

## Chapter 48

### BUILDING PERMITS AND FLOODPLAIN MANAGEMENT

**[HISTORY: Adopted by the Borough Council of the Borough of Seven Valleys 10-6-1986 by Ord. No. 86-5. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Stormwater management — See Ch. 101.

Subdivision and land development — See Ch. 108.

#### ARTICLE I

##### General Provisions

##### § 48-1. Short title.

This chapter shall be known as the "Seven Valleys Borough Building Permit Ordinance."

##### § 48-2. Statement of intent.

The intent of this chapter to:

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

##### § 48-3. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meaning herein indicated:

**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.

**ALTERATION** — Any change, rearrangement, enlargement, addition, moving, relocation, removal, or demolition of any structure or of the structural parts thereof; or any modification which may change the valuation for tax assessment purposes of the building, structure, or site involved, but not including the repairing by replacement of worn or damaged parts or the mere painting or finishing of surfaces when not accompanied by any other activity herein referred to, provided that the original configuration, plan, and form of the structure are not altered.

**BASEMENT** — Any area of the building having its floor below ground level on all sides. [Added 8-3-2009 by Ord. No. 2009-1]

**BOROUGH** — The Borough of Seven Valleys, York County, Pennsylvania. [Added 8-3-2009 by Ord. No. 2009-1]

**BUILD** — The construction, erection, location, placement, altering, raising, fabricating, making, enlarging, paving or major restoration of any structure or part thereof; but not including the repairing by replacement of worn or damaged parts or the mere painting or finishing of surfaces when not accompanied by any other activity herein referred to and for minor repairs to existing buildings or structures, provided that the original configuration, plan, and form of the structure are not altered or no structural changes or modifications are involved.

**BUILDING** — An enclosed structure having a roof supported by columns, walls, arches, or other devices and adapted to occupancy or use, for public, institutional, residence, commercial, manufacturing or storage purposes. Building shall also include all mobile homes and trailers to be used for human habitation.

**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. [Added 8-3-2009 by Ord. No. 2009-1]

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land. [Added 8-3-2009 by Ord. No. 2009-1]

**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. [Added 8-3-2009 by Ord. No. 2009-1]

**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.

**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 unusual and rapid accumulation or runoff of surface waters from any source; or any flood-prone area as identified in by the Borough of Seven Valleys or otherwise pursuant to the Seven Valleys Borough Zoning Ordinance.<sup>1</sup>

**FLOODWAY** — The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude. [Added 8-3-2009 by Ord. No. 2009-1]

**GRADE, STREET** — The elevation of the centerline of the street as officially established by the Borough of Seven Valleys.

**HISTORIC STRUCTURE** — Any structure that is: [Added 8-3-2009 by Ord. No. 2009-1]

A. Listed individually in the National Register of Historic Places (a listing maintained by the

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1. Editor's Note: See Ch. 130, Zoning.

Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the Secretary of the 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;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**LINE, STREET** — The dividing line between the street and the lot.

**LOWEST FLOOR** — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used 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 space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this chapter. [Added 8-3-2009 by Ord. No. 2009-1]

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. [Added 8-3-2009 by Ord. No. 2009-1]

**MANUFACTURED HOME PARK** — A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for nontransient use. [Added 8-3-2009 by Ord. No. 2009-1]

**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.

**NEW CONSTRUCTION** — Structures for which the start of construction commenced on or after September 28, 1979, and includes any subsequent improvements thereto. [Amended 8-3-2009 by Ord. No. 2009-1]

**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 regulatory 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 downstream to the damage of life or property.

**PERSON** — Includes an individual, partnership, association, firm, trust, club, company or

corporation.

RECREATIONAL VEHICLE — A vehicle which is: [Added 8-3-2009 by Ord. No. 2009-1]

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck;
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SIGN — Any device for visual communication used for the purpose of bringing a subject to the attention of the public.

STREET — A thoroughfare within the right-of-way which affords the principal means of access to abutting properties and is used or intended to be used by vehicular traffic or pedestrians whether public or private.

STRUCTURE — A combination of materials used to form a construction, excavation or erection with a movable or fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.

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 50% or more of the market value of the structure before the damage occurred. [Added 8-3-2009 by Ord. No. 2009-1]

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% 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: [Added 8-3-2009 by Ord. No. 2009-1]

- A. 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
- B. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

**§ 48-4. Requirement of permit.**

It shall be unlawful for any person to build or alter or to undertake or cause to be undertaken the building or altering of any building or structure or part thereof in the Borough of Seven Valleys unless an approved building permit has been obtained from the Seven Valleys Building Permit Officer, and no owner of any building or structure situate in the Borough of Seven Valleys shall permit the same without the issuance of an approved building permit therefor by the Seven Valleys Building Permit Officer. A building permit shall not be required for fences for agricultural purposes in the Agricultural Zone established by the Seven Valleys Borough Zoning

Ordinance.<sup>2</sup>

**§ 48-5. Abrogation and greater restrictions.**

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

**§ 48-6. Municipal liability.**

The grant of a permit or approval of a subdivision plan in the identified flood-prone area(s) 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**

**§ 48-7. Application procedures.**

- A. Application for such a building permit shall be made, in writing, to the Seven Valleys Building Permit Officer on forms supplied by the municipality. Such application shall contain at least the following:
- (1) Name and address of applicant.
  - (2) Name and address of owner of land on which proposed construction is to occur.
  - (3) Name and address of contractor.
  - (4) Site location.
  - (5) Brief description of proposed work and estimated cost.
  - (6) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures, and shall also show the following:
    - (a) Lot. The location and dimensions of the lot.
    - (b) Streets. Names and widths of abutting streets and highways.
    - (c) Structures and yards. Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within 100 feet of the proposed structure but off the lot.
    - (d) Improvements. Proposed off-street parking and loading areas, access drives, and walks. Proposed sewage disposal system.
    - (e) Scale. For lots less than 1/2 acre, the site plan must be at the scale of one inch equals 20 feet; for larger lots, the site plan must be at scale of one inch equals 40 feet. The north point must be shown on all site plans.

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2. Editor's Note: See Ch. 130, Zoning.

- (7) Such further information as may be required under the provisions of §§ 48-11, 48-12 and 48-13.
  - (8) A statement that the information submitted is true and correct.
  - (9) Signature of applicant; and if applicant is not the same as the owner of the premises, there shall be attached to the application the authority under which this applicant may request and receive the building permit.
- B. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for the 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)<sup>3</sup>; and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made. [Added 8-3-2009 by Ord. No. 2009-1<sup>4</sup>]
- 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 Seven Valleys Borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office. [Added 8-3-2009 by Ord. No. 2009-1]
- D. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the (Township, Borough, etc.) prior to any alteration or relocation of any watercourse. [Added 8-3-2009 by Ord. No. 2009-1]

**§ 48-8. Fees.** [Amended 4-3-2000 by Ord. No. 2000-1]

Applications for a building permit shall be accompanied by a fee for the same, payable to the municipality, which fee shall be in addition to any other fee required under any other ordinance of the Borough of Seven Valleys, if any, regarding the building or alteration which is the subject of the application. The building permit fee required by this section shall be based upon the estimated cost of the proposed construction as determined by the Seven Valleys Building Permit Officer, at the rates as set from time to time by resolution of the Borough Council.

**§ 48-9. Issuance of permit.**

The Seven Valleys Building Permit Officer shall issue a building permit only after such Officer has determined that the application for the same and the proposed building or alteration is and will be in conformance with all of the terms and provisions of this chapter and all other applicable ordinances, laws, requirements and regulations of the Borough of Seven Valleys and the Commonwealth of Pennsylvania. Within 15 days after receipt by the Seven Valleys Building Permit Officer of an application for a building permit, the Seven Valleys Building Permit Officer

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3. Editor's Note: See 35 P.S. § 750.1; 32 P.S. § 693.1 et seq.; 35 P.S. § 691.1 et seq., respectively.

4. Editor's Note: With the inclusion of this ordinance, and to fit the organizational structure of the Code, former Subsections A through I were redesignated Subsection A(1) through (9).

shall grant or deny the permit; except in the case of applications processed according to or in any way covered by the provisions of Articles III, IV and V, regarding flood-prone areas, in which case the Seven Valleys Building Permit Officer shall grant or deny such permit within 60 days after receipt by such Officer of the application. If the Seven Valleys Building Permit Officer denies the permit, such officer shall state in writing the reasons for the denial.

**§ 48-10. Limitation on permits.**

No building permit shall be issued unless all of the following have been established:

- A. Surface drainage of the land is provided for.
- B. The proposed work will conform to the proper line and grade of the street.
- C. That if no public sewage disposal system is available, adequate sewage disposal facilities are provided by means of septic tanks and tile fields, or by such other means as may be approved by the Sewage Enforcement Officer for the Borough of Seven Valleys, and the required sewerage permit has been issued for the same.
- D. That the proposed building or structures will conform to existing building setback lines, and, where such setback lines are not in existence, to such setback lines as may be established by the Borough Council.
- E. That the proposed building will comply with all of the other provisions of this chapter, and Chapter 108, Subdivision and Land Development.

**§ 48-11. Surface water drainage.**

Where surface water is discharged upon the lot or land where said building or structure is to be constructed, whether by means of natural watercourse, drain, pipe, culvert, open ditch, or by any other artificial means, no building permit shall be issued unless information or a detailed plan, if requested, is submitted showing that the proposed work shall make adequate and proper provision for the drainage thereof.

**§ 48-12. Subdivision violation.**

No building permit shall be issued if the proposed construction will be upon land, forming part of a subdivision, which subdivision has been made in violation of any applicable Land Subdivision Regulations, unless and until the said subdivision regulations shall have been complied with. Nor shall any building permit be issued for the building or alteration of any building or structure upon land in a subdivision unless and until a final plan of such subdivision shall have been approved and properly recorded.

**§ 48-13. Public road.**

When any portion of any public road is used under any permit, it will be the responsibility of the permittee to take proper and adequate measures to make the road safe and free from hazards.

**§ 48-14. Excavations.**

All cellars, ditches or other excavations must be kept drained must be maintained safe and free from hazards.

**§ 48-15. Changes.**

After the issuance of a building permit by the Seven Valleys 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 Seven Valleys Building Permit Officer.

**§ 48-16. Posting of building permit placard.**

In addition to the building permit, the Seven Valleys Building Permit Officer shall issue a placard which shall be displayed by the applicant at a conspicuous place on the premises upon which the work is to be performed during the entire time construction is in progress. This placard shall include the number of the building permit, the date of its issuance and be signed by the Seven Valleys Building Permit Officer.

**§ 48-17. Start of construction.**

- A. Work on the proposed construction shall begin within six 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 Seven Valleys Building Permit Officer upon good cause shown.
- B. All building permits shall expire one year from the date of issuance. In the case of large or extensive projects, the applicant may specify an estimated project completion date under an existing building permit to a period not exceeding two years from the original date of issuance upon good cause shown.
- C. No work shall be undertaken or resumed under an expired building permit unless and until a new application has been filed, the fee herein specified has been paid with such new application, and a new building permit has been issued. All terms and conditions of all applicable borough ordinances and regulations existing at the time of such new application shall apply to any such new application and new building permit.

**§ 48-18. Inspection and revocation.**

During the construction period, the Seven Valleys Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. In the event the Seven Valleys 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 Seven Valleys Building Permit Officer shall revoke the building permit and report such fact to the Borough Council of the Borough of Seven Valleys for whatever action it considers necessary.

**§ 48-19. Written return.**

It shall be the duty of every person, firm, association or corporation who or which secures a

permit for the erection, construction, enlargement or moving of any building or structure of any sort within the limits of the Borough of Seven Valleys, within 60 days after the completion thereof, to make and file a written return to the Seven Valleys Building Permit Officer, which return shall describe and give the nature and actual cost of such erection, construction, enlargement or moving, and such additional information as the Council may require. Upon the filing of such return, the permittee shall pay any additional fees in accordance with the foregoing schedule of rates for the amount by which the actual costs exceed the original estimate.

**§ 48-20. Appeals.**

- A. Any person aggrieved by the Seven Valleys Building Permit Officer's estimate of the cost of the proposed construction may appeal to the Borough Council of the Borough of Seven Valleys.
- B. The applicant may appeal any denial of a building permit by the Seven Valleys Building Permit Officer to the Borough Council of the Borough of Seven Valleys.
- C. An appeal under this section must be filed, in writing, with the Secretary of the Borough of Seven Valleys or the President of the Seven Valleys Borough Council within 30 days after the determination by the Seven Valleys Building Permit Officer. Upon receipt of such appeal, the Borough Council of the Borough of Seven Valleys shall set a time and place not less than 10 nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appeal and be heard.
- D. The determination by the Borough Council of the estimated cost of the proposed construction, in the event of an appeal thereon, shall be final in all cases.

ARTICLE III  
(Reserved) <sup>5</sup>

**§ 48-21. through § 48-23. (Reserved)**

ARTICLE IV  
**Specific Requirements: Flood-Prone Area(s); Prohibited Activities**

**§ 48-24. General provisions.** [Amended 8-3-2009 by Ord. No. 2009-1]

- A. Identification of floodplain areas. The identified floodplain area shall be any areas of Seven Valleys Borough, subject to the one-hundred-year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated September 25, 2009, and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.
- B. Determination of floodplain areas.

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<sup>5</sup>. Editor's Note: Former Art. III, Additional Administrative Requirements; Flood-Prone Areas, as amended 8-3-2009 by Ord. No. 2009-1, was repealed 12-7-2015 by Ord. No. 2015-1. See now Ch. 65, Construction in Flood-Prone Areas.

- (1) For the purposes of this chapter, the one-hundred-year flood elevation shall be used as the basis for regulation. When available, information from other federal, state, and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
  - (2) 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 municipality.
- C. Changes in identification of area. The identified floodplain area may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.
- D. General technical requirements.
- (1) Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one-hundred-year flood elevation on adjacent properties.
  - (2) Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection's regional office.
  - (3) Fully enclosed space below the lowest floor (including basement) is prohibited.
  - (4) Partially 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 allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.
  - (5) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
    - (b) The bottom of all openings shall be no higher than one foot above grade.
    - (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- E. All first floor levels (including basements) in new construction or substantial

improvements of residential structures shall be constructed at an elevation of at least one foot above the established flood elevation.

- F. Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory 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.
- G. Any nonresidential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least 1 1/2 feet above the one-hundred-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the United States Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. 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.

**§ 48-24.1. Design and construction standards.** [Added 8-3-2009 by Ord. No. 2009-1]

The following minimum standards set forth in §§ 48-25 through 48-32 shall apply for all construction and development proposed within any identified floodplain area.

**§ 48-25. Fill.**

- A. All fill shall extend laterally 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 or scouring.
- C. Fill slopes shall be no steeper than one vertical unit to two horizontal units, unless substantiating data justifying steeper slopes are submitted to and approved by the Municipal Code Enforcement Officer.
- D. Fill shall be permitted only to the extent to which it does not adversely affect adjacent properties.

**§ 48-26. 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.

**§ 48-27. 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 two-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 if placed where the natural flow of the stream or floodwaters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood-prone areas.

**§ 48-28. Floors, walls and ceilings.**

- A. Wood floorings used below an elevation of one 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 foot above the established flood elevation shall be made of materials which are stable and resistant to water damage resulting from submersion.
- C. All carpeting or carpet cushions employed as a finished flooring surface below an elevation of one foot above the established flood elevation shall be made of materials which are resistant to water damage resulting from submersion.
- D. Plywood used below an elevation of one foot above the established flood elevation shall be of an "exterior" or "marine" grade and of a water-resistant or waterproof variety.
- E. Walls and ceilings at or below an elevation of one foot above the established flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation. [Added 8-3-2009 by Ord. No. 2009-1]
- F. Windows, doors, and other components at or below an elevation of one foot above the established flood elevation shall be made of metal or other water-resistant material. [Amended 8-3-2009 by Ord. No. 2009-1]

**§ 48-29. Electrical systems.**

- A. All electrical water heaters, electric furnaces, and other critical electrical installations shall be prohibited below an elevation of one foot above the established flood elevation.
- B. Electrical distribution panels shall be placed at least three feet above the established flood elevation.
- C. Separate electrical circuits serving areas below the established flood elevation shall be dropped from above.

**§ 48-30. Plumbing.**

- A. Water heaters, furnaces, and other critical mechanical installations shall be prohibited below an elevation of one foot above the established flood elevation.
- B. No part of any on-site sewage disposal system shall be allowed within the identified flood-prone area(s).

- C. Water and sanitary sewer facilities and systems. [Amended 8-3-2009 by Ord. No. 2009-1]
  - (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 floodwaters.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- D. All gas and oil supply systems shall be designed to preclude the infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

**§ 48-31. Paints and adhesives.**

- A. Adhesives used below an elevation of one foot above the established flood elevation shall have a bonding strength that is unaffected by inundation.
- B. Doors and all wood trim used below an elevation of one foot above the established flood elevation shall be sealed with a waterproof paint or similar product.
- C. Paints or other finishes used below an elevation of one foot above the established flood elevation shall be capable of surviving inundation.

**§ 48-32. Storage.**

No materials that are buoyant, flammable, explosive or 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 floodproofed to preclude their causing damage to life and property.

**§ 48-32.1. Prohibited activities.** [Added 8-3-2009 by Ord. No. 2009-1]

General: In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act,<sup>6</sup> the following activities shall be prohibited within any identified floodplain area:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - (1) Hospitals.
  - (2) Nursing homes.
  - (3) Jails or prisons.
  - (4) Schools.
  - (5) Day-care centers.

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<sup>6</sup>. Editor's Note: See 32 P.S. § 679.101 et seq.

- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

**§ 48-32.2. Development which may endanger human life; special requirements for manufactured homes; improvements to existing structures.** [Added 8-3-2009 by Ord. No. 2009-1]

- A. In accordance with the Pennsylvania Flood Plain Management Act,<sup>7</sup> and the regulations adopted by the Department of Community and Economic Development as required by the Act, 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 will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage, or use of any amount of radioactive substances shall be subject to the provisions of this section, in addition to all other applicable provisions.

- (1) The following list of materials and substances are considered dangerous to human life:
- (a) Acetone.
  - (b) Ammonia.
  - (c) Benzene.
  - (d) Calcium carbide.
  - (e) Carbon disulfide.
  - (f) Celluloid.
  - (g) Chlorine.
  - (h) Hydrochloric acid.
  - (i) Hydrocyanic acid.
  - (j) Magnesium.
  - (k) Nitric acid and oxides of nitrogen.
  - (l) Petroleum products (gasoline, fuel oil, etc.).
  - (m) Phosphorus.
  - (n) Potassium.
  - (o) Sodium.
  - (p) Sulphur and sulphur products.

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7. Editor's Note: See 32 P.S. § 679.101 et seq.

- (q) Pesticides (including insecticides, fungicides, and rodenticides).
- (r) Radioactive substances, insofar as such substances are not otherwise regulated.
- (2) Within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be prohibited.
- B. Special requirements for manufactured homes. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited.
- C. Existing structures in identified floodplain areas. Improvements: The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
  - (1) No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one-hundred-year flood on adjacent properties.
  - (2) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.

#### ARTICLE V

##### Penalties

**§ 48-33. Violations and penalties.** [Amended 11-6-1989 by Ord. No. 89-2; 4-3-2000 by Ord. No. 2000-1]

Any person, corporation, partnership, company, or other entity who shall violate the provisions of this chapter shall, upon conviction before a District Justice, be sentenced to pay a fine of not more than \$1,000, together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days. Each day during which any violation of this chapter 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 chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse that violation or noncompliance or permit it to continue. Any structure or building constructed, built, reconstructed, enlarged, altered, or relocated, in noncompliance with this chapter may be declared by the Borough Council of the Borough of Seven Valleys to be a public nuisance and abatable as such.

#### ARTICLE VI

##### Variances; Pennsylvania Construction Code

[Adopted 6-2-2004 by Ord. No. 2004-2<sup>8</sup>]

**§ 48-33.1. Variances.** [Added 8-3-2009 by Ord. No. 2009-1]

- A. General. If compliance with any of the requirements of this chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough may,

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8. Editor's Note: The effective date of this ordinance is 7-1-2004.

upon request, grant relief from the strict application of the requirements.

- B. Variance procedures and conditions. Requests for variances shall be considered by the Borough in accordance with the following:
- (1) Except for a possible modification of the one-and-one-half-foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development which may endanger human life (§ 48-32.2).
  - (2) 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-year-flood elevation on adjacent properties.

**§ 48-34. Election to administer and enforce.**

The Borough of Seven Valleys hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act of 1999 (72 P.S. §§ 7210.101 - 7210.1103), as amended from time to time, and its regulations as promulgated.

**§ 48-35. Adoption of Uniform Construction Code.**

The Uniform Construction Code, (hereinafter referred to as "the Code"), contained in 34 Pa. Code, Chapters 401-405, as may be amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Seven Valleys.

**§ 48-36. Administration and enforcement.**

Administration and enforcement of the Code within the Borough of Seven Valleys shall be undertaken in any of the following ways as determined by the Borough Council of the Borough of Seven Valleys by ordinance or resolution:

- A. By the designation of an employee of the municipality to serve as the municipal code official to act of behalf of the municipality;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the municipality;
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this municipality; or
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections, and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

**§ 48-37. Establishment of a Board of Appeals.**

The Borough of Seven Valleys shall establish a Board of Appeals as required by Section 501(c)

of the Act, either by resolution of the municipality or, in the case of joint administration with other municipalities, by joint action of the participating municipalities as set forth in an intermunicipal agreement, or by participation in a county board of appeals.

**§ 48-38. Fees.**

At the time of application for a building permit, the applicant shall pay an appropriate fee. A schedule of said fees shall be established by resolution as adopted by the Borough of Seven Valleys. The Borough Council may from time to time review the fee schedule and revise the schedule whenever it is felt necessary. All revisions of the fee schedule shall be made by resolution.

**§ 48-39. Violations and penalties.**

Any person or other legal entity who shall violate the provisions of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair, demolish a building or structure in violation of an approved plan or directive of the Code Official or of a permit or certificate issued under the provisions of the Code shall, upon conviction thereof, pay a fine of not more than \$1,000, plus all costs of prosecution, which may be collected as provided by law, or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

**§ 48-40. Abrogation and greater restrictions.**

Nothing in this article herein adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, or in any cause or causes of action accrued or existing under any act or ordinance repealed hereby. No right or remedy of any character shall not be lost, impaired or affected by this article.

**§ 48-41. Severability.**

The invalidity of any section or provision of this ordinance or the herein referenced codes hereby adopted shall not invalidate other sections or the provisions therein.

**§ 48-42. Repeal and savings.**

- A. The Building Permit Ordinance of the Borough of Seven Valleys, Ordinance No. 86-5,<sup>9</sup> is hereby repealed for all buildings for which permits are issued after the effective date of this article. It shall remain in full force and effect for any improvements for which complete permit applications were filed before the effective date of this article.
- B. All other ordinances, regulations and policies of the Borough of Seven Valleys not governed by the Code shall remain in full force and effect, and any permits required by other Borough ordinances, or state or federal statutes or regulations, which are not superseded by the Code, including but not limited to zoning, sewage, highway or NPDES permits, as applicable, shall continue to be required.

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9. Editor's Note: See Articles I through V of this chapter.

- C. It is the intent of this article that, by adopting the UCC, the Borough adopts all building or other codes which have been adopted and mandated by the UCC, including but not limited to the International Fuel Gas Code, and as the UCC is amended to include or adopt new or updated versions of any building or other codes, such codes automatically shall be updated as part of this article.

**§ 48-43. Final inspection and occupancy certificates.**

Final inspections and occupancy certificates as required under or issued in conjunction with the Code shall be conducted and issued with, and at the same time as, final inspections and use and occupancy certificates required by the Borough's Zoning Ordinance. No inspection or permit shall be conducted or issued under either this article or the Zoning Ordinance separately from the other. It shall be the responsibility of the applicant to request such inspections or permits from both the Borough's Building Code Official and Zoning Enforcement Officer, who shall be responsible between them for coordinating the inspections and the issuance of the required permits within the time set by the Code and the Borough's Zoning Ordinance.