

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

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

SECTION I. 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 Lower Chanceford Township, or development as hereinafter defined to occur within the flood-prone area of Lower Chanceford 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 in accordance with a schedule of values attached hereto as Exhibit "A" for structures identified in such schedule. 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 swimming pool 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 swimming pool 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 swimming pool 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. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one percent (1%) annual chance flood).
- C. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
- D. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zone AE that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.
- E. Basement - any area of a building which is below ground level on all sides.
- F. 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.
- G. 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.
- H. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain

management regulations adopted by a community.

- I. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final sit grading or the pouring of concrete pads).
- J. Flood - a temporary inundation of normally dry land areas.
- K. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- L. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.
- M. 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.
- N. 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.
- O. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- P. Highest Adjacent Grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- Q. 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.

- R. Identified Floodplain Area - this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 4.01 and 4.02 for the specifics on what areas the community has included in the Identified Floodplain Area.

- S. 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.

- T. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

- U. 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.

- V. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

- W. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring, mechanical or other work affecting public health or general safety.
- X. New construction - structures for which the start of construction commenced on or after January 1, 2016 and includes any subsequent improvements to such structures. Any construction started after February 15, 1980 and before January 1, 2016 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- Y. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- Z. Owner - the person, persons, partnership, corporation or other entity owning the land on which any construction is proposed to occur.
- AA. 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.
- BB. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated December 16, 2015, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
- CC. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated December 16, 2015, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
- DD. 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.

- EE. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one half (1-1/2) feet.
- FF. Repetitive Loss - flood related damages sustained by a structure on two separate occasions during a 10 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.
- GG. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AE or A99.
- HH. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Zoning Office. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and walkways, nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- II. 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.
- JJ. 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.
- KK. 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.

- LL. 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" regardless of the actual repair work performed. The term does not, however, include either 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.
- MM. Swimming pool - a body of water in an artificial or semi-artificial receptacle or other container eighteen (18) inches or more in depth, used or intended to be used for public, semi-public or private swimming by adults or children.
- NN. 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.
- OO. Variance - a grant of relief by the township from the terms of a floodplain management regulation.
- PP. Violation - means any failure to comply with any of the provisions of this ordinance.

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 who shall be responsible for the administration of all provisions of this ordinance and shall also act as Floodplain Administrator with respect to all floodplain provisions. The Zoning Officer may request and receive assistance from the township Solicitor, the township Engineer or other persons or entities, if authorized by the Board of Supervisors. 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. If any work is proposed to occur in any floodplain area, a description of such work and estimated cost and the market value of the building before the flood damage occurred shall be provided.

- 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. Three (3) 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 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. structures will be anchored to prevent floatation, collapse or lateral movement;
 - 5. building materials are flood-resistant;

6. appropriate practices that minimize flood damage have been used;
 7. electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities have been designed and located to prevent water entry or accumulation;
- N. 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:
1. a completed Building Permit Application Form; and
 2. 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:
 - (a) north arrow, scale, and date;
 - (b) topographic contour lines, if available;
 - (c) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - (d) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - (e) the location of all existing streets, drives, and other access ways; and
 - (f) 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.
 3. plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - (a) the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - (b) the elevation of the base flood;
 - (c) supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC;
 - (d) detailed information concerning any proposed floodproofing measures and corresponding elevations; and
 - (e) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated

with a base flood, and Floodway Area (see section 8(1)(a))when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.

4. the following data and documentation:
 - (a) documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any AE Area without flooding, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
 - (b) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base 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.
 - (c) 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:
 - (1) 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.
 - (2) 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 base flood.
 - (d) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - (e) 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 draining 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 stormwater management facilities, the Zoning Officer must ensure that the stormwater management facilities proposed by such subdivision or land development plan are in

- fact installed. If proposed stormwater management facilities are not shown on an approved subdivision or land development plan, the applicant must prepare such stormwater management plans and install such facilities as are necessary to achieve compliance with the "Lower Chanceford Township Stormwater Management Ordinance".
- 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 "Lower Chanceford 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 "Lower Chanceford 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 of thirty-five (\$35.00) dollars for each such extension, provided the construction or change pursuant to said permit has commenced within nine (9) months following the date of issuance of the permit. If construction has not commenced within the nine (9) month period, 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.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, nor does it include the installation of streets

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 one thousand (\$1,000.00) dollar application fee by the applicant. 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. Inspection and Revocation - the township shall cause such on site inspections to be made as are reasonably necessary to determine compliance with the terms of all applicable township ordinances and with the statements and plans submitted by the applicant with the building permit application. In the discharge of his or her duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development at any reasonable hour to enforce the provisions of this ordinance.
1. Inspections not requiring technical expertise shall be made by the Township Zoning Officer. Inspections of improvements shown on any subdivision or land development plan approved consistent with the provisions of the Township Subdivision and Land Development Ordinance requiring technical expertise shall be made by the Township engineer. One of the following procedures shall be followed with respect to inspections requiring expertise but which are not shown on any subdivision or land development plan.
 - (a) The Township engineer may cause necessary inspections to be made and certify to the Township that the facilities proposed by the applicant have been completed in accordance with all applicable Township ordinances and with the statements and plans submitted by the applicant with the building permit application; or
 - (b) The applicant may, with respect to any facilities designed by a professional engineer, cause that professional engineer to certify to the Township engineer and to the Township that he has inspected the construction of all elements of the facilities designed by him as shown on the plan which he has prepared and that such facilities have been completed in accordance with all applicable Township ordinances and with the statements and plans submitted by the applicant with the building permit application.
 2. If any engineer doing the inspections of any of the facilities finds the existence of any violation or failure to comply with any provisions of any Township ordinance or with statements or plans submitted with the building permit application, such engineer shall promptly report such violation or failure to achieve compliance to the Township Zoning Officer.
 3. In the event the Township Zoning Officer finds any instances of violation or non compliance or any violation or non compliance has been reported to him, he may either:
 - (a) 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.

- (b) if the applicant fails to comply with orders issued by the Zoning Officer pursuant to subsection (a), 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.
- 4. If the applicant fails to comply with the orders issued 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.
- 5. All costs of inspection shall be paid promptly by the applicant upon being billed therefor. No certificate of use and occupancy shall be issued until all inspection costs have been paid.
- F. The Zoning Officer shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- G. The Zoning Officer is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
- H. The responsibility, authority and means to implement the commitments of the Zoning Officer can be delegated by the Zoning Office with the approval of the Board of Supervisors. However, the ultimate responsibility lies with the Zoning Officer.
- I. The Zoning Officer shall consider the requirements of the 34 Pa. Code and the 2009 IBC and the 2009 IRC or latest revisions thereof when applicable.

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 floodplain areas shall apply:

- A. The identified Floodplain Area shall be any areas of Lower Chanceford Township classified as Special Flood Hazard Areas (FSHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated December 16, 2015 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as a part of the flood insurance study. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Lower Chanceford Township and declared to be a part of this ordinance.
- B. The identified Floodplain Area shall consist of the following specific areas:
 1. FW (Floodway Area) - The floodway area shall be those identified in the FIS and the FIRM as "Floodway" and which represent the channel of a water course and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include Floodway Areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no Floodway has been identified in the FIS and FIRM.
 - a. Within any Floodway Area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - b. Within any Floodway Area, no new construction or development shall be allowed unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
 2. AE - The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided. The AE Area adjacent to the Floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 3. A - The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state or other acceptable sources shall be used when available. Where other acceptable information is not available the base flood elevation shall be determined by using the elevation of a point on the

boundary of the identified Floodplain Area which is nearest the construction site.

In lieu of the above, the township may require the applicant to determine the elevations with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis 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, analysis, 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 to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practical but not later than six (6) months after the date such information becomes available, the township shall notify FEMA of the changes in the Special Hazard Area by submitting technical or scientific data. See Section 8(G)(2) for situations where FEMA notification is required.
- 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. Prior to development occurring in any areas where annexation or other corporate boundary changes are proposed or have occurred, the township shall review Flood Hazard data affecting the land subject to boundary changes. The township shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 4460.3.
- F. 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 manmade or natural causes such as ice jams and bridge openings restricted by debris. This ordinance does not imply that any 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.

- G. 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 other applicable codes, ordinances and regulations.

1. General
 - a. Alteration or Relocation of Watercourse
 - (1) No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the township, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
 - (2) No encroachment, alteration or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
 - (3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
2. When the township proposes to permit the following encroachments:
 - a. Any development that causes a rise in the base flood elevations within the Floodway; or
 - b. Any development occurring in zones A or AE without a designated Floodway, which will cause a rise of more than one (1) foot in the base flood elevation; or
 - c. Alteration or relocation of a stream within the Floodway.

The applicant shall (as per 44 CFR, Part 65.12):

- a. Apply to FEMA for conditional approval of such action prior to permitting the encroachment to occur;
- b. Upon receipt of the administrator's conditional approval of the map change and prior to approving proposed encroachment the township shall provide evidence to FEMA of the adoption of floodplain management ordinance amendments incorporating the increased base flood elevation and/or revised floodway reflecting the post project condition;
- c. Upon completion of the proposed encroachment, the township shall provide as billed certifications. FEMA will initiate a final map provision upon receipt of such certifications in accordance with 44 CFR, Part 67.

3. 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.
4. Elevation and Floodproofing Requirements:
 - a. Residential Structures
 - (1) In the AE zone any new construction or substantial improvements shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
 - (2) In the A zone where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvements shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 8(B)(3) of this ordinance.
 - (3) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revision thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.
 - b. Non-Residential Structures
 - (1) In the AE Zone 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 below the regulatory flood elevation:
 - (i) Is floodproofed so the structure is watertight with walls substantially impermeable to the passage of water; and,
 - (ii) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (2) In the A Zone where there are no Base Flood Elevations specified on the FIRM any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 8(B)(3) of this ordinance.

- (3) Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing 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.
- (4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and the 2009 International Residential Code (IRC) or the most recent revisions thereof, and ASCE 24 and 34 PA Code, (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

c. Space below the lowest floor

- (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
- (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum:
 - (a) A minimum of two (2) openings having a total space 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;
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exist of flood waters.

d. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Ordinance, must

comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause the removal of the structure from the National Registration of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

e. 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 two hundred (200) 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 elevated to the regulatory flood elevations;
- (6) Permanently affixed utility equipment appliances such as furnaces, heaters, washers, dryers, etc. are prohibited;
- (7) Sanitary facilities are prohibited;
- (8) The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of flood water 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) The minimum of two (2) openings having a net total 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:

- (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exist of flood waters.

5. Design and Construction Standards - The following minimum standards shall apply for all construction development proposed in any identified Floodplain Area.

a. Fill - If fill is used it shall:

- (1) Extend laterally at least fifteen (15) feet beyond the building lines from all points;
- (2) Consist of soil or small rock materials only. Sanitary landfill 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 two (2) horizontal feet and with substantial data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- (5) Be used to the extent to which it does not affect adjacent properties.

b. Drainage Facilities - Storm drainage facilities shall be of a design 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.

c. Water and Sanitary Sewer Facilities and Systems -

- (1) All new or replacement water supply 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 onsite waste disposal 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 FEMA No. 348, "Protecting, Building, Utilities from Flood Damages" and "The International Private Sewage Disposal Code" 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, not listed in Section 8(F)(6), "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 affect 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.
- 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.
- j. Paints and adhesives -
- (1) Paints or other finishes used at or below the regulatory flood elevation shall be of "marine" or "water resistant" quality.
 - (2) Adhesive use at or below the regulatory flood elevation shall be of a "marine" or "water resistant" variety.
 - (3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water resistant" paint or other finishing material.
- k. Electrical components -
- (1) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
 - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- l. Equipment - 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.
- 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 the flood waters. Additional provisions shall be made for the drainage of those systems in the event the flood water infiltration occurs.
- n. Uniform Construction Code Coordination - The standards and specifications contained in 34 Pa. Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this

Ordinance to the extent that they are more restrictive and supplement the requirements of this Ordinance.

International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R322, Appendix E, and Appendix J.

6. Development Which May Endanger Human Life

a. In accordance with the Pennsylvania Floodplain 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:

- (1) will be used for the production or storage of any of the following dangerous materials or substances; or
- (2) 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
- (3) will involve the production, storage, or use of any amount of radioactive substance

shall not be located in any floodplain area. 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.
7. Special Regulations for Subdivisions and Development - All subdivision proposals and development proposals containing at least fifty (50) lots or at least five (5) acres, whichever is the least, in identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrogeologic and hydraulic engineering analysis that determine base flood elevations and Floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
8. Special Requirements for Manufactured Homes -
- a. Within any identified FW (Floodway Area), manufactured homes shall be prohibited.
 - b. Where permitted within any identified 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 at least one and one-half (1-1/2) feet above base flood elevation;

(3) anchored to resist flotation, collapse, or lateral movement;

c. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instruction as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "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 thereof and 34 PA Code, Chapters 402-405 shall apply.

d. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended, where appropriate and/or applicable to units where the manufacturer's standards for anchoring cannot be provided or were not established for the proposed unit installation.

9. Special Requirements for Recreational Vehicles -

a. Recreational vehicles in Zones A and AE must either:

(1) be on the site for fewer than one hundred eighty (180) consecutive days, and

(2) be fully licensed and ready for highway use, or

(3) meet the permit requirements for manufactured homes in Section 8(G)(8).

H. Existing Structures in Identified Floodplain Areas - The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when 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 an 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 BFE.

b. No expansion or enlargement of an existing structure shall be allowed within any AE area without floodway that would, together with all

other existing and anticipated development increase the BFE by more than one (1) foot at any point.

- c. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) per cent 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. The above activity shall also address the requirements of 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
- e. Within any floodway area (see Section 8(B)(1)) no new construction or development shall be located within the area measured fifty (50) feet landward from the top bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- f. The provisions of this Ordinance supercede any conflicting provisions of 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 shall be based upon the value of the structure or building to be constructed, erected, enlarged, moved or placed (including materials, labor, foundation, etc.):

From \$1,000 to \$10,000, permit fees shall be \$50.00;
From \$10,000 to \$15,000, permit fees shall be \$60.00;
From \$15,000 to \$20,000, permit fees shall be \$65.00;
From \$20,000 to \$30,000, permit fees shall be \$75.00;
From \$30,000 to \$50,000, permit fees shall be \$90.00;
From \$50,000 to \$75,000, permit fees shall be \$135.00;
From \$75,000 to \$100,000, permit fees shall be \$200.00;
From \$100,000 to \$125,000, permit fees shall be \$250.00;
From \$125,000 to \$150,000, permit fees shall be \$300.00;
From \$150,000 to \$175,000, permit fees shall be \$350.00;
From \$175,000 to \$200,000, permit fees shall be \$400.00;
An increase of \$50.00 on each \$25,000 thereafter.

- 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 according to the rate schedule based on estimated value of new construction of a building or structure in its completed condition after removal.
- 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 twenty-five (\$25.00) dollars.
- D. For a Certificate of Use and Occupancy - Fifty (\$50.00) dollars plus twenty-five (\$25.00) dollars 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, the charge shall be twenty-five (\$25.00) dollars 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 of one hundred (\$100.00) dollars, excepting that in the case of a dwelling which is occupied or used prior to the issuance of a Certificate of Use and Occupancy, the late charge shall be five hundred (\$500.00) dollars plus an additional late charge of twenty-five (\$25.00) dollars for each day of use and occupancy in addition to the first day. 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 of thirty-five (\$35.00) dollars.

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 "violator", 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. Variations - 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 of this Ordinance.

Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 15 and the following:

- A. No variance shall be granted within any identified floodplain area that would cause any increase in BFE. In A districts BFEs are determined using the methodology set forth in Section 8(B)(3) of this Ordinance.
- B. Except for possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining to developments which may endanger human life (Section 8(G)(6))
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Township shall attached 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 an exceptional hardship to the applicant.
 - 3. that the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary

public expense

- b. nor create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local ordinance 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 FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one (1) per cent annual chance flood.

No variance may be granted to permit any uses prohibited by Section 8(G)(6)

SECTION 15. Appeals - Any person aggrieved by an action or decision of the Zoning Officer concerning the administration of the provisions of this ordinance may appeal to the Zoning Hearing Board. Such appeal must be filed in writing within thirty (30) days after the decision, determination or action of the Zoning Officer. Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the provisions of this ordinance and the Municipalities Planning Code. Any person aggrieved by a decision of the Zoning Hearing Board may seek relief by appeal to the York County Court of Common Pleas.

SECTION 16. 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 17. If any section, subsection or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not effect 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 18. This Ordinance shall be known and cited as the "Building Permit Ordinance of Lower Chanceford Township" and shall become effective the 9th day of January, 2016

ENACTED AND ORDAINED this 4th day of January, 2016

by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania.

ATTEST:

LOWER CHANCEFORD TOWNSHIP
BOARD OF SUPERVISORS

Susan M. Wiley
Secretary

By: Paul Glen
Chairman

VALUE

House	\$ 75.00 sq. ft.
Garage	\$ 30.00 sq. ft.
Deck	\$ 15.00 sq. ft.
Shed	\$ 10.00 sq. ft.
Pavilion	\$ 5.00 sq. ft.
Roofed Porch	\$ 15.00 sq. ft.
Roofing and Enclosing Existing Deck	\$ 15.00 sq. ft.

MOBILE HOMES

New	Cost of home
1-6 years	\$ 25.00 sq. ft.
6 & over	\$ 15.00 sq. ft.

<u>OTHER BUILDINGS</u>	\$ 30.00 sq. ft.
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The above values are guidelines which may be adjusted by the township in situations where circumstances warrant a determination that the value is either higher or lower than that set forth in the guidelines.

EXHIBIT "A"