes. This definition shall include all manufactured homes and trailers to be used for human habitation or storage.
- D. 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.
- E. Development - any manmade 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; storage of equipment or materials; and the subdivision of land.
- F. 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.
- G. Flood - a temporary inundation of normally dry land areas.
- H. 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 unusual and rapid accumulation of surface waters from any source.
- I. Floodproofing - any combination of structural and nonstructural 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.

J. Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

K. Historic Structure - any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. by an approved state program as determined by the Secretary of the Interior or
  - b. directly by the Secretary of the Interior in states without approved programs.

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

M. Land Development - any of the following activities:

1. the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - a. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. a subdivision of land.
- N. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- O. Manufactured Home Park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
- P. New Construction - structures for which the start of construction commenced on or after September 30, 1981, and includes any subsequent improvements thereto.
- Q. 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).
- R. Owner - the person, persons, partnership, corporation or other entity owning the land on which any construction is proposed to occur.
- S. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- T. Recreational Vehicle - a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- U. Regulatory Flood Elevation - the one hundred (100) year flood elevation.
- V. Repetitive Loss - flood related damages sustained by a structure on two separate occasions during a one hundred (100) year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.
- W. Structure - a combination of any materials which are erected on the ground or attached to the ground or under it and shall include, but not be limited to, houses, buildings, stadiums, observation or radio towers, sheds, coal yards, swimming pools, trailers, mobile homes, and all other buildings or units designed and/or utilized as residences, part or full-time, for human beings. This term includes any man-made object having an ascertainable stationary location over or in land or water whether or not affixed to land.

- X. 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, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- Y. Substantial Additions to Manufactured Home Parks - any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.
- Z. Substantial Damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
- AA. Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage (or "repetitive loss" when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however, include either:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  2. any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- BB. Uniform Construction Code (UCC) - the statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

SECTION 3. Application Requirements - all applications for building permits shall be made in writing by the owner or authorized agent on forms supplied by the Zoning Officer and shall be filed with the Zoning Officer. The application shall include:

- A. The name and address of the applicant.
- B. The name and address of the owner of land on which proposed construction is to occur.
- C. The name and address of the contractor, if known.
- D. A general description of the proposed work, its location, including address and estimated cost, and the existing use and occupancy of all parts of all buildings and structures located on the parcel.
- E. A drawing showing the dimensions of the lot to be built upon, the size and location of all buildings or structures existing thereon, the location of all wells and sewage disposal systems located thereon and the size and location of all buildings or structures proposed to be erected, moved, placed, constructed or enlarged.
- F. Two (2) copies of building specifications and plan, if applicable.
- G. The number, location and design of parking and loading spaces.
- H. All other applicable plans and data required by the Subdivision and Land Development Ordinance.
- I. The building permit application fee.
- J. Engineering details in the event construction is proposed to occur in a flood plain area and any other information deemed necessary and specifically required by the Zoning Officer.
- K. A breakout of the flood related cost and the market value of the building before the flood damage occurred, if applicable.
- L. An erosion and sediment control plan which has been approved
  - 1. by Peach Bottom Township if less than one (1) acre of ground surface area is to be disturbed; or
  - 2. by the York County Soil Conservation District if more than one (1) acre of ground surface area is to be disturbed.
- M. 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 Zoning Officer to determine that:
  - 1. 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;
  - 2. all utilities and facilities, such as sewer, gas, electrical and water systems are

located and constructed to minimize or eliminate flood damage;

3. adequate drainage is provided so as to reduce exposure to flood hazards;
4. applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:
  - a. a completed Building Permit Application Form; and
  - b. a plan of the entire site, clearly and legibly drawn to a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - (1) north arrow, scale, and date;
    - (2) topographic contour lines, if available;
    - (3) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
    - (4) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
    - (5) the location of all existing streets, drives, and other access ways; and
    - (6) the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - c. plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - (1) the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
    - (2) the elevation of the one hundred (100) year flood;
    - (3) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood;
    - (4) detailed information concerning any proposed floodproofing measures; and

- (5) supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec. 1612.5.1, Section 104.7 and 109.3 of the 2006 IBC and Section R106.1.3 and R104.7 of the 2006 IRC.

d. the following data and documentation:

- (1) documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), 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.
- (2) 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 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 flood proofing measures which have been incorporated into the design of the structure and/or the development.

- (3) detailed information needed to determine compliance with Section 8(F)(3)(f), Storage, and Section 8(F)(5), Development Which May Endanger Human Life, including:
  - (a) the amount, location and purpose of any materials or substances referred to in Sections 8(F)(3)(f) and 8(F)(5) which are intended to be used, produced, stored or otherwise maintained on site.
  - (b) 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 8(F)(5) during a one hundred (100) year flood.
- (4) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- (5) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

SECTION 4. Requirements of Permit - no building permit shall be issued unless sufficient

information is provided to enable the Zoning Officer to determine that:

- A. Proper surface drainage of the land is provided. If the permit is to construct a building or structure pursuant to an approved subdivision or land development plan showing storm water management facilities, the Zoning Officer must insure that the storm water management facilities proposed by such subdivision or land development plan are in fact installed. If proposed storm water management facilities are not shown on an approved subdivision or land development plan, the applicant must prepare a storm water management plan sufficient to meet the requirements of Section 712 of the Township Subdivision and Land Development Ordinance, which requirements are incorporated herein by reference and any storm water management facilities required by such plan must be constructed in accordance with the provisions of Section 806 of the Township Subdivision and Land Development Ordinance, which requirements are incorporated herein by reference. This storm water management plan must provide for management of increased storm water flow resulting from construction of proposed buildings, structures and driveways. At the minimum all nonagricultural buildings with a footprint of at least four hundred (400) square feet and agricultural buildings with a footprint of at least five thousand (5,000) square feet shall have roof water drained into storm water pits sized so that there is at least one (1) cubic foot of retention area for each two (2) square feet of ground coverage. In the event the Zoning Officer determines that professional engineering review of the applicant's proposal is required, he shall refer the applicant's proposal to the Township engineer for review. All costs of such review shall be paid by the applicant prior to the issuance of a permit.
- B. The proposed construction, erection, moving, placement or enlargement will conform to proper line and grade of street.
- C. A permit has been issued pursuant to the provisions of the Township "Sewage Permit Ordinance", and that all other provisions of the Sewage Permit Ordinance, the "Pennsylvania Sewage Facilities Act" of January 24, 1966, P.L. 1535, as amended, and any regulations adopted thereunder have been complied with if the application is to construct or place a dwelling or other structure for which a permit is required pursuant to the "Pennsylvania Sewage Facilities Act" of January 24, 1966, P.L. 1535, as amended, the regulations adopted thereunder or by the Township "Sewage Permit Ordinance".
- D. The proposed building or structure and/or sewage disposal system will conform to all setback and other requirements established by the Township "Zoning Ordinance" and shall be in accordance with all provisions of the Township "Zoning Ordinance", the Township "Subdivision and Land Development Ordinance" and all other applicable Township ordinances and any applicable federal and state laws.
- E. A permit has been obtained pursuant to the provisions of the "Peach Bottom Township Driveway Ordinance" if the application is to construct or place a dwelling or commercial establishment and the twenty-five (25) feet most proximate to the improved portion of the Township street or road has been improved in accordance with the requirements of Section V(A) of the "Peach Bottom Township Driveway Ordinance".

- F. A highway occupancy permit has been obtained from the Pennsylvania Department of Transportation if the application is to construct or place a building or structure which will require access to a road or street under the jurisdiction of the Pennsylvania Department of Transportation.

SECTION 5. Violation of Other Ordinances - no permit shall be issued to construct, erect, move, enlarge or place any building or structure upon a tract of ground if that tract of ground was conveyed to applicant in violation of the Township Subdivision or Zoning Ordinances, if a portion of the original tract has been conveyed by the applicant in violation of the Township Subdivision or Zoning Ordinances or if there is, with respect to the tract of ground on which the applicant proposes to erect, construct, move, enlarge or place any building or structure, any other violation of the Township Subdivision or Zoning Ordinances.

SECTION 6. Permit Procedures:

- A. Zoning Officer Review - prior to issuance of any permit, the Zoning Officer shall review the application. If the specifications set forth by the applicant in his application for a building permit are in conformity with the provisions of this ordinance and all other applicable statutes, and all necessary permits required by Federal and State laws have been obtained, the Zoning Officer shall issue a permit to the owner of the property where the proposed construction is to occur. The Zoning Officer shall take action on all applications and render a decision thereon either approving or disapproving the same within ninety (90) days after the application is filed. Any rejection shall set forth in addition to the reasons for such rejection, the manner in which the application can be corrected and/or modified in order to obtain approval.

If no decision is rendered on the application within ninety (90) days, the application shall be deemed to be approved and the permit shall be deemed to have been granted immediately, unless the applicant has agreed in writing to an extension of time.

- B. After the issuance of a building permit by the Zoning 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 Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.
- C. Life of a Permit - any construction requiring a building permit under this Article shall be completed within twelve (12) months from date of issuance of a permit. However, the right to proceed with construction may be extended for not more than two additional nine (9) month periods with payment of a renewal fee established by resolution of the Board of Supervisors for each such extension, provided that construction or change pursuant to said permit has commenced within the initial twelve (12) month period and provided that the application for renewal is made within thirty (30) days following the permit expiration. If construction has not commenced within the initial twelve (12) month period or in the event the applicant fails to apply for an extension within thirty (30) days following the date of a letter addressed to the applicant at the address set forth in the application,

notifying the applicant of the expiration of the permit in order to obtain an extension, the applicant must reapply for a building permit, pay a new application fee, and meet any additional requirements of Township ordinances enacted in the intervening period.  
*Amended June 7, 2010, July 5, 2017*

If construction has not been completed within the initial twelve (12) month period and the two (2) nine (9) month extensions, the permit may not be renewed without specific approval by the Township Board of Supervisors and the payment of a fee by the applicant, said fee as shall be established by resolution of the Board of Supervisors. In the event the applicant should not seek a permit renewal, or in the event an application for permit renewal should be refused, the applicant shall cause all buildings or structures which have not been completed to be removed from the property within sixty (60) days of permit expiration and, in addition, shall within such sixty (60) day period remove any fully constructed accessory buildings if a permit to construct, erect, move, place or enlarge such building was issued simultaneously with or after issuance of the permit to construct, erect, move, place or enlarge the principal building.

- D. Posting of Permit - upon notification to the Zoning Officer of the commencement of work, the applicant shall also post in a conspicuous spot a copy of the placard issued by the Zoning Officer at the time of permit approval. Such posting shall signify that the site is open to the Zoning Officer for his inspection during the entire construction period and such permit shall remain posted until the completion of the final inspection by the Zoning Officer pursuant to granting a Certificate of Use and Occupancy.
- E. Zoning Officer Inspection and Revocation - the Zoning Officer shall make on-site inspections to determine compliance with the terms of all applicable Township ordinances and with statements and plans submitted by the applicant with the building permit application. If the Zoning Officer notes any instances of non-compliance he may either:
1. order corrective action to be taken and schedule a subsequent inspection to verify that the required corrective action has been taken; or
  2. order construction to cease and desist until corrective action is taken and inspection is made by the Zoning officer to determine if the corrective action is satisfactory. Any verbal orders by the Zoning Officer shall be followed promptly by written orders signed by the Zoning Officer.
  3. if the applicant fails to comply with orders issued by the Zoning Officer pursuant to subsections 1 or 2, or the Zoning Officer determines that there has been a false statement or misrepresentation by the applicant, the Zoning Officer shall revoke the permit and report such revocation to the Board of Supervisors.

SECTION 7. Completion of Construction - upon completion of the construction, erection, placement, enlargement or moving authorized by the building permit, the applicant must notify the Zoning Officer and apply for a Certificate of Use and Occupancy. No structure shall be used or occupied until a Certificate of Use and Occupancy is issued pursuant to this section and section

405 of the Township Zoning Ordinance. The Zoning officer shall inspect the property. He shall issue a Certificate of Use and Occupancy only after finding:

- A. that if the application is to use the structure as a dwelling or for another purpose for which a sewage permit is required pursuant to the provisions of the Township "Sewage Permit Ordinance", an operating sewage disposal system meeting the requirements of the sewage permit has been installed and is properly functioning;
- B. that all conditions of the building permit have been complied with;
- C. that all storm water management facilities required by Section 4(A) of this ordinance have been installed.
- D. that in the event access to the structure is provided by a driveway leading from a road maintained by the Township, such driveway has been installed and all requirements of the Township "Driveway Ordinance" have been complied with;
- E. that in the event access to the structure is to be provided by a driveway leading from a road not maintained by the Township, such driveway has been installed and the driveway as installed will not interfere with proper surface drainage, will not divert surface water from the gutter at the edge of the road onto the travelable surface of the road and will not cause such additional water to flow from the lot onto the road so as to damage the road;
- F. that all requirements of the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance and all other relevant Township ordinances have been complied with;
- G. that all damage occurring to any public or private road as a result of the construction activity has been repaired and such public or private road has been restored to as good a condition as prior to the commencement of construction activity;
- H. that any earth exposed by reason of such construction activity has been stabilized or, in the alternative, adequate measures have been taken to ensure such stabilization, which measures may include the posting of a cash bond to enable the Township to take such measures if the applicant fails to achieve the required stabilization in a timely manner. Stabilization shall at a minimum require that the site be seeded, mulched or otherwise protected from accelerated erosion; and
- I. that if the application is to use the structure as a dwelling or if the structure has a foot print greater than five thousand (5,000) square feet and is in a subdivision or land development having a storm water management plan, a Registered Surveyor or Engineer has provided to the Township verification that the established final grading
  - 1. will divert storm water away from the dwelling or other structure;
  - 2. that the storm water management plan for the lot will function as designed;

3. that storm water will flow to the intended storm water management facility - pit, inlet, basin, etc; and
4. that the actual final grades are the grades shown on the plan as designed final grades or are preconstruction grades if the plan did not show grade changes.

The above requirement may be waived by the Township Board of Supervisors if it determines that it is apparent from visual inspection that the results required by this section have been achieved.

SECTION 8. Floodplain Areas - the following special regulations for flood-prone areas shall apply:

- A. The identified floodplain area shall be any areas of Peach Bottom Township subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated September 25, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.
- B. The identified floodplain area shall consist of the following specific areas:
  1. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
  2. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

3. FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.
4. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified

floodplain area which is nearest the construction site in question.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

- C. The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).
- D. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Engineer and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.
- E. WARNING - 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 areas, 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.

- F. Technical Provisions - Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
  - 1. Special Requirements for FW, FE and FA Areas:
    - a. With any FW (Floodway Area, the following provisions apply:
      - (1) Any new construction, development, use, activity or encroachment that would cause any increase in flood heights on adjacent property shall be prohibited.
      - (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental

Protection Regional Office.

- b. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated 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 on adjacent property.
- c. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:
  - (1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless it can be established that the floodway is of lesser distance, in which case new construction can occur outside the floodway; and
  - (2) Any new construction or development, which would cause any increase in flood heights on adjacent property shall be prohibited within any floodway area.

2. Elevation and Floodproofing Requirements:

a. Residential Structures

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2006 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2006 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

b. Non-residential Structures

- (1) Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory 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.
- (2) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1-1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in

a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

- (3) The design and construction standards and specifications contained in the IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1. and ASCE 24 (Secs. 2.4 and Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
- c. Space below the lowest floor - partially or fully enclosed space below the lowest floor (including basement) is prohibited.
- d. Accessory structures - structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
- (1) the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity;
  - (2) floor area shall not exceed six hundred (600) square feet;
  - (3) the structure will have a low damage potential;
  - (4) the structure will be located on the site so as to cause the least obstruction to the flow of flood waters;
  - (5) power lines, wiring and outlets will be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation;
  - (6) permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited;
  - (7) sanitary facilities are prohibited; and
  - (8) the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum

criteria:

- (a) a minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
  - (b) the bottom of all openings shall be no higher than one (1) foot above grade; and
  - (c) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
3. 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 to three (3) horizontal feet unless substantiated data, justifying steeper slopes are submitted to and approved by the Zoning Officer; and
    - (5) be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2006 IBC (Sec. 1801.1 and 1803.4) shall be utilized.
  - b. Drainage facilities - 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. The provisions contained in the 2006 IBC (Appendix G40 1.5) shall be utilized.
  - c. Water and sanitary sewer facilities and systems
    - (1) 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.

- (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.
  - (4) the design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC (Appendix G. Secs. 401.3 and 401.4), the 2006 IRC (Sec. 323.1.6), the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.
- d. 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.
- 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 8(F)(5), Development Which May Endanger Human Life, 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.

- (3) The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC (Secs. 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Secs. R301.1 & R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized.

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 the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (3) Walls and ceilings at or below the 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.
- (5) The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2006 IRC (Secs. R323.1.7 & R501.3) and ASCE 24-98 (Chapter 6).

j. Paints and adhesives

- (1) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
- (2) Adhesives used at or below the 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 finishing material.
- (4) The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2006 IBC (Secs. 801.1.3,

1403.7 and Appendix G) and the 2006 IRC (Sec. R323.1.7.)

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.
- (3) The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2006 IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

l. Equipment

- (1) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- (2) The provisions pertaining to the above provision and referenced in the DCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2006 IBC (Sec. 1612.4), the 2006 IRC (Secs. R323.1.5) the 2000 IFGC (Secs. R301.5 and RI601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

m. 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.

4. Uniform Construction Code Coordination - the Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2006 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612,3402, and Appendix G.

International Residential Building Code (IRC) 2006 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE10l, Appendix E and Appendix J.

5. Development which may endanger human life

a. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

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.

b. Within any floodplain area, the following shall be prohibited:

- (1) Any structure of the kind described in Subsection “a” above;
- (2) The commencement of any of the following activities, or the construction enlargement or expansion of any structure used, or

intended to be used, for any of the following activities:

- (a) hospitals
- (b) nursing homes
- (c) jails or prisons

- (3) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

6. Special requirements for manufactured homes

- a. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- b. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
  - (1) placed on a permanent foundation.
  - (2) elevated so that the lowest floor of the manufactured home is one and one half (1-1/2) feet or more above the elevation of the one hundred (100) year flood.
  - (3) anchored to resist flotation, collapse, or lateral movement.
  - (4) installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
  - (5) consideration shall be given to the installation requirements of the 2006 IBC (Appendix G, Sec. 501.1-3) and the 2006 IRC (Sec. R323.2, R323.3, R102.7.1, and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

G. Existing Structures in Identified Floodplain Area - The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of this section shall apply.

1. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
  - a. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood on adjacent property.
  - b. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation on adjacent property.
  - c. 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.
  - d. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance
  - e. The requirements of 34 PA Code Chapter 401-405, as amended and the 2006 IRC (Secs. RI02.7.1, RI05.3.1 and Appendices E and J) or the latest revision thereof and the 2006 IBC (Sees. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

H. The provisions of this ordinance supersede any conflicting provisions in any other ordinances which may be applicable to existing floodplain areas. However, the provisions of any other ordinances shall remain in full force and effect to the extent that those provisions are more restrictive than those of this ordinance. If there is any conflict between any of the provisions of this ordinance, the more restrictive shall apply.

#### SECTION 9. Construction Procedures

A. When any portion of any public or private road is used under any permit, it will be the responsibility of the permittee to ensure that a sufficient number of red lanterns are conspicuously placed on said public or private road every night from dark to sunrise to

render the said public or private road safe.

- B. The permittee shall throughout the construction process ensure that any damage occurring to any public or private road as a result of the construction activity and/or of moving equipment or supplies over such public or private road is repaired and such public or private road is restored to as good a condition as before such damage within twenty-four (24) hours following the occurrence of such damage.
- C. The permittee must ensure that at all times adequate measures are taken to prevent any erosion from the construction site in compliance with Phase II of Federal Requirements.

#### SECTION 10. Permit Fees

- A. For a permit for the erection, construction, enlargement, movement or placement of a building or structure, the fee ~~schedule~~ shall be established by resolution of the Board of Supervisors, ~~the fee schedule shall be based upon the value of a structure or building to be constructed, erected, enlarged, moved or placed (including materials, labor, foundation, etc.):~~
- B. In the case of a permit for the removal of a building or structure from one lot to another, the fee shall be charged at an amount according to the rate schedule based on estimated value of new construction of a building or structure in its completed condition after removal. ~~As established by resolution of the Board of Supervisors.~~
- C. Irrespective of the provisions of said paragraph (A) hereof, the fee for the erection, construction, enlargement, movement, or placement of a building or structure for agricultural use on a farm shall be established by resolution of the Board of Supervisors.
- D. For a Certificate of Use and Occupancy – the fee shall be established by resolution of the Board of Supervisors. In addition a fee shall be established by resolution of the Board of Supervisors for each inspection in addition to the initial inspection.
- E. In addition to the above, the owner shall pay all costs incurred in the review of the design of storm drainage facilities required by Section 4(A) of this Ordinance as well as the cost of all other reviews which may be required by this ordinance or by the Zoning Ordinance. In order to insure payment of engineering review fees, the Township may require an escrow in an amount established by the Township Engineer. In addition, prior to issuance of a use certificate, the applicant shall pay the cost of inspecting storm water and other facilities once constructed. In connection with such inspections, a charge shall be established by resolution of the Board of Supervisors for each inspection by the Township Zoning Officer and the reasonable cost of each inspection by the Township Engineer.
- F. In the event erection, construction, enlargement, movement or placement of a building or structure shall have begun prior to the issuance of a permit, or in the event a building or

structure shall have been occupied prior to the issuance of a Certificate of Use and Occupancy, there shall be paid in addition to the fees set forth above a late charge which shall be established by resolution of the Board of Supervisors. In the case of a dwelling which is occupied or used prior to the issuance of a Certificate of Use and Occupancy, a late charge shall be established by resolution of the Board of Supervisors and shall be adequately assessed for every day of use and occupancy. The "late charge" or "late charges" imposed by this paragraph shall not be in lieu of the penalties provided by Section 11 of this Ordinance.

- G. In the event any check paying the fees set forth in this section is dishonored upon deposit thereof, any permit or certificate issued for which such check was part or full payment shall be void and shall not be reinstated until the Township has received payment in full of all sums represented by such check plus an additional administrative charge established by resolution of the board of Supervisors.

SECTION 11. Penalties - Any person, firm, association or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof before a District Magistrate, be subject to a penalty in the amount of one thousand dollars (\$1,000.00) for each and every offense. Each and every day that erection, construction, enlargement, movement, placement or development continues, or that the building or structure remains erected, constructed, enlarged, moved or placed without first securing a building permit, or that a building or structure is used or occupied without first securing a Certificate of Use and Occupancy, or there is otherwise any violation of any of the provisions of this Ordinance, shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties hereunder.

SECTION 12. Previous Violations - No person, firm, association or corporation which has been in violation of any of the provisions of this Ordinance shall be subsequently issued a permit to erect, move, enlarge, construct or place any building or structure of any kind until the previous violation has been cured. For purposes of the interpretation of this section the person, firm, association or corporation applying for a permit, hereinafter referred to as "applicant", shall be considered the identical person, firm, association or corporation as the one in violation, hereinafter referred to as "violation", if at least twenty percent (20%) of the ownership equity in both the applicant and the violator can be attributed to the same person, firm, association or corporation. For purposes of this section, a person, firm, association or corporation shall have attributed to him:

- A. All of the equity, stock or partnership share owned by a corporation in which he and his spouse own at least fifty (50%) percent of all of the outstanding voting stock;
- B. With respect to a corporation in which he and his spouse own less than fifty percent (50%) of the outstanding voting stock, the same percentage of the ownership equity, stock, or partnership share that the voting stock owned by him and his spouse bears to the entire outstanding voting stock of the corporation;
- C. All of the equity, as tenants in common, joint tenants or tenants by the entirety, owned by him and his spouse;

- D. All of the equity owned by a partnership in which the value of the partnership shares owned by him and his spouse is at least fifty percent (50%) of the value of all of the partnership shares; or
- E. With respect to a partnership in which the value of the partnership shares owned by him and his spouse is less than fifty percent (50%) of all the partnership shares, the same percentage of ownership equity which the value of the partnership's shares owned by him and his spouse to the value of all the partnership shares.

For purposes of this section, "he" shall be interpreted to refer to the masculine, feminine and the neuter.

SECTION 13. Burden of Proof - It shall be the burden of the applicant to prove that the applicant is not the same person, firm, association or corporation as the violator.

SECTION 14. Variances - 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.

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

- A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation on adjacent property.
- B. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation on adjacent property.
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. 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.
- E. Whenever a variance is granted, the Township shall notify the applicant in writing that:
  - 1. the granting of the variance may result in increased premium rates for flood insurance.
  - 2. such variances may increase the risks to life and property.
- F. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:

1. that there is good and sufficient cause.
2. that failure to grant the variance would result in exceptional hardship to the applicant.
3. 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.

G. 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 Emergency Management Agency.

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.

No variance may be granted to permit any uses prohibited by Section 8(F)(5).

SECTION 15. The grant of a permit shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof as to the practicality or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.

SECTION 16. If any section, subsection or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, it being the intent of the Supervisors that the remaining portions of the Ordinance shall be of full force and effect.

SECTION 17. This Ordinance shall be known and cited as the "Building Permit Ordinance of Peach Bottom Township" and shall become effective the \_\_\_\_ day of \_\_\_\_\_, 2009.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2009, by the Board of Supervisors of Peach Bottom Township, York County, Pennsylvania.

ATTEST:

PEACH BOTTOM TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman

Amended 3/4/2026