

BOROUGH OF FAWN GROVE
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 75- 1

AN ORDINANCE REQUIRING BUILDING PERMITS FOR THE BUILDING OR ALTERATION OF ANY BUILDINGS OR STRUCTURE IN THE BOROUGH OF FAWN GROVE, YORK COUNTY, PENNSYLVANIA; PROVIDING FOR APPLICATIONS FOR SUCH PERMITS; SPECIFYING FEES THEREFOR; PLACING LIMITATIONS THEREON; IMPOSING REQUIREMENTS THEREUNDER; ESTABLISHING SPECIAL PROVISIONS TO BE CONSIDERED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION, RECONSTRUCTION, ALTERATION, ENLARGEMENT, OR RELOCATION OF ANY BUILDING OR STRUCTURE LOCATED WITHIN FLOOD-PRONE AREAS; REQUIRING REPORTS OF COMPLETION; PROVIDING FOR REVOCATION OF PERMITS; AND PROVIDING REMEDIES AND PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Fawn Grove, York County, Pennsylvania, and it is hereby enacted and ordained, as follows:

SECTION 1. TITLE

This Ordinance shall be known as the Fawn Grove Borough Building Permit Ordinance.

SECTION 2 . DEFINITIONS

Unless otherwise expressly stated, the following words shall for the purpose Of this Ordinance, have the meaning herein indicated:

- A. Alteration : Any change, rearrangement, enlargement moving, relocation, removal or demolition of any structure or of the structural parts thereof.
- B. Build: The construction, erection, location, placement, altering, raising, fabricating, making, repairing, enlarging paving or restoration of any structure or part thereof, but not including any interior repairs or alterations, any repairs or alterations of any kind costing less than Five Hundred (\$500.00) Dollars, and the mere painting or finishing of surfaces when not accompanied by any other activity herein referred to.

- C. Building: An enclosed structure having a roof supported by columns, walls , arches or other devices and adapted to occupancy or use, for public, institutional, residence, commercial, manufacturing or storage purposes .
- D. Grade, Street: The elevation of the centerline of the street as officially established by the Borough of Fawn Grove.
- E. Line, Street: The dividing line between the street and the lot.
- F. Sign: Any device for visual communication used for the purpose of bringing a subject to the attention of the public
- G. Street: A thoroughfare within the right-of-way which affords the principal means of access to abutting properties and is used or intended to be used by vehicular traffic or pedestrians whether public or private.
- H. Structure: A combination of materials used to form a construction, excavation or erection with a movable or fixed location on the surface of the ground or affixed to something having a fixed location on the ground.
- I. "Person" shall include an individual, partnership, association, firm, trust, club, company or corporation.
- J. Sd
- K.

SECTION 3. REQUIREMENT OF PERMIT

- A. It shall be unlawful for any person to build or alter any building or structure in the Borough of Fawn Grove without having obtained a permit therefor as herein provided.
- B. It shall be unlawful for any person to begin any work for the building or alteration of any building or structure unless and until a building permit has been duly issued therefor.

SECTION 4. APPLICATION FOR PERMIT

- A. All applications for building permits shall be filed with the Building Permit Officer on the forms provided for that purpose.

B. ALL applications shall be accompanied by a drawing showing the shape, size and dimension of the lot to be built upon, the size and location of all buildings or structures existing hereon, and the size and location of all buildings or structures proposed to be built or altered.

C. Such applications shall set forth the name and address of the applicant, the location of the site, the name of the builder and architect, the zoning district (if any), the estimated cost of the proposed building or structure, a description of each proposed building or structure and all other information which may be required to determine whether the provisions of this ordinance and all other ordinances of the Borough of Fawn Grove have been and will be complied with.

D. Within ten (10) days after receipt of an application for a building permit, the Building Permit Officer must grant or refuse the permit. If the permit is not granted, he must state in writing the grounds for his refusal. The applicant may appeal the decision to the Governing Body or Zoning Hearing Board, where applicable.

SECTION 5. FEE FOR PERMIT

A. When a building permit is required under Section 3 of this Act, the fee for such permit shall be based upon the estimated cost of building or alteration in the amount of One (\$1.00) Dollar for each One Thousand (\$1,000 00) Dollars of such cost or fraction thereof; provided, however, that the minimum fee for any permit shall be Three (\$3 00) Dollars. Such fee shall be in addition to any other fee required under any other ordinance of the Borough of Fawn Grove as condition to the issuance of a building permit.

B. At the time of filing by the applicant of the report of completion hereinafter provided for, the applicant shall simul-

taneously therewith pay to the Building Permit Officer any additional fee based upon any difference between the estimated cost of building or alteration and -the actual cost thereof.

C. On a permit issued for the moving of an existing building or structure to a different location on the same lot, the fee shall be based upon the cost of such removal.

D. On a permit issued for the •moving of an existing building or structure to a different lot, the fee shall be based upon the estimated cost of new construction of a building or structure in its completed condition upon the new lot..

SECTION 6. LIMITATION ON PERMITS

A. No permit shall be issued for the building or alteration of any building or structure within the right-of-way limits of any street or highway, with the exception of drainage structures curbing, or pavement.

B. No permit shall be issued for the building or alteration of any building or structure unless such building or alteration conforms to required building setback Lines as specified in the appendix of the subdivision and land development regulations or any zoning ordinance enacted by the Borough Of Fawn Grove.

C. No permit shall be issued for the building or alteration of any building or structure unless surface drainage of the land, as required, is provided for.

D. No permit shall be issued for the building or alteration of any building or Structure upon land in a subdivision unless and until a final plan of such subdivision shall have been approved and properly recorded.

E. No permit shall be issued unless or until any required sewerage permits have been issued.

SECTION 7 . REQUIREMENTS UNDER PERMITS

A. All buildings or structures built or altered shall conform to the lines and grades of the streets and highways on which they abut.

B. All excavations and ditches shall be kept adequately drained, and all such excavations, ditches, supplies and materials on or about the premises shall be properly protected, screened, shielded or covered and illuminated at night to avoid drainage or injury to persons or property.

C. All building permits shall be immediately posted by the applicant at a conspicuous place on the premises upon which the work is to be performed, and shall remain posted thereon until completion of the work.

D. All building permits shall expire unless the work authorized therein shall have been undertaken within a period of ninety (90) calendar days from the date of issuance, and unless such work shall have been fully completed within a period of one (1) calendar year from the date of issuance; provided, however, that in the case of large or extensive projects the applicant may specify estimated project completion date upon concurrence of the Building Permit Officer, on which date the permit shall expire, or the Building Permit Officer may extend the time for completion to a period not exceeding two (2) years from the date of issuance.

E. No work shall be undertaken or resumed after a permit has expired unless and until a new application has been filed, the fee herein specified has been paid with such new application and new permit has been issued.

SECTION 8. ADDITIONAL ADMINISTRATIVE REQUIREMENTS

A. To insure that all new construction within the identified flood-prone area(s) will be conducted employing adequate flood

damage controls the Building Permit Officer shall require the following specific information to be included as part of an application for a permit.

1. A plan which accurately locates the construction proposal with respect to the flood-prone area boundaries, stream channel and existing flood-prone developments. Included shall be all plans for proposed subdivision and/or land development to assure that:

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

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

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

2. Such plan shall also include existing and proposed contours and elevation of the ground, storage elevations, size of the structure, location and elevations of streets, water supply, sanitary facilities, soil types and floodproofing

3. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in Section 10 of this Ordinance.

B. A copy of all plans and applications for new construction in the identified flood-prone areas 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 municipal code enforcement officer for possible incorporation into the proposed plan.

C. A copy of all plans and applications for new construction in the identified flood-prone areas 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.

SECTION 9. DESIGNATION OF FLOOD-PRONE AREA(S).

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

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

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

SECTION 10. SPECIFIC REQUIREMENTS

A. General

1. In the identified flood-prone Area (s) , the development and/or use Of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of all other applicable codes and ordinances in force in the Borough Of Fawn Grove.

2. All first floor levels (including basements) in residential structures shall be constructed at an elevation of at least: one (1) foot above the established flood elevation.

3. Non-residential structures, or parts thereof, may be constructed below the established flood elevation provided these structures are designed to preclude and/or withstand inundation to an elevation of, at least, one (1) foot above the established flood elevation.

B. Fill

1. All fill shall extend laterally fifteen (15) feet beyond the building line from all points .

2. All fill shall consist of soil and/or small rock materials only. Sanitary land fills shall be prohibited. The fill material shall be compacted to provide the necessary permeability and resistance to erosion or scouring .

3. Fill slopes shall be no steeper than one (1) vertical unit to two (2) horizontal units, unless substantiating data justifying steeper slopes are submitted to and approved by the Municipal Code Enforcement Officer .

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

C. Anchoring

1. All buildings or structures shall be anchored to prevent movement or collapse.

2. All air ducts, large pipes and storage tanks located at or below the established flood elevation shall be firmly anchored to prevent flotation.

D. Placement of Buildings and Structures

1. All buildings and structures shall be designed, constructed and placed on the lot so as to offer the minimum obstruction to the flow of water.

2. The following shall not be placed or caused to be placed in identified flood-prone areas : fences, except two-wire

fences, other structures or other matter which may impede, retard or change the direction Of the flow of water, or that will catch or collect debris carried by such water, or that is placed where he natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood-prone areas.

E. Floors, Walls and Ceilings

1. Wood floorings used below an elevation of one (1) foot above the established flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

2. All finished flooring below an elevation of one (1) foot above the established flood elevation shall be made of materials which are stable and resistant to water damages resulting from submersion.

3. All carpeting or carpet cushions employed as a finished flooring surface below an elevation of one (1) foot above the established flood elevation shall be made of materials which are resistant to water damage resulting from submersion.

4. Plywood used below an elevation of one (1) foot above the established flood elevation shall be of an "exterior" or "marine" grade and of a water-resistant or waterproof variety.

5. Basement ceilings below an elevation of one (1) foot above the established flood elevation shall have sufficient wet strength and be so installed as to survive inundation.

F. Electrical Systems

1. All electrical water heaters, electric furnaces, and other critical electrical installations shall be prohibited below an elevation of one (1) foot above the established flood elevation.

2. Electrical distribution panels shall be placed at least three (3) feet above the established flood elevation.

3. Separate electrical circuits serving areas below the established flood elevation shall be dropped from above.

G. Plumbing

1. Water heaters, furnaces, and other critical mechanical installations shall be prohibited below an elevation of one foot above the established flood elevation .

2. No part of any on-site sewage disposal system shall be allowed within the identified flood-prone area(s).

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

4. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

H . Paints and Adhesives

1. Adhesives used below an elevation of one (1) foot above the established flood elevation shall have a bonding strength that is unaffected by inundation.

2. Doors and all wood trim used below an elevation of (1) foot above the established flood elevation shall be sealed with a waterproof paint or similar product.

3. Paints or other finishes used below an elevation of one (1) foot above the established flood elevation shall be . capable of surviving inundation.

I. Storage

1. No materials that are buoyant, flammable, explosive in times of flooding, could be injurious to human, animal, or

plant life, shall be stored in a flood-prone area unless they are properly anchored and/or floodproofed to preclude their causing damage to life and property.

SECTION 11. REPORT OF COMPLETION

Within ninety (90) days from or after the date of completion of the work authorized by the permit, the applicant shall file with the Building Permit Officer on a form provided for that purpose a report certifying the completion of the work and setting forth the actual cost thereof, and shall pay to the Building permit Officer any additional fee provided for herein.

SECTION 12. REVOCATION OF PERMIT

It shall be the duty of the Building Permit Officer to forthwith revoke any building permit issued hereunder if it shall be determined that the same shall have been improperly or wrongfully issued by reason of any false statement in the application, or by reason of any mistake of fact or law, or that the work therein authorized would constitute the violation of any statute or ordinance. Such revocation shall become effective upon the mailing by Building Permit Officer to the applicant at his address shown in the application thereof. Upon such revocation, all work authorized by said permit shall immediately cease, and shall not be resumed unless and until a permit therefor has been properly issued.

SECTION 13. REMEDIES

Upon the violation of any of the terms of this Ordinance or of any rule or regulation made hereunder, the Council may, in addition to any other remedies, institute in the name of the Borough of Fawn Grove any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate any such violations.

SECTION 14. PENALTIES

A. Any person who knowingly commits, participates in or permits the violation of any of the terms Of this Ordinance shall , upon conviction thereof before any District Magistrate in a summary proceeding, be sentenced for each such violation to pay a fine not exceeding Three Hundred (\$300.00) Dollars, and costs .Of such proceedings, and in default thereof to undergo imprisonment for a period not exceeding thirty (30) days.

B Each day that any such violation shall continue shall constitute a separate offense hereunder and shall be punishable as such.

SECTION 15. INTERPRETATION

The provisions of this Ordinance shall not be taken or construed to conflict with or otherwise limit the provisions of any other statute or ordinance imposing any other or greater requirements or restrictions t and in the event of any such duplication the provisions imposing the greater requirement or restriction shall prevail.

SECTION 16. SEVERABILITY

If any provisions of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such determination shall not affect the legality of the remaining provisions of this Ordinance .

SECTION 17. REPEALER

All ordinances or portions of ordinances inconsistent herewith are hereby repealed .

SECTION 18. EFFECTIVE DATE

Enacted and ordained by the Council Of the Borough of

Fawn Grove, York County, Pennsylvania, into an Ordinance this
2nd day of June, 1975.

Attest:

FAWN GROVE BOROUGH COUNCIL

H. Nelson Herbert
Secretary

By Eugene M. Dillias
President

APPROVED this 2nd day of June, 1975.

By Robert M. Mami
Mayor

J. Ross McGinnis, Solicitor