

ORDINANCE NO. 36

AN ORDINANCE OF THE TOWNSHIP OF CATHARINE, COUNTY OF BLAIR, COMMONWEALTH OF PENNSYLVANIA, REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT OR PLACEMENT OF ANY MOBILE HOME WITHIN THE TOWNSHIP, PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS, SETTING FORTH CERTAIN MINIMAL REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT AND SITING OF MOBILE HOMES WITHIN AREAS SUBJECT TO FLOODING, AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Catharine, County of Blair, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

ARTICLE I TITLE

This Ordinance shall be known as the Catharine Township Building and Mobile Home Permit Ordinance.

ARTICLE II GENERAL PROVISIONS

SECTION 100. 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 practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supplies and natural drainage and by enforcing certain provisions of the Pennsylvania Sewage Facilities Act No. 537 and Title 25 of the Pennsylvania Code, Environmental Resources.

D. Reduce the financial burdens imposed upon the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

SECTION 101. APPLICABILITY

A. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any type of construction or development, or the placement of any mobile home within the Township, unless an approved Building Permit has been obtained from the Township Building Permit Officer.

B. A Building Permit shall not be required for minor repairs to

existing buildings or structures, provided that no structural changes or modifications are involved.

#### SECTION 102. ABROGATION AND GREATER RESTRICTIONS

This Ordinance supersedes existing Township Ordinance Number 36, dated 3 March 1993 and any other provisions currently in effect for building permits or flood-prone areas.

#### SECTION 103. SEVERABILITY

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

#### SECTION 104. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based upon acceptable engineering methods of study. Larger floods may occur on rare 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 flood-prone 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 Catharine Township, Blair County, Pennsylvania, or any officer or employee thereof for any flood damages resulting from reliance on this Ordinance or any administrative decision lawfully made thereunder.

### ARTICLE II ADMINISTRATION

#### SECTION 200. BUILDING PERMITS REQUIRED

Building permits shall be required BEFORE any construction or development is undertaken within, or BEFORE any mobile home is brought into, any area of Catharine Township.

#### SECTION 201. ISSUANCE OF BUILDING PERMITS

A. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work or action to be undertaken will be in conformance with the requirements of this Ordinance and all other applicable codes, acts, and ordinances.

B. 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, including those required by

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TEST REPORT

Act 537, Pennsylvania Sewage Facilities Act, the Dam Safety and Encroachments Act, the U. S. Clean Water Act, Section 404 33, U.S.C. 1334, and the Pennsylvania Clean Streams Act. No permit shall be issued until this determination has been made. Under no circumstances shall a building permit be issued for construction or siting of any dwelling, building, or mobile home intended for human habitation until an approved Sewage Permit has been obtained from the Blair County Sewage Enforcement Officer (SEO) and presented to, and verified by, the Building Permit Officer. Additionally, the Building Permit Officer will ensure that the provisions of PA Act 44, Workers' Compensation Act, are applied in accordance with Section 202C below before any permit is issued. If the proposed construction or action is prohibited under Section 600 of this Ordinance, no building permit (including a Special Permit) shall be issued by the Building Permit Officer until the Department of Community Affairs has had the required period of time to review the application in accordance with Section 602 below.

C. 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 Building Permit Officer, and until all required permits or approvals have been obtained from the Department of Environmental Resources, Bureau of Dams, and Waterway Management.

D. In addition, the Building Permit Officer shall notify the Federal Insurance Administrator, Pennsylvania Department of Community Affairs, Bureau of Community Planning, prior to alteration or relocation of any watercourse.

#### SECTION 202. APPLICATION PROCEDURES

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

1. Name and address of applicant.
2. Name and address of the owner of the land on which proposed construction or action is to occur.
3. Name and address of contractor.
4. Site location.
5. Listing of other permits and approvals needed for proposed construction or action.
6. Brief description of the proposed work or action and estimated costs. (If the work or action involves construction of a building or placement of a mobile home for human habitation, so identify.)

7. Copy of the approved Sewage Permit if application is for a building or mobile home intended for human habitation.

8. A plan for the site showing the exact location of the proposed construction or action as well as existing buildings, structures, and watercourses.

B. If any proposed construction, development, or siting of a mobile home is located within, or partially within, any identified flood-prone area, applicants for Building Permits and Special Permits shall also provide the following specific information:

1. A plan of the entire site, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

a. north arrow, scale, and date.

b. a location map showing the vicinity in which the activity or development is to be located within the municipality.

c. topography based upon the National Geodetic Vertical Datum showing existing and proposed contours at intervals of two (2) feet.

d. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet.

e. the location of all streets, drives, and other accessways with information concerning widths, pavement types and construction and elevations.

f. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and any other natural or man-made features affecting or affected by, the proposed activity or development.

g. the location of the identified flood-prone area boundary line, floodway line if available, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities.

h. a general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements, including the location of any existing or proposed subdivision and land development in order to insure that all such proposals are consistent with the need to minimize flood damage; all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize flood damage, and; adequate drainage is provided so as to reduce exposure to flood hazards.

2. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

a. detailed architectural or engineering drawings including building size, floor plans, sections, and exterior building elevations, as appropriate.

b. the proposed finished floor elevations of any proposed building based upon National Geodetic Vertical Datum flood depths, pressures, and velocities.

c. complete information concerning the impact and uplift forces and other factors associated with the one hundred (100) year flood.

d. detailed information concerning any proposed flood-proofing measures.

e. cross-section drawings for all proposed streets, drives, or other accessways and parking areas showing all rights-of-way and pavement widths.

f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.

g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

h. soil types.

3. The following data and documentation:

a. 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 bouyancy factors associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing which may have been incorporated into the design of the structure and/or the development.

b. the appropriate component of the Department of Environmental Resources "Planning Module for Land Development."

c. 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.

C. Act 44, Workers' Compensation Insurance Requirements.

1. Application By the Property Owner. If the building permit is being applied for by the owner of the property in question

and the work to be done is to be performed by that owner, then he/she shall certify through a completed and notarized "Affidavit of Exemption" that the property owner will perform the identified work. If, at the time of application, the property owner intends to hire a contractor(s) to perform any of the identified work or, if at any time subsequent to issuance of the building permit, he/she decides to hire a contractor(s) to perform any portion of the identified work, that property owner shall submit a completed and notarized "Workers' Compensation Insurance Coverage Information" form to the Building Permit Officer for each contractor(s) before such contractor(s) perform ANY work under the issued permit. The property owner shall be responsible for obtaining the required form(s) and delivering the same to the Building Permit Officer. The property owner shall also be responsible for immediately reporting any changes to the contractor(s) insurance coverage or exemption status to the Building Permit Officer.

2. Application by Contractors. If the applicant for the permit is a bonafide contractor, such contractor(s) shall submit a completed and notarized "Workers' Compensation Insurance Coverage Information" form at the time of application. The contractor shall be responsible for immediately notifying the Building Permit Officer of ANY changes in insurance requirements or coverage.

3. No building permit shall be issued to either a property owner or a contractor unless the appropriate forms, as identified above, have been provided to the Building Permit Officer.

#### SECTION 203. REVIEW BY THE COUNTY CONSERVATION DISTRICT

A copy of all applications and plans for any proposed construction or development in any identified flood-prone area to be considered for approval by the municipality shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to 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.

#### SECTION 204. REVIEW OF APPLICATION BY OTHERS

A copy of all plans and applications for any proposed construction, development or activity within 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. Where the provisions of Section 600 of this Ordinance apply, the Building Permit Officer shall submit the plans and applications to the Department of Community Affairs for their review and approval/disapproval before any Special Permit is issued by the Township.

#### SECTION 205. CHANGES

After 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.

#### SECTION 206. 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.

#### SECTION 207. START OF CONSTRUCTION

Work on the proposed construction, development, or activity 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 granted, in writing, by the Building Permit Officer. Construction, development, or activity shall be considered to have started with the preparation of land, 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.

#### SECTION 208. INSPECTION AND REVOCATION

A. During the construction period, the Building Permit Officer or other authorized Township official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Catherine Township laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his/her duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area at any reasonable hour to enforce the provisions of this ordinance.

C. In the event 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 Catharine Township Supervisors for whatever action they consider necessary.

D. In the event that the Building Permit Officer identifies any violation of the Workers' Compensation Act, he/she shall issue a "Stop Work" order upon that permit until he/she is satisfied that all provisions of ACT 44 are once again being complied with.

E. A record of all such inspections and violations of this Ordinance shall be maintained.

#### SECTION 209. FEES

Application for a building permit shall be accompanied by a fee, payable to Catharine Township, based on the mobile home flat fee rate or the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:

##### 1. CONSTRUCTION

Estimated Cost	Fee
\$ 0.00 to \$ 200.00	\$ 0.00
201.00 to \$1,000.00	5.00
Each additional \$1,000.00 or part thereof beyond the first \$1,000.00	1.00

2. MOBILE HOME FEE - \$25.00

#### SECTION 210. ENFORCEMENT

##### A. 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 Ordinance, 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 reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days 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 the State; (e) contain an outline of remedial action, which, if taken will effect compliance with the provisions of this Ordinance, or any part thereof, and with the regulations adopted pursuant thereto.

##### B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of the Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Catherine Township of not less than \$25.00 nor more than \$300.00, plus



costs of prosecution. In default of such payment, such person shall be imprisoned in the 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-compliance with this Ordinance may be declared by Catharine Township to be a public nuisance and abatable as such.

#### SECTION 211. APPEALS

A. Any person aggrieved by an action or decision of the Building Permit Officer, refusing to grant a modification to the provisions of this Ordinance covering the development of land or the manner of construction or materials to be used in the erection, alteration, modification, etc. of a building or structure, may appeal to the Catharine Township Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.

B. Upon receipt of such appeal the Catharine Township 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 shall be given to all parties, at which time they may appear and be heard.

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

#### ARTICLE III IDENTIFICATION OF FLOOD-PRONE AREAS

##### SECTION 300. IDENTIFICATION

A. For the purposes of this Ordinance, the areas considered to be flood-prone within Catharine Township shall be those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study dated February 1980 and accompanying maps prepared for the Township by the Federal Insurance Administration, or the most recent revision thereof.

B. A map showing all areas considered to be flood-prone is available for inspection at Catharine Township offices. For the purposes of this Ordinance the following nomenclature is used in referring to the various kinds of flood-prone areas:

1. FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA. The term shall also include floodway areas which have been identified in other studies or

sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance study.

2. FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA.

3. FA (General Flood Plain Area) - the areas identified as "Approximate 100 year Flood Plain" in the Flood Insurance Study prepared by the FIA.

#### SECTION 301. DETERMINATION OF THE 100 YEAR FLOOD ELEVATION IN FA (GENERAL FLOOD PLAIN AREAS)

A. To determine the "100 year flood" elevation for these areas, the elevation at a given point on the boundary of the identified flood prone area(s) which is nearest the construction site in question will be used. In addition, information from other Federal, State, or other acceptable sources shall be used to determine a floodway area, if possible. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:

1. Corps of Engineers - Flood Plain Information Reports
2. U. S. Geological Survey - Flood Prone Quandrangles
3. U. S. D. A., Soil Conservation Service - County Soil Surveys (Alluvial Soils)
4. Known Highwater Marks from Past Floods
5. Other Sources

B. In lieu of the above, the municipality shall require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulics 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 Catharine Township.

#### SECTION 302. CHANGES IN IDENTIFICATION OF FLOOD-PRONE AREAS

A. The areas considered to be flood-prone may be revised or modified by the Catharine Township Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

B. No modification or revision of any area identified as being flood-prone in the Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

### SECTION 303. DISPUTES

Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the Building Permit Officer and any aggrieved by such decision may appeal to the Catharine Township Supervisors. The burden of proof shall be on the appellant.

## ARTICLE IV TECHNICAL PROVISIONS

### SECTION 400. GENERAL

A. 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 Building Permit Officer, 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 prior to any alteration or relocation of any watercourse.

B. Where a flood-prone area has been identified which includes a floodway area, the following provisions apply:

1. Within any designated floodway (FW) area, no new construction, development, use, activity, or encroachment of any kind, shall be allowed, except where the rise in flood heights caused by the proposed development is fully offset by accompanying improvements. The Floodway area is based on the criteria that the portion of the flood plain selected must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The Floodway is shown on the Flood Boundary and Floodway map accompanying the Flood Insurance Study (FIS). The areas included are specifically defined in the Floodway Data Table of the FIS itself.

2. Within any designated flood-fringe (FF) area, new construction and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

C. Where a flood-prone area has been identified which does not include detailed flood profiles and elevations, new construction and other development, uses and activities, within any area designated "FA" area, shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Ordinance, as well as any other applicable codes, ordinances, and regulations.

### SECTION 401. ELEVATION AND FLOODPROOFING REQUIREMENTS:

A. Within any FW, FF, or FA area, the lowest floor in

residential structures (including basement of any new or improved structures) shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation.

**B. Non-residential Structures:**

1. Within any FW, FF, or FA area, the lowest floor (including basement) shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

2. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-proofing Regulations" (U. S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

**C. Enclosed Space Below the Lowest Floor.** Enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

1. a minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

2. the bottom of all openings shall be no higher than one (1) foot above grade.

3. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**SECTION 402. DESIGN AND CONSTRUCTION STANDARDS.**

The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood-prone area:

**A. If fill is used, it shall:**

1. extend laterally at least fifteen (15) feet beyond the building line from all points.
2. consist of soil or small rock materials only and 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 (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to and approved by the Building Permit Officer.
5. be used to the extent to which it does not adversely affect adjacent properties.

B. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure drainage at all points 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. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

D. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

E. The finished elevation of proposed new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. All utilities such as gas lines, electrical and telephone systems being placed in identified flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

G. 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 Section 403, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

H. 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.

**I. 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.

**J. Floors, Walls and Ceilings.**

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accomodate 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.

**K. Paints and Adhesives.**

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" quality.

3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

**L. Electrical Systems and Components.**

1. Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation.

2. Electrical distribution panels shall be a least three (3) feet above the one hundred (100) year flood elevation.

3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

**M. Plumbing.**

1. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.

2. No part of any on-site sewage disposal system shall be located within any identified flood-prone area.

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

4. 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.

#### SECTION 403. SPECIAL REQUIREMENTS FOR MOBILE HOMES.

A. All mobile homes and any improvements thereto shall be:

1. placed on a permanent foundation.

2. elevated so that the lowest floor will be at or above the Regulatory Flood Elevation.

3. anchored to resist flotation, collapse, or lateral movement.

B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Catharine Township Supervisors for mobile home parks and mobile home subdivisions where appropriate.

C. No mobile homes shall be placed in any designated Floodway area.

#### SECTION 404. HAZARDOUS MATERIALS AND SUBSTANCES.

A. The Department of Community Affairs' administrative regulations implementing Act 166, The Pennsylvania Floodplain Management Act, have listed the following materials and substances as dangerous to human life:

1. Acetone
2. Ammonia
3. Benzine
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
18. Radioactive Substances

B. Any structure that will be used for the production or storage of any of the above hazardous materials or substances when located in identified flood-prone areas or which will be used for any activity requiring the maintenance of a supply (including any amount of radioactive substances or more than 550 gallons or other comparable volume) of any such materials or substances on the premises shall be:

1. elevated or flood-proofed to remain dry up to at least one and one-half (1 1/2) feet above the one hundred (100) year flood and;
2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood, or;
3. prohibited if located in an identified floodway area.

C. In addition, the Catharine Township Supervisors may attach whatever additional conditions and safeguards they may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.

#### ARTICLE V EXISTING STRUCTURES IN FLOOD-PRONE AREAS

Structures existing in any identified flood-prone area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain subject to the following:

1. Existing structures located in any identified floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

#### ARTICLE VI ACTIVITIES REQUIRING SPECIAL PERMITS.

##### SECTION 600. General

In accordance with the Department of Community Affairs'



administrative regulations implementing Act 166, the Pennsylvania Floodplain Management Act, the following obstructions and activities are prohibited if located entirely or partially within an identified flood-prone area unless a Special Permit is issued:

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 thereto.

**SECTION 601. Special Permit Application Requirements.**

Application for a Special Permit shall consist of at least five (5) copies of the following items:

A. A written request which includes the information specified in Section 202 A (1 - 3, 6) and 202 B.

B. The following documentation:

1. Certification from the applicant that the site upon which the activity or development is proposed is an existing and single parcel, owned by the applicant or the client he/she represents;
2. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood;
3. Statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life;
4. A statement certified by a registered professional engineer, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows;
5. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows;

6. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

#### SECTION 602. REVIEW OF APPLICATION FOR SPECIAL PERMIT.

Upon receipt of an application for a Special Building Permit by the Catharine Township Building Permit Officer, the following procedures shall apply in addition to those of ARTICLE II:

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. (The County may send any comments it may have concerning the application to the municipality and the Department of Community Affairs, Bureau of Planning.) Copies of the application shall also be forwarded to the Catharine Township Planning Commission and Catharine Township Engineer for review and comment.

B. If an application is received that is incomplete, the Catharine Township Building Permit Officer shall notify the applicant in writing, stating in what respects the application is deficient.

C. When an application is approved, the Catharine Township Building Permit Officer shall file written notice of such approval, together with the application and all pertinent information, with the Department of Community Affairs, within five (5) working days after approval, by registered or certified mail.

D. If the Department of Community Affairs does not notify the municipality and applicant, in writing, that the application is disapproved within a thirty-five (35) day period after filing of the written notice of local approval, the Building Permit Officer shall issue a Special Building Permit to the applicant.

E. If the Department of Community Affairs notifies the municipality and the applicant in writing that the application is disapproved within the thirty-five (35) day period mentioned in subsection D, no Special Building Permit shall be issued to the applicant.

#### SECTION 603. SPECIAL TECHNICAL REQUIREMENTS.

A. In addition to the requirements of ARTICLE IV of this Ordinance, the following minimum requirements shall also apply. If there is any conflict between any of the following requirements and those in ARTICLE IV of this Ordinance or any other code, ordinance, or regulation the more restrictive provision shall apply.

B. No application for a Special Building Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants. At a minimum, all new structures shall be designed, located and constructed so that:

a. the structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.

b. the first floor elevation will be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation.

c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

C. All 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 Catharine Township and the Department of Community Affairs.

D. In approving any application for a Special Permit, Catharine Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety and welfare of the public.

#### ARTICLE VII VARIANCES

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, Catharine Township may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered by Catharine Township in accordance with the procedures contained in SECTION 212. A and the following procedures:

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. If granted, a variance shall involve only the least modification necessary to provide relief.

C. In granting any variance, Catharine 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, Catharine Township shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium of rates for flood insurance.

2. Such variances may increase the risks to life and property.

E. In reviewing any request for a variance, Catharine Township shall consider, but not be limited to, 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 not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinance and regulation.

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

#### ARTICLE VIII DEFINITIONS

##### SECTION 800. GENERAL

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 801. SPECIFIC DEFINITIONS

A. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

B. Basement - means any area of the building having its floor below ground level on all sides.

C. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.

D. Completely Dry Space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

E. Construction - the erection, construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes. The replacement or upgrade of the siding, roofing, or windows of a structure shall be deemed construction for the purposes of this Ordinance.

F. Development - any man-made change to improved or un-improved real estate, including but not limited to buildings or other structures, the placement of mobile home, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations, subdivision of land, and storage of equipment and materials.

G. Essentially Dry Space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

H. Flood - a temporary inundation of normally dry land areas.

I. Flood Plain - see definition of Flood-prone area.

J. Floodproofing - 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.

K. Flood-Prone 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.

L. Historic Structure - any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or;

4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without historic programs.

M. Identified Flood Prone Area - the flood plain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood. Included would be areas identified as Floodway (FF) and General Flood Plain (FA).

N. Land Development

1. The improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

a. a group of two or more buildings.

b. the division of allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.

O. Lowest Floor - the lowest floor of the enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

P. Minor Repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep costing \$200 dollars or less; but not including any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment. Also see definition of Construction (item 801E above).

Q. Mobile Home - means a transportable, single family dwelling intended for human habitation, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

R. 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.

S. 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 or property.

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

U. Regulatory Flood Elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

V. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, or other similar items.

W. 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 division 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 division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

X. Substantial Damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value before the damage occurred.

Y. Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;

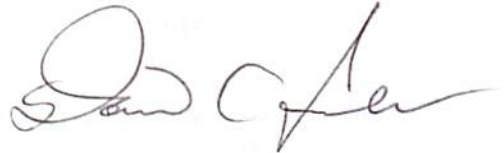
2. Any alteration of a "historic structure," provided the alteration will not preclude the structure's continued designation as a "historic structure."

ARTICLE IX. ENACTMENT

This Ordinance shall become effective on 18 April, 1994, and shall remain in force until modified, amended, or rescinded by the Township of Catharine, Blair County, Pennsylvania.

Adopted by the Catharine Township Supervisors this 18<sup>th</sup> day of April, 1994.

Signed:



ATTEST:



**AMENDMENT 1 TO ORDINANCE 36, BUILDING AND MOBILE HOME PERMIT, DATED 18 APRIL 1994.**

**It is hereby enacted and ordained by the Board of Supervisors of Catharine Township that Ordinance #36, dated 18 April 1994, be amended as follows:**

**Add Section 101C to read "The use of recreational vehicles such as motor homes, camping trailers, travel trailers, park trailers, truck campers or any other vehicle converted for human habitation, as a temporary or permanent dwelling within the Township, is subject to the approval and permitting requirements of the Catharine Township "Recreational Vehicle and Campground" Ordinance."**

**In Section 201B, change the 3rd sentence and add subsequent sentence to read "Under no circumstances shall a building permit be issued for construction or siting of any dwelling, building, or mobile home intended for human habitation until an approved Sewage Permit for a new sewage system or a favorable dye test report for an existing sewage system has been obtained from the Township Sewage Enforcement Officer (SEO) and presented to, and verified by, the Building Permit Officer. No building permit shall be issued for any type of building on a section of land that will require a new point of access from/to a State or Township road until the applicant has obtained a driveway permit from PENNDOT or the Township, whichever may be applicable."**

**Change existing Section 201C to 201G.**

**Change existing Section 201D to 201H.**

**Add new Section 201C to read "A mobile home permit may be issued for use of a mobile home for storing personnel items only, without any human habitation, after the following actions are completed:**

**1. All kitchen facilities (sinks, dish washers, washing machines, etc.), all bathroom facilities (sinks, lavatories, commodes, bath tubs, and showers) and associated piping have been removed from the unit, and;**

**2. The unit has been inspected by an authorized Township representative to verify that all kitchen and bathroom facilities and associated piping have been removed from the unit, and;**

**3. The applicant agrees to and has signed the agreement with the Township concerning non-habitation by humans and the Township's rights to inspect for future violations of the agreement."**

**Add new Section 201D to read "Where a mobile home is to be stored within the Township until it can be relocated to an approved site for human habitation, a mobile home permit may be issued for a six (6) month period after the applicant has signed the agreement with the Township concerning non-habitation by**

humans and the Township's rights to inspect for future violations of the agreement."

Add new Section 201E to read "No permit shall be issued for the interconnection or connection of another mobile home to an existing mobile home or other dwelling until the sewage system serving the existing mobile home or dwelling has been dye tested and approved by the Township Sewage Enforcement Officer (SEO) according to the Catharine Township Dye Testing Ordinance #38 and the Township Sewage Enforcement Officer verified that the existing sewage system can support the projected increase in usage. Also, all kitchen facilities and associated piping in the new unit must be removed prior to connection to the existing mobile home or dwelling. The Township Supervisors or their agents must inspect and verify that all such facilities have been removed. At the time of permit issuance, the applicant must sign the agreement with the Township concerning responsibility for removal of kitchen facilities, the prohibition against re-establishing such kitchen facilities and, the Townships right to perform inspections to verify removal of such facilities and where violations of the agreement are suspected."

Add new Section 201F to read "Building permits for garages or other large outbuildings which are capable of being used for human habitation, may be issued only after the applicant signs the agreement with the Township concerning non-habitation by humans and the Township's right to inspect for future violations."

Delete the last sentence of Article VIII, Section 801Q which reads "The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days."

Ordinance #36 is hereby ratified and confirmed except as amended by this Ordinance.

This amendment to Ordinance #36, dated 18 April 1994, shall become effective five (5) days after enactment.

Board of Supervisors of  
Catharine Township

ATTEST:

Christine E. Shattuck  
Secretary

SIGNED:

[Signature]  
Barnie R. Leyland  
Ralph F. Ruppel

DATE

ENACTED: April 13, 2000

**AMENDMENT 2 TO ORDINANCE #36, CATHARINE TOWNSHIP BUILDING AND MOBILE HOME PERMIT ORDINANCE, DATED 18 APRIL 1994.**

**IT IS HEREBY ENACTED AND ORDAINED** by the Board of Supervisors of Catharine Township, Blair County, Pennsylvania, that Ordinance #36 be amended as follows:

**1. Delete existing SECTION 101 A, B and C (created by Amendment 1) and replace with the following:**

- A. The Flood Control provisions of Articles III, IV, V, VI and VII shall apply to all building, construction, alteration, modification, or improvement work performed within the Township even though such work is permitted, performed or inspected in accordance with this Ordinance or the provisions of the Pennsylvania Uniform Construction Code Act of 1999 and Catharine Township Uniform Construction Code Ordinance #49. <sup>48</sup>**
- B. Building permits, as well as other aspects of this Ordinance, will be required for or applied to all building, construction, alteration, modification, or improvement including mobile homes or manufactured homes, specifically excluded from permitting and code inspection under the provisions of the Pennsylvania Uniform Construction Code Act of 1999 and Ordinance #49, except for the following:**
  - 1. Normal replacement of less than 25% of the roofing material on any dwelling where there are no structural changes including underlayment. If over 25%, Ordinance <sup>48</sup> shall apply.**
  - 2. Roofing or replacement of roofing materials on a non-dwelling type structure of less than 500 square feet in area. If over 500 sq ft, Ordinance <sup>48</sup> shall apply.**
  - 3. Construction or installation of any outbuilding of less than 80 square feet.**
  - 4. Painting.**
  - 5. Minor non-structural repairs costing less than \$200.00.**
  - 6. All non-building or non-structure related work (i.e., repair or installation of sidewalks or walkways, installation or repair of driveways <sup>48</sup> not covered by the Uniform Construction Code Act or Ordinance <sup>48</sup>, fencing, gardens, landscaping, etc.).**

**2. Replace Section 200 with the following:**

**Building permits shall be required BEFORE any building, construction, alteration, modification or improvement activities covered under Section 101 A or B above are undertaken within the Township.**

ARTICLE I  
SECTION 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

3. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

4. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

5. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

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Section 4. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

3. The provisions of this Ordinance are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof of this Ordinance, it is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, subsection, clause, sentence or part thereof had not be included therein.

4. Ordinance \$36 and Amendment 1 thereto are hereby ratified and confirmed except as amended by this Ordinance.

5. This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED at a meeting of the Board of Supervisors of the Township of Catharine on this 5 day of July, 2004.

Catharine Township Board of Supervisors

Ralph J. Rispoli  
Bennie R. Lyland  
Pauline Grove

Attest:

Secretary

Pauline Grove

75801264