

ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, OR RE-LOCATION OF ANY BUILDING OR STRUCTURE: PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMIT AND PROVIDING FOR PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

The following is hereby enacted and ordained by the Board of Supervisors of the Township of Thompson, Susquehanna County Pennsylvania.

Section 1: Intent

The intent of this ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction materials and practices in order to prevent and minimize flood damage in the future.
- C. To protect water supply and natural drainage in order to minimize danger to the public health.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing development in areas subject to flooding.

Section 1.1: Applicability

- A. It shall be unlawful for any person, partnership or business or corporation to undertake, or cause to be undertaken any construction or development anywhere within Thompson Township unless an approved building permit has been obtained from the Building Official.
- B. A building permit shall not be required for minor repairs to existing building or structures, provided that no structural changes or modifications are involved.

Section 1.2: Abrogation and Greater Restrictions

This Ordinance supersedes any provisions currently in effect in floodplain areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 1.3: Severability

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and for this reason the provisions of this ordinance are hereby declared to be severable.

Section 1.4: Municipal Liability

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes in the identified floodplain areas. Larger floods may occur on occasions. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made there under.

Section 2: Application Procedures

Application for such a building permit shall be made in writing to the Building Official, on forms provided by the Township. Such application shall contain at least the following.

1. Name and address of applicant
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location
5. Brief description of proposed work and estimated cost.
6. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures.

Section 2.1: Issuance of Building Permit

- A. The Building Official 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 or ordinances.
- B. Prior to the issuance of the permit the Building Officer shall review the application for permit to determine if all other necessary permits such as those required by state and federal laws have been obtained including those required by Act 537, The Pennsylvania Sewage Facilities Act, and the Federal Water Pollution Control Act, Amendments of 1972, Section 404, 33 USC. 1334. No permit shall be issued until this determination has been made.

Section 2.2: Alteration or Relocation of Watercourse

Prior to any proposed alteration or relocation of any stream or watercourse, etc. within the municipality a permit shall be obtained from the Department of Environmental Resources, Dams and Waterway Management Bureau, as specified in the Water Obstruction Act of 1913 as amended.

Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of the watercourse, drainage ditch, or any other drainage facility or system.

Section 2.3: Changes

After the issuance of a building permit by the Building Official, 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 Official.

Section 2.4: Start of Construction

Work on the proposed construction shall begin within six(6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is requested in writing, to the Building Official. Construction shall be considered to have started with the first placement of permanent construction to 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, or installation of piling under proposed subsurface footings or the installation of sewer, gas, and water pipes or electric or other service lines from the street.

Section 2.5: Inspection and Revocation

During the construction period, the Building Official 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 laws and ordinances, or that there has not been a false statement or misrepresentation by any applicant. If inspection determines that there has been a violation, then the Building Official shall revoke the building permit and report such fact to the Township Supervisors for whatever action they think necessary.

Section 2.6: Fees

omitted
Applications for a building permit shall be accompanied by a fee, payable to the Township based on the estimated cost of the proposed construction as determined by the Building Official at the following rate.

Estimated Cost:	Fee:
\$ 00.00-200.00	None
\$201.00-\$1,000.	\$5.00

Each additional \$1,000 or part thereof beyond the first \$1,000 will cost \$1.00 per thousand.

Section 2.7: Enforcement

A. Notices

Whenever the Building Official or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulations adopted pursuant thereto, such authority shall give notice of such alleged violation as herein after provided. Such notice shall (a) be in writing; (b) include a statement of the reasons 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 properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; (e) contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Ordinance, or any part thereof, and with the regulations adopted pursuant thereto.

B. Hearings

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Township Supervisors provided that such person shall file with the Township Supervisors 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 a hearing shall operate as a stay of the notice and the permit 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 judgement, the petitioner has submitted good and sufficient reasons for such postponement.

C. Findings and Order

After such hearing, Township Supervisors shall make findings as to compliance with the provisions of this Ordinance 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.

D. 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 order related thereto shall be entered as a matter of public record in the Township, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section.

E. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order, or direction of the Building Official or any other authorized employee of the municipality, shall be guilty of an offense and, upon conviction, shall pay a fine to Thompson Township of not less than Twenty-five Dollars (25.00) nor more than Three Hundred Dollars (300.00), plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any structure or building construction, reconstructed, enlarged, altered, or relocated, in non-compliance with this ordinance may be declared by the Township Supervisors to be a public nuisance and abatable as such.

Section 2.8: Appeals

A. Any person aggrieved by an action or decision of the Building Official, or by any of the requirements of this Ordinance, may appeal to the Township Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Official. Upon receipt of such appeal, the Supervisors shall set a time and place, within not less than ten (10) nor more than thirty (30) days for the purpose of hearing 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.

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

Section 3: Floodplain Provisions and Identification

A. The identified floodplain area shall be any area of the Township of Thompson subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the Flood Insurance Rate Map (FIRM) dated September 1, 1986, (or the most recent revision thereof) as issued by the Federal Emergency Management Agency (FEMA).

B. The identified floodplain area may be revised or modified by the Township Supervisors where studies or information provided by a qualified agency or person documents the need for such revision or modification. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

C. Should a dispute concerning any identified floodplain boundary arise, any party aggrieved by such determination may appeal to the Township Supervisors. The burden of proof shall be on the Appellant.

Section 3.1: Floodplain Regulations

A. No construction or development shall take place within any identified floodplain area of the Township. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

B. Any modification, alteration, reconstruction or other improvement of any kind to an existing structure which amounts to less than fifty (50) percent of the market value of the structure shall be permitted provided that such improvement is elevated and/or flood proofed to the greatest extent possible and does not result in the expansion or enlargement of the structure.

Section 4: Variances

The Township Supervisors may, upon request, grant relief from the strict application of the requirements, if compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner.

Section 4.1: Variance Procedures and Conditions

- A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- B. Notwithstanding the provisions of this article, no variance shall be granted the following obstructions and activities if located entirely or partially within an identified floodplain area.
 1. Hospitals (public or private)
 2. Nursing homes (public or private)
 3. Jails or prisons
 4. New mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.
Storage facilities.
 5. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than five hundred fifty (550) gallons or comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises.
 - a. Acetone
 - b. Ammonia
 - c. Benzene
 - d. Calcium carbide
 - e. Carbon disulfide
 - f. Celluloid
 - g. Chlorine
 - h. Hydrochloric acid
 - i. Hydrocyanic acid
 - j. Magnesium
 - k. Nitric acid and oxides of nitrogen
 - l. Petroleum products (gasoline, fuel oil, etc.)
 - m. Phosphorus
 - n. Potassium
 - o. Sodium
 - p. Sulphur and sulphur products
 - q. Pesticides (including insecticides, fungicides and rodenticides.)
 - r. Radioactive substances, insofar as such substances are not otherwise regulated.

C. Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 2.8 and the following:

1. If granted, a variance shall involve only the least modification necessary to provide relief. If it should become necessary to grant any variance, the applicant shall be required to comply with all applicable requirements of the National Flood Insurance Program Regulations (60.3 a and b) including the requirements for floodproofing, anchoring and elevation. The applicant must also comply with any other requirements considered necessary by the Township.
2. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
3. Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.
 - b. Such variances may increase the risks to life and property.
4. In reviewing any request for a variance, the Supervisors shall consider, at a minimum, the following:
 - a. That there is good and sufficient cause.
 - b. That failure to grant the variance would result in exceptional hardship to the applicant.
 - c. That the granting of the variance will (1) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (2) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

5. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.

Section 5: 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.

Section 5.1: Specific Definitions

A. Construction-The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

B. Development-Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

C. 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.

D. Floodproofing-Means 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.

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

F. One hundred year flood-A flood that on the average, is likely to occur once every one hundred (100) years. (i.e. that has a one (1) percent chance of happening each year, although the flood may occur in any year.)

G. 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 connected to the required utilities. The term includes manufactured homes, park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than 180 consecutive days.

H. Manufactured home park-A parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more manufactured homes.

I. Structure-Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes and other similar items.

J. Substantial Improvement-Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

K. For the purposes of floodplain management, the words "mobile home" or "mobile home park" shall be replaced with the words "manufactured home" and "manufactured home park" within any delineated floodplain area.

Section 6: Repeals

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

Enacted and Ordained this 4th day of March 1991.

Board of Supervisors, Thompson Township

Carl Ottell

Chairman, Board of Supervisors

Ardith Callender

Supervisor

Gerald Sheldon

Supervisor

Attest:

Beverly Sheldon
Secretary-Treasurer

Seal:

