

Chapter 8
FLOODPLAINS

ARTICLE I
Building Permits in Floodplains

§ 8-2. Administration.

§ 8-1. General provisions.

[HISTORY: Adopted by the Board of Supervisors of the Township of German as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Building Permits in Floodplains
[Adopted 6-8-2004 by Ord. No. 060804-2]

§ 8-1. General provisions.

A. Intent. The intent of this article is to:

- (1) Promote the general health, welfare and safety of the community.
- (2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- (3) Minimize danger to public health by protecting water supply and natural drainage.
- (4) Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.
- (5) Comply with federal and state floodplain management requirements.

B. Applicability.

- (1) It shall be unlawful for any person, partnership, business, corporation or other entity to undertake, or cause to be undertaken, any drilling, mining, construction or erection of any building or structure anywhere within the Township unless a building permit has been obtained from the Township Supervisors.
- (2) A building permit shall not be required for minor repairs to existing buildings, structures or for new fences, unless such repairs are a substantial improvement larger than 100 square feet (e.g., 10 x 10 building).
- (3) It shall be unlawful for any person, partnership, business, corporation or entity (including, but not limited to, property owners, utility companies, contractors) to connect a water line, gas line, cable, telephone line, electric line, sewage line or other utility to a building or structure which has not been issued a permit hereunder and which falls within the scope of buildings or structures required to be permitted under this article.

- (a) Name and address of the applicant.
 - (b) Name and address of the owner of land on which proposed construction is to occur.
 - (c) Name and address of contractor with insurance certificate or certification of self insurance in compliance with Act 44 of 1993.
 - (d) Site location.
 - (e) Listing of other permits required.
 - (f) Brief description of proposed work and estimated cost.
 - (g) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures. 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 Township Supervisors to determine that:
 - [1] 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;
 - [2] All 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.
- D. Review of application by others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Township Supervisors to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.
- E. Changes.
- (1) Any information which is required to be produced and provided on the building permit Application pursuant to this article may be waived by and in the sole discretion of the Township Supervisors.
 - (2) After the issuance of a building permit by the Township Supervisors (or their designee), 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 Township Supervisors. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Township Supervisors for consideration.

the reasons for its issuance; allow a reasonable time not to exceed a period of 30 days for any performance it requires; be given to the property owner or his agent, as the case may require provided, or in the case of written notice, the same shall be served on the property owner or posted on the subject building or structure; contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.

- (3) Penalties. Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any provisions of this article or who fails to or refuses to comply with any notice, order of direction of the Township Supervisors or other municipal official shall be subject to criminal and/or civil penalties. All actions for enforcement to this article shall be brought as follows:
 - (a) As a summary offense, before a Magisterial District Judge in the same manner provided for the enforcement of a summary offense under the Pennsylvania Rules of Criminal Procedure. Any person who shall violate or fail to comply with any of the provisions of this article shall, upon conviction thereof, in a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, costs of prosecution, restitution and/or a term of imprisonment up to 90 days, per violation. Each day that a violation continues shall constitute a separate offense; or
 - (b) As a civil action in law or in equity, before a Magisterial District Judge in the same manner provided for under the Pennsylvania Rules of Civil Procedure of District Justice Rules. Any person who shall violate or fail to comply with any of the provisions of this article shall be assessed a civil penalty of not less than \$100 nor more than \$600, court costs, restitution and reasonable attorney fees incurred by the Township in the enforcement of proceeding, per violation. Each day that a violation continues shall constitute a separate offense.
- K. Appeals. Any person aggrieved by any action or decision of the Township Supervisors concerning the administration of the provisions of this article may file with the Court of Common Pleas an appeal from a decision of a local agency or any other appeal or action which is otherwise authorized by state or federal law.

Chapter 9
(RESERVED)