

TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 87

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA, BY AUTHORITY OF AND PURSUANT TO THE PROVISIONS OF ARTICLES VI AND X OF ACT NO. 247 OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, APPROVED JULY 31, 1968, KNOWN AND CITED AS THE "PENNSYLVANIA MUNICIPALITIES PLANNING CODE," AND ANY AMENDMENTS AND SUPPLEMENTS THERETO, AMENDING ORDINANCE NO. 44, ADOPTED BY THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP ON JULY 16, 1973, AND KNOWN AS THE WASHINGTON TOWNSHIP ZONING ORDINANCE, AS AMENDED BY ORDINANCE NO. 47, ADOPTED ON SEPTEMBER 16, 1974, BY AMENDING IN ITS ENTIRETY ARTICLE XVII (FH FLOOD HAZARD DISTRICT) AND ARTICLE XVIII (ADMINISTRATION), AND BY AMENDING AND SUPPLEMENTING ARTICLE I (DEFINITION OF TERMS) OF SAID ORDINANCE NO. 44.

WHEREAS, the Board of Supervisors of this Township desires to provide for a comprehensive regulation of the use of lands situate within flood hazard areas and to comply with the requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act (Act 1978-166).

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, that Ordinance No. 44, as amended, known as the Washington Township Zoning Ordinance, be amended as follows:

SECTION 1. ARTICLE I (Glossary - Definition of Terms) of Ordinance No. 44 is amended and supplemented to include the following terms and their respective definitions:

CONSTRUCTION: the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

DEVELOPMENT: any man-made 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 and the sub-division of land.

FIFTY-YEAR FLOOD: a flood that, on the average, is likely to occur once every fifty (50) years (i.e. that has a two (2%) percent chance occurring each year, although the flood may occur in any year.

FLOOD: a temporary inundation of normally dry land areas.

FLOODWAY: the channel of a stream or other water course and the adjacent land areas required to carry and discharge the one hundred year flood.

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.

FLOODPLAIN CONSERVATION DISTRICT: the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow by a fifty-year flood.

FLOOD-PROOFING: means any combination of structural and non-structural 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.

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, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME PARK: a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.

OBSTRUCTION: any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

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 occurring each year, although the flood may occur in any year).

REGULATORY FLOOD ELEVATION: the one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

STRUCTURE: anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.

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, 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 acres, not involving any new street or easement of access of residential dwellings shall be exempted.

WATERCOURSE (STREAM): any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

SECTION 2. ARTICLE XVII (FH FLOOD HAZARD DISTRICT) of Ordinance No. 44, as amended by Ordinance No. 47, is amended to provide as follows:

SECTION 1700 GENERAL PROVISIONS

1. PURPOSE

- a. To promote the general welfare, health and safety of Township residents by controlling the erection of structures in flood hazard areas.
- b. To preserve the natural characteristics of designated flood prone areas by preventing rapid water runoff to contribute to downstream flooding and by providing areas for groundwater absorption for maintenance of the subsurface water supply.
- c. To encourage appropriate construction practices in order to prevent or to minimize flood damage in the future.
- d. To reduce financial burdens on the community at large by preventing excessive development in areas subject to flooding.

2. DEFINITIONS

Words and phrases used in this Article are defined in Article I of this Ordinance.

3. ESTABLISHMENT OF FLOOD HAZARD DISTRICT

The limits of the Flood Hazard District are hereby determined as those lands lying within the corridors of the Antietam Creek, Falls Creek and Red Run, as delineated by the United States Department of Housing and Urban Development, Official Flood Hazard Boundary Map dated March 11, 1977, on display at the Washington Township Municipal Building.

4. DISTRICT APPLICABILITY

The Flood Hazard District shall be deemed an overlay on any Zoning District now or hereafter applicable to any lot. Should the Flood Hazard District be declared inapplicable to any lot by action of the Township or any court of competent jurisdiction, the zoning of such lot shall be deemed to be the District in which it is located without consideration of this Article. It shall be unlawful for any construction, subdivision or development to be undertaken unless all appropriate permits and approvals have been obtained from the Washington Township Board of Supervisors or its designated agent.

5. ABROGATION AND GREATER RESTRICTIONS

This Article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other

ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

6. SEVERABILITY

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

7. MUNICIPAL LIABILITY

The granting of a building permit or approval of a subdivision or land development plan in any flood hazard district shall not constitute a representation, guarantee or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of any structure, use, or other proposed plan and shall create no liability on, or cause of action against, such public body, official or employee for any damage that may result pursuant thereto.

SECTION 1701 DETERMINATION OF FLOOD HAZARD DISTRICT ZONES

- 1. a. FH-1 ZONE - the area within the Flood Plain Conservation District.
- b. FH-2 ZONE - the area between the outer edge of the Flood Plain Conservation District and the outer edge of the Floodway.
- 2. For the purpose of this Article, the one hundred (100) year flood elevation and the fifty (50) year flood elevation shall be used as the basis for regulation. The one hundred (100) year flood elevation shall be presumed to be at the outer limit of the Flood Hazard District as delineated on the Official Flood Hazard Boundary Map. In order to establish that the one hundred (100) year flood elevation is other than that delineated on the Official Flood Hazard Boundary Map, and in order to establish the fifty (50) year flood elevation, the applicant must submit evidence for review and determination by the Zoning Officer. In determining said elevations, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:
 - a. U.S. Army Corps of Engineers-Flood Plain Information Reports
 - b. U.S. Geological Survey-Flood Prone Quialdragles
 - c. U.S.D.A., Soil Conservation Service-County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information

- d. Pennsylvania Department of Environmental Resources-Flood Control Investigations
- e. Known Highwater Marks from Past Floods; and
- f. Other relevant sources

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

- 3. Changes in Identification of Area - The identified floodplain areas may be revised or modified by the Township Supervisors where studies or data provided by a qualified agency or person documents the need for such a change. However, prior to any such change, approval shall be obtained from the Federal Insurance Administration (FIA).
- 4. Appeals from Decisions of Zoning Officer - In addition to the procedures for appeals as contained in Article XVIII of this Ordinance, in any appeal pertaining to the boundaries of the Flood Hazard District resulting from claims that the District has become incorrect because of changes either natural or man-made, the burden of proof shall be on the appellant. Such proof shall be based on a detailed report using either the Log Pearson III Method, the Twenty-Four Hour Evaluation Hydrograph, or the other commonly accepted methods of determining runoff.

SECTION 1702 USES

1. FH-1 Zone

a. Permitted Uses

- (1) The following open space uses are permitted to the extent that they are not prohibited by any section of this Ordinance or by any other ordinance and provided that they do not involve structures, fill or storage of materials or equipment.
 - (a) Agricultural uses-general farming, pasture, horticulture, vitaculture, truck farming, forestry, sod farming, and wild crop harvesting.
 - (b) Private and Public recreational uses-golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and natural preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap

and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

- (c) Residential uses-lawns, gardens, play areas and parking areas.
- (2) The following uses are permitted to the extent that they are not prohibited by any other section of this Ordinance or by any other ordinance and provided they meet the requirements of Section 1703 of this Article.
 - (a) Sewage treatment plants
 - (b) Sewage pumping stations
 - (c) Sanitary sewers
 - (d) Storm sewers

b. Prohibited Uses

- (1) Structures, (including but not limited to public and private hospitals, sanitariums, nursing or convalescent homes and jails or prisons), except those permitted in Subsection 1(a)(2) of this Section.
- (2) Sanitary landfills and dumps
- (3) Stockyards
- (4) Junkyards
- (5) Quarries and rock crushing operations
- (6) Asphalt, limestone and cement plants
- (7) Mobile homes and mobile home parks or subdivisions

2. FH-2 Zone

a. Permitted Uses

All uses are permitted which are permitted in the District in which the lot is located without consideration of this Article, subject, however, to the provisions of Section 1703 of this Article.

b. Prohibited Uses

- (1) Mobile homes and mobile home parks or subdivisions
- (2) Public or private hospitals, sanitariums and nursing or convalescent homes

(3) Jails or prisons

SECTION 1703 TECHNICAL REQUIREMENTS FOR FLOOD HAZARD DISTRICT

1. GENERAL:

- a. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township.
- b. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be one and one-half (1½) feet or more above the one hundred year flood elevation.
- c. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one-half (1½) feet or more above the one hundred (100) year flood elevation or be floodproofed up to that height.

Any structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this article. Additional information may be obtained from the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972).

- d. No new construction, substantial improvements, or other development (including fill) shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Township.

2. DESIGN AND CONSTRUCTION STANDARDS: The following minimum standards shall apply for all construction and development within any identified floodplain area.

- a. Fill: If fill is used, it shall:
 - (1) Extend laterally at least fifteen feet beyond the building line from all points.
 - (2) Consist of soil or small rock materials only, sanitary landfills shall not be permitted.
 - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

- (4) Be no steeper than one vertical to two horizontal, unless substantial data, justifying steeper slopes are submitted to, and approved by the Township Supervisors.
 - (5) Be used to the extent of which it does not adversely affect adjacent properties.
- b. Drainage: Storm drainage facilities shall be designed to convey 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 and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with 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.
- d. Other Utilities: All other utilities such as gas line, 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 foot below the Regulatory Flood Elevation.
- f. Storage: All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Subsection 3 of this Section (Development Which May Endanger Human Life) shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.
- g. Placement of Buildings and Structures: All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

h. Anchoring:

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

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) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water resistant variety.
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water resistant paint or other finishing material.

k. Electrical Components:

- (1) Electrical distribution panels shall be at least three feet above the one hundred year flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

l. Equipment:

- (1) Water heaters, furnaces, air conditioning and ventilating

units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

m. Fuel Supply Systems:

- (1) All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

3. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE:

a. 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 100 pounds or 12 gallons or other comparable amount and any amount of radioactive substances and a maximum of 550 gallons of petroleum products) of any of the following dangerous materials or substances on the premises, shall be prohibited:

- (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.

4. SPECIAL REQUIREMENTS FOR MOBILE HOMES:

a. Where permitted within any identified floodplain area, all mobilehomes and additions thereto shall be:

- (1) Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-

1974CANSI A119.3-1975]) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

- (a) Over-the-top ties shall be provided at each of the four corners of the mobilehome with two additional ties per side at intermediate locations for units fifty feet or more in length, and one additional tie per side for units less than fifty feet in length.
 - (b) Frame ties shall be provided at each corner of the mobile home, with five additional ties per side at intermediate locations for units fifty feet or more in length, and four additional ties per side for units less than fifty feet in length.
 - (c) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- (2) Elevated in accordance with the following requirements:
- (a) The stands shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobilehome will be one and one half feet or more above the elevation of the one hundred year flood.
 - (b) Adequate surface drainage is provided.
 - (c) Adequate access for a hauler is provided.
 - (d) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten feet apart; reinforcement shall be provided for pilings that will extend for six feet or more above the ground level.

5. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN CONSERVATION AREAS:
Any structures existing prior to the enactment of this Article as amended in this Ordinance may continue to remain, provided that:

- a. Any modification, alteration reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- b. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

6. VARIANCES: If compliance with any of the requirements of this Section would result in exceptional hardship to a prospective builder, developer or property owner, the Township may upon request to the Zoning Hearing Board, grant relief from the strict application of the requirements of this Section. Request for a variance shall be made according to this Ordinance and the following procedures:

- a. No variance shall be granted with respect to Development Which May Endanger Human Life (Section 1703:3.) or with respect to the following uses prohibited in the FH-1 and FH-2 zones: mobile homes and mobile home parks or subdivisions; public or private hospitals, sanitariums and nursing or convalescent homes; and jails or prisons.
- b. If granted, a variance shall involve only the least modification necessary to provide relief.
- c. 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.
- d. 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.
- e. In reviewing any request for a variance, the Zoning Hearing Board shall consider, as a minimum, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will (i) neither result in an unacceptable or prohibited increase of flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.
- f. 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 year flood.

SECTION 1705 APPLICATION PROCEDURES AND REQUIREMENTS:

1. 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:
 - a. 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;
 - b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

2. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:
 - a. A completed Building Permit Application Form.
 - b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one-hundred (100) feet or less, showing the following:
 - (1) North arrow, scale, and date;
 - (2) Topographic contour lines, before and after development, at two-foot intervals;
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - (4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - (5) The location of all existing streets, drives, and other accessways; and
 - (6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

- c. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- (1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - (2) The elevation of the one-hundred (100) year flood;
 - (3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood; and
 - (4) Detailed information concerning any proposed floodproofing measures.
- d. The following data and documentation:
- (1) With respect to construction designed for human occupancy, 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 one-hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred (100) year flood.

Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
 - (2) Detailed information needed to determine compliance with Section 1703, including:
 - (a) Amount, location and purpose of any materials or substances referred heretofore which are intended to be used, produced, stored or otherwise maintained on-site.
 - (b) Description of safeguards incorporated into the design of the proposed structure to prevent leaks or spills of any polluting substance or material during a 100-year flood.
 - (3) The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."
 - (4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

SECTION 3. ARTICLE XVIII (ADMINISTRATION) of Ordinance No. 44 is amended to provide as follows:

SECTION 1800. AMENDMENTS TO ZONING ORDINANCE. The Governing Body may amend all regulations or restrictions included herein by complying with requirements set forth under Article VI of Act 247 of the Commonwealth of Pennsylvania, as enacted or hereafter amended.

SECTION 1801. ZONING HEARING BOARD. The Governing Body shall appoint a Zoning Hearing Board. Such Board shall have a number of members and such powers and authority as set forth in Article IX of Act 247 of the Commonwealth of Pennsylvania, as enacted or hereafter amended.

SECTION 1802. ENFORCEMENT. It shall be the duty of the Zoning Officer, and he is hereby given the power and authority to enforce the provisions of this Ordinance. He shall examine all applications for permits, issue all permits for construction or development and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the Board of Supervisors may require. Permits for construction or development and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

SECTION 1803. BUILDING PERMITS.

1. Building Permit Required.

A building permit must be obtained from the Township before any construction or development is undertaken within any district. No building permit shall be issued unless the proposed construction or use is in full compliance with the provisions of this Ordinance. Any building permit issued in violation of the provisions of this Ordinance shall be null and void and of no effect, without the necessity for any proceedings or revocations or nullification thereof, and any work undertaken or use established pursuant to such permit shall be unlawful.

2. Application Procedures and Requirements

a. Application for building permits shall be made, in writing, to the Zoning Officer on forms supplied by the Township. Such application shall contain the following information:

- (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) Listing of other permits required.

- (7) A site plan in accordance with Subsection 2b below.
- (8) If any proposed construction or development is located entirely or partially within any identified floodplain area, the information required by Section 1705.

b. Site plans, including a plat of the property drawn to scale, showing the size and location of the proposed construction as well as any existing buildings or structures shall accompany the application, as follows:

- (1) Alterations of or additions to existing single family residential structures - sketch plan.
- (2) New construction of single family residential structures - complete building plans, drawn to scale, showing the exact size and shape of the proposed building including rooms, basement, and elevation views.
- (3) Alterations of or additions to existing multi-family residential structures and new construction of multi-family residential structures - complete building plans (with Department of Labor and Industry approval, if required, affixed thereto), drawn to scale, showing the exact size and shape of the proposed building, including rooms, basement, and elevation views; and including off-street parking plans and storm water management plans.
- (4) Alterations of or additions to existing commercial or industrial structures and new construction of commercial or industrial structures - complete building plans (with Department of Labor and Industry approval affixed thereto), drawn to scale, showing the exact size and shape of the proposed building, including elevation views; and including off-street parking plans and storm water management plans.

SECTION 1804. ACTION ON BUILDING PERMITS.

- 1. The building permit shall be issued by the Zoning Officer within thirty (30) working days after receipt of an application of such permit. If the application conforms to the applicable requirements, the Zoning Officer shall issue a permit; if the application does not conform, notice thereof together with a statement of reasons, shall be given, in writing, to the applicant.
- 2. Prior to the issuance of any building permit, the Zoning Officer shall review the application for permit to determine if all other necessary government permits required by state and federal laws

have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 404, 33 U.S.C. §1334); and the Pennsylvania Fire and Panic Act, (Act 1927-299, as amended). No permit

shall be issued until this determination has been made.

3. 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 been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

4. Prior to the start of construction, the holder of the building permit shall conspicuously post the permit on the affected tract of land. The permit shall remain so conspicuously posted until construction is completed.
5. Immediately after the foundation of a building or of any addition to an existing building is laid off, the holder of a building permit shall notify the Zoning Officer for approval of the building's location.

SECTION 1805. EXPIRATION OF BUILDING PERMITS. Each building permit shall expire if the work authorized has not commenced within six (6) months after date of issuance, or has not been completed within twenty-four (24) months from date of issuance for construction costing less than \$1,000,000; and has not been completed within thirty-six (36) months from issuance of permit for construction costing in excess of \$1,000,000.

If no amendments or other codes or regulations affecting subject property or activity have been enacted in the interim, the Zoning Officer may authorize, in writing, the extension of the permit for an additional six (6) months, following which no further work is to be undertaken without a new building permit.

SECTION 1806. USE CERTIFICATES. A use certificate certifying compliance with this Ordinance must be obtained from the Zoning Officer for any new structure as set forth below or for any change in a structure or land as set forth below before such new structure or use or change of use is occupied or established:

1. Use of a structure erected, structurally altered or erected, or extended or moved after the effective date of this ordinance.
2. Use of vacant land except for horticultural purposes.
3. Any change in conforming use, structure, or land.
4. Any change in a nonconforming use of land to a conforming use.
5. Any change in the uses of a structure or land from that permitted

by any variance of the Zoning Hearing Board.

- 6. The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Ordinance.

SECTION 1807. ACTION ON USE CERTIFICATES. Within thirty (30) working days after receipt of an application for a use certificate, the Zoning Officer shall grant or refuse the certificate. If the specifications and the intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state, in writing, the grounds for his refusal.

SECTION 1808. FORMS. The Zoning Officer shall provide a form or forms to be completed by the applicant for the following activities:

- 1. Building permits.
- 2. Use certificates.
- 3. Special exceptions.
- 4. Appeals.
- 5. Variances.
- 6. Registration of nonconforming uses and structures.

SECTION 1809. VIOLATIONS.

- 1. Notice.

Upon determination that a violation of any provision of this Ordinance exists, the Zoning Officer shall serve upon the person committing or permitting same written notice that the violation exists and directing the person to terminate the violation immediately.

- 2. Enforcement.

In the event of the failure of the person committing or permitting a violation to terminate same in accordance with the notice of violation, the Zoning Officer, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, restrict, or abate such violation.

- 3. Penalties.

Any violation or failure to comply with any provisions of this Ordinance shall constitute a summary offense. Any person, partnership or corporation who or which shall violate any of the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such

corporation, shall be liable to imprisonment for not more than thirty (30) days. Each day that a violation of this Ordinance is continued shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid over to the Township.

SECTION 1810. APPEALS. Any person aggrieved or affected by the provisions of this Ordinance or decisions of the Zoning Officer may appeal in the manner set forth in Article X of the Pennsylvania Municipalities Planning Code, as amended.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of their inconsistency.

SECTION 5. The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part, or application thereof shall be held illegal, invalid, or unconstitutional, such illegality, invalidity, or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications.

SECTION 6. In all other respects the provisions of Ordinance No. 44, as amended, shall remain in full force and effect.

SECTION 7. This Ordinance shall take effect in accordance with law.

Duly enacted and ordained this 19th day of MARCH, 1984, by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

Juanita L. Ausherman
Juanita L. Ausherman, Secretary

By Thurlow R. Null
Thurlow R. Null, Chairman