CHAPTER 8

FLOOD PLAIN REGULATION

Part 2

**Administration**

**§201. Building Permits Required.** Building permits shall be required before any construction or development is undertaken within any area of the Township.

**§202. Issuance of Building Permit.**

(1) The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(2) Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained, included those required by Act 537, the Pennsylvania Sewage Facilities Act, the Water Obstruction Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

**§203. Application Procedures.**

(1) Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such application shall contain at least the following:

(a) Name and address of applicant.

(b) Name and address or owner of land on which proposed construction is to occur.

(c) Name and address of contractor.

(d) Site location.

(e) Listing of other permits required.

(f) Proposed lowest floor and basement elevations in relation to mean sea level, i.e., National Geodetic Vertical Datum of 1929.

(g) Brief description of proposed work and estimated cost.

(h) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(2) If any proposed construction of development is located within, or partially within, any identified flood-prone area, applicants for Building Permits shall also provide the following specific information:

(a) A plan which accurately delineates the identified flood-prone area, the location of the proposed construction, the locations of any adjacent flood-prone development or structures, and the location of any existing or proposed subdivision and land development in order to assure that:

(1) All such proposals are consistent with the need to minimize flood damage;

(2) All utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

(b) Such plan shall also include existing and proposed contours; information concerning one hundred (100) year flood elevations, velocities, and other applicable information such as pressures, impact and up-lift forces, associated with the one hundred (100) year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soil types; and floodproofing measures.

(c) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood.

Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure.

**§204. Review by County Conservation District.** A copy of all applications and plans for any proposed construction or development in any identified flood-prone are to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

**§205. Review of Application by Others.** A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

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

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

**§208. Start of Construction.** Work on the proposed construction shall begin within six (6) months after the date of the issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction shall be considered to have started with the first placement of permanent construction of a structure on the site such as pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading**,** filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

**§209. Inspection and Revocation.** During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances. In the event that the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Township for whatever action it considers necessary.

**§210. Fees.** Applications for a building permit shall be accompanied by a fee, payable to the Township based upon the estimate cost of the proposed construction as determined by the Building Official at the rates as specified in the White Deer Township Zoning Ordinance, as enacted March 29, 1968, and as amended**.**

**§211. Enforcement.**

(1) Notices. Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulation adopted pursuant thereto, such authority shall give notice to such alleged violation as hereinafter provided. Such notice shall: (a) be in writing; (b) include a statement of the reason for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properlyserved upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e)contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part or any part thereof, and with regulations adopted pursuant thereto.

(2) Hearings. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Township provided that such person shall file with the Township Secretary, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice was served. The filing of the request for such hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Township Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, the Township Secretary may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

(3) Findings and Order. After such hearing the Supervisors shall make findings as to compliance with the provisions of this Part and regulations issued thereunder and shall issue an order in writing, sustaining, modifying, or withdrawing the notice which shall be served as provided in subsection A. of this Section.

(4) Record of Hearing. The proceedings at such a hearing, including the findings and decision of the Supervisors and together with a copy of every notice and other related thereto shall be entered as a matter of public record in the Township but the transcript of the proceeding need not be transcribed unless judicial review of the decision is sought as provided by this Section.

(5) Penalties. Any person, partnership, corporation, firm, entity or joint venture who or which has violated or shall violate or permitted or permits the violation of the provisions of this Part shall upon being found liable therefor in a civil enforcement proceeding pay a judgment of not more than ONE THOUSAND DOLLARS AND 00/100($1,000.00), plus all court costs and reasonable attorney fees incurred by the Township as a result thereof.

Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the Township. Nothing in this section shall be construed or interpreted to grant to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its duly designated agent the authority to commence or prosecute any action pursuant to this section.

(Ordinance No. 96-4, adopted June 25, 1996)

**§212. Appeals.**

(1) Any person aggrieved by an action or decision of the Building Permit Officer, or by any of the requirements of this Part, may appeal to the Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer. Upon receipt of such appeal the Supervisors shall set a time and place, within not less than ten (10) days, nor more than thirty (30) days, for the purpose of the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard.

(2) Any person aggrieved by any decision of the Supervisors, may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

(Ordinance No. 79, adopted August 28, 1979)