

*Revised '86  
(page 137-146)*

ORDINANCE NO. 77- 1

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, ALTERATION OR RELOCATION OF ANY BUILDING OR STRUCTURE IN THE BOROUGH OF ROCKWOOD; PROVIDING FOR THE ISSUANCE OF SUCH PERMIT; FIXING THE FEES THEREFOR; PROVIDING FOR NECESSARY INFORMATION IN THE APPLICATION THEREFOR; PROVIDING FOR DESIGNATION OF FLOOD PRONE AREAS; PROVIDING SPECIFIC REQUIREMENTS FOR BUILDINGS IN FLOOD PRONE AREAS; AND PROVIDING FOR PENALTIES FOR FAILURE OR REFUSAL TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THE ORDINANCE

BE IT ORDAINED AND ENACTED by the Borough of Rockwood, Somerset County, Pennsylvania, and IT IS HEREBY ORDAINED AND ENACTED by authority of the same as follows:

ARTICLE I - GENERAL PROVISIONS

SECTION 1.00 - Statement of Intent

The intent of this Ordinance to:

- A. promote the general health, welfare and safety of the community;
- B. encourage the utilization of appropriate construction practices to minimize flood damage;
- C. to minimize danger to public health by protecting water supply and natural drainage.

SECTION 1.01 - Applicability

A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the construction, reconstruction, enlargement, alteration, or relocation of any building or structure in the Borough of Rockwood unless an approved permit has been obtained from the Rockwood Borough 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 1.02 - Severability

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

#### SECTION 1.03 - Municipal Liability

The grant of a permit or approval of a subdivision plan in the identified flood-prone area(s) or elsewhere shall not constitute a representation, guarantee or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.

### ARTICLE II - ADMINISTRATION

#### SECTION 2.00 - Issuance of Permit

The Building Permit Officer shall issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations.

#### SECTION 2.01 - Application Procedures

Application for a building permit shall be made in writing to the Building Permit Officer on forms supplied by the municipality.

#### SECTION 2.02 - Changes

After the issuance of a building permit by the Building Permit Officer, no change 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 2.03 - Inspection and Revocation

During the construction period, the Building Permit Officer or other authorized official designated by the Borough Council or Mayor may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal ordinances. In the event the

Building Permit Officer discovers that the work does not conform to the permit application or any applicable ordinances, or that there has been a false statement or misrepresentation by the applicant, the Building Permit Officer shall revoke the building permit and report such facts to the Rockwood Borough Council for whatever action it considers necessary.

SECTION 2.04 - Fees

Applications for a building permit shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 - \$200.00 . . . . .	\$0.00
\$201.00 - \$1,000.00 . . . . .	\$5.00
Over \$1,000.00 . . . . .	\$5.00 plus \$1.00 for each additional \$1,000.00 of estimated cost or part thereof beyond the first \$1,000.00.

SECTION 2.05 - Appeals

A. Any person aggrieved by the Building Permit Officer's estimate of the proposed construction cost may appeal to the Borough Council. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Borough Council shall set a time and place, not less than ten (10) nor more than thirty (30) days after receipt of said appeal notice 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. The determination of the estimated cost by the Borough Council shall be final in all cases, subject to such further rights of appeal as may be provided by law.

B. Any person aggrieved by any other decision of the Building Permit Officer may appeal said decision to the Borough Council. Such appeal must be filed in writing within thirty (30) days of the date of issuance of the determination by the Building Permit Officer from which the appeal is taken. Hearing shall be scheduled and notice given as provided for above with respect to appeals from determinations as to estimated cost. The decision of the Borough Council shall be made within thirty (30) days of the hearing. If a Building Permit Officer shall fail to act on a permit within thirty (30) days of filing of the completed application and supporting data [sixty (60) days as to applications reviewable by others under Section 3.01 and Section 3.02 hereof], an appeal may be taken to the Borough Council, which appeal

shall be taken, heard and decided as hereinabove provided with respect to appeals from decisions of the Building Permit Officer, except that the thirty (30) day time limit for taking the appeal shall not apply.

#### SECTION 2.06 - Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized official of the municipality shall be guilty of a summary offense and, upon conviction, shall pay a fine to the Borough of Rockwood of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars, plus costs of prosecution. In addition to the above penalty, all other actions are hereby reserved, including any action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Ordinance may be declared by the Rockwood Borough Council to be a public nuisance and shall be abatable as such.

#### ARTICLE III - ADDITIONAL ADMINISTRATIVE REQUIREMENTS

##### SECTION 3.00 - Additional Application Information

To insure that all new construction within the identified flood-prone area(s) will be conducted employing adequate flood damage controls, the Building Permit Officer may require the following specific information to be included as part of an application for a permit:

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

1. All such proposals are consistent with the need to minimize flood damage;
2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. adequate drainage is provided so as to reduce exposure to flood hazards.

B. Such plans shall also include existing and proposed contours and elevation of the ground, storage elevations, size of the structure, location and elevation of streets, water supply, sanitation facilities, soil types and floodproofing measures.

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

SECTION 3.01 - Review of Application by County Conservation District

A copy of all applications and plans for new construction in the identified flood-prone area(s) may be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the County Conservation District shall be considered by Borough Council for possible incorporation into the proposed plan.

SECTION 3.02 - Review of Application by Others

A copy of all plans and applications for new construction in the identified flood-prone area(s) to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals for review and comment.

ARTICLE IV - DESIGNATION OF FLOOD-PRONE AREA(S)

SECTION 4.00 - Identification

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

SECTION 4.01 - Changes in Designation of Area(s)

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

ARTICLE V - SPECIFIC REQUIREMENTS

SECTION 5.00 - General

In the identified flood-prone areas, the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of this Ordinance and all other applicable codes and ordinances in force in the municipality.

#### SECTION 5.01 - Fill

A. All fill on which a building is erected shall extend laterally fifteen (15) feet beyond the building line from all points.

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

C. Fill slopes shall be no steeper than one (1) vertical unit to two (2) horizontal units, unless substantiating data justifying steeper slopes are submitted to and approved by the Borough Council.

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

#### SECTION 5.02 - Anchoring

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

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

#### SECTION 5.03 - Placement of Buildings and Structures

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

B. The following shall not be placed or caused to be placed in identified flood-prone areas: fences, except open-wire fences; other structures or other matter which may impede, retard or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property in or adjacent to the flood-prone area(s).

#### SECTION 5.04 - Floors, Walls and Ceilings

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

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

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

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

SECTION 5.05 - Utility Systems

A. All electrical systems shall be installed so as to minimize damage resulting from submersion and shall be in compliance with established codes.

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

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

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

SECTION 5.06 - Storage

No materials that are bouyant, flammable or explosive or that in times of flooding could be injurious to human, animal or plant life shall be stored in a flood-prone area unless they are properly anchored and/or floodproofed to preclude their causing damage to life and property.

## ARTICLE VI - DEFINITIONS

### SECTION 6.00 - General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give them the same meanings as they have in common usage and so as to give this Ordinance its most reasonable application.

### SECTION 6.01 - 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. 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.

C. Established Flood Elevation - The elevation at a point on the boundary of the identified flood-prone area which is nearest to the construction site in question.

D. Flood-prone Area - A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; or any area subject to the usual and rapid accumulation or runoff of surface waters from any source; and/or any flood-prone area as identified in Article IV of this Ordinance.

E. Minor Repair - The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment.

F. New Construction - The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building, structure and/or improvements such as streets, utilities, etc. Also, for purposes of this Ordinance, all proposed subdivision and/or land development shall be considered to be new construction.

G. Obstruction - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse, or designated flood hazard 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 that is placed where the flow of water might carry the same down-stream to the damage of life or property.

H. Person - Any person, persons, partnership, business or corporation.

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

ARTICLE VII - EFFECTIVE DATE

SECTION 7.00

This Ordinance shall become effective fifteen (15) days after passage and shall remain in force until modified, amended or rescinded by the Rockwood Borough Council, Somerset County, Pennsylvania.

DULY ORDAINED AND ENACTED this 11<sup>th</sup> day of July 1977.

BOROUGH OF ROCKWOOD

ATTEST:

Nelda R. Younkin  
Secretary of Borough Council

BY W. O. Kelly  
President of Borough Council

APPROVED:

Phillip M. Schaff  
Phillip M. Schaff, Mayor

CERTIFICATION OF SECRETARY

The foregoing Ordinance was adopted by the Borough Council of Rockwood Borough by majority vote at a duly called and advertised meeting of said borough council with a quorum present held at 7:30 p.m. on Monday, July 11, 1977, at the Borough offices at 358 Market Street, Rockwood Borough, Somerset County, Pennsylvania.

Nelda R. Younkin  
Nelda Younkin, Borough Secretary