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Part 1
Construction, Repair, or Moving of Buildings

§101. Building Inspector, Office Established.

The office of Building Inspector for the Township of Sewickley (herein called Township) is hereby created. Appointment to such office shall be made by the Board of Supervisors (herein called Board). It shall be the duty of the Building Inspector to determine that no erection, construction, etc., for which a permit required under the provisions of this Part 1 (herein called permit) is being done in a manner contrary to any of the regulations of Township whether now in force or hereafter adopted or enacted, except as to such duties of inspection as may by other resolution or ordinance be delegated to health or sewage inspection or other person.

§102. Permit Required.

- A. Hereafter, it shall be unlawful to erect, construct, reconstruct, enlarge, demolish, materially repair or move any building within Township unless permit therefor has been procured from Township.
- B. No mobile home shall be put upon blocks, posts, or jacks or have water, power, or sewage lines connected therewith without permit and such acts shall hereafter in this Part 1 be included in the terms erection, construction, reconstruction, enlargement, material repairing, or removing of any building.
- C. Where the word “construction” is hereafter used, it shall mean any or all of the acts set forth in A and B above.

§103. Required Information for Permit.

It shall be the duty of any person, persons, partnership or corporation to procure a permit before any construction within Township. An application shall be filed, and shall be accompanied by a signed and written statement of the location, type, kind and size of the proposed construction and structure to be affected, together with such other information as shall be required by Board.

§104. Permit; Fee; Placard.

Permit shall be issued upon proper application as above required and upon payment of the fees hereinafter set out. In addition to permit, a placard shall be issued to the applicant, which shall state the location and type of building to which the placard permit pertain. The placard must be prominently displayed by the applicant at the exterior of construction for which permit is required.

§105. Flood Plain.

No permit will be issued for construction in any flood plain area as designated by Township in its maps pertaining thereto, or as so designated in applications for federal flood insurance approval or as limited in flood control studies, unless applicant expressly shows compliance with the provisions of the Sewickley Township Flood Plain Regulations as set forth in Part 2 of this Chapter.

§106. Requirements for Permit.

No permit will be issued unless the applicant has, prior to such application:

- A. Procured from Township a permit for the construction of an approved sewage system to be constructed under rules and regulations promulgated, under the Pennsylvania Sewage Facilities Act, by the Department of Environmental Protection (“DEP”), including supplements by Township, if any; or
- B. Obtained a permit for the construction of an approved sewage treatment plant from DEP under provisions of the Pennsylvania Sewage Facilities Act; or
- C. The building to be built pursuant to the permit will use a public sewage facility already constructed and in operation, all construction and operation being in conformity with rules and regulations of state and municipal agencies then in force; or
- D. Applicant shall have entered into a separate written agreement with Township to guarantee the completion of an approved sewage treatment system or treatment plant which will be in full and satisfactory operation prior to any-occupancy of the building for which permit is sought, as residence, business, or otherwise than for construction purposes; and such agreement shall contain such additional provisions as Township shall deem necessary, including but not limited to such items as completion bonds, indemnifications for failure to complete or connect to an approved sewage system, penalties for occupancy without compliance, or other guarantees that Township may deem necessary. The use of provisions of this subsection are optional with Township and Township may refuse to enter into any agreement without assigning a reason therefore; but such refusal will not in any way prejudice rights of the applicant to

comply with this section by being in compliance with other subsections hereof.

§107. Township Responsibility Limited.

Nothing in the issuance of Permit shall impose any responsibility or duty on Township as to access to Construction property, place or building for which Permit is issued, and Township by issuing any Permit makes no agreement, and has no intention thereby to take over or exercise any dominion over any nonpublic street, alley, way, or easement, except as to utility easements for sewage and drainage; provided that Building Inspector shall not be denied access until completion of work for which Permit is issued.

§108. Applications in Duplicate.

Applications for permits shall be made in duplicate.

§109. Fees.

Fees for permits shall be as follows:

- A. No fee shall be required of churches, schools, (other than those operated for profit) and volunteer fire departments, or volunteer community ambulance services.
- B. No fee shall be required for reconstruction of one or two family residences, including enclosing of portions of such residences presently under roof, whereby the size of the building will not be increased, including applications of metal, wood, composition or other sidings or wall coverings.
- C. No fee shall be required for the replacement or repairs to windows, roofs, porches, stoops or patios.
- D. For all other erection, construction, reconstruction, enlargement, repairing, or movement of buildings a fee shall be paid based upon cost of the work and shall be fixed by law or as may be determined from time to time by Resolution of the Board of Supervisors.

§110. Severability.

The provisions of this Part 1 are severable, and should any clause, term or provision be found illegal or unconstitutional, the remainder shall not be affected thereby.

§111. Penalty.

Any person, firm or corporation who shall violate any provision of this Part or Ordinance shall, upon being found liable in a summary offense proceeding, pay a fine of not more than \$1,000.00 for each violation, plus court costs and such other costs and expenses as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

Part 2

Building Permits and Floodplain Management

Article I – Statutory Authorization

§201. Authorization.

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of Sewickley does hereby ordain and enact the following.

Article II – General Provisions

§202. 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 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.
- E. Comply with federal and state floodplain management requirements.

§203. Applicability.

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Sewickley unless a Permit has been obtained from the Floodplain Administrator.
- B. A Permit shall not be required for minor repairs to existing buildings or structures.

§204. Abrogation and Greater Restriction.

This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

§205. Severability.

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

§206. 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 on acceptable engineering methods of study. Larger floods may occur or 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 floodplain areas 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 the Township of Sewickley or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

Article III – Administration

§207. Designation of Floodplain Administrator.

The Zoning Officer within the Township of Sewickley is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

§208. Permits Required.

A Permit shall be required before any construction or development is undertaken within any area of the Township of Sewickley.

§209. Duties and Responsibilities of the Floodplain Administrator.

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall consult with necessary professional advisors to the Township of Sewickley, including legal counsel and engineering staff, 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); 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.
- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized 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 municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- F. In the event the Floodplain Administrator 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 Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors of the Township of Sewickley for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
- H. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2006 IBC and the 2006 IRC or latest revisions thereof.

§210. Application Procedures and Requirements.

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of Sewickley. Such application shall contain 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 including address.
 - 5. Listing of other permits required.
 - 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 - 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator 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.
 - 4. Structures will be anchored to prevent floatation, collapse, or lateral movement.
 - 5. Building materials are flood-resistant.
 - 6. Appropriate practices that minimize flood damage have been used.

7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. North arrow, scale, and date;
 - b. Topographic contour lines, if available;
 - c. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. The location of all existing streets, drives, and other access ways; and
 - e. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. The elevation of the base flood;
 - c. Supplemental information as may be necessary under 34 PA Code, the 2006 IBC or the 2006 IRC.
 4. The following data and documentation:
 - a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and
 - b. Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - c. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a Special Floodplain Area (See §219(B)) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
 - d. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
 - e. Detailed information needed to determine compliance with §224(F), Storage, and §225, Development Which May Endanger Human Life,

including:

- i. The amount, location and purpose of any materials or substances referred to in §224(F) and §225 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §225 during a base flood.
- f. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - g. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
5. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.

§211. Review by County Conservation District.

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§212. 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 Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

§213. Changes.

After the issuance of a Permit by the Floodplain Administrator, 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 Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

§214. Placards.

In addition to the Permit, the Floodplain Administrator 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 Permit the date of its issuance and be signed by the Floodplain Administrator.

§215. Start of Construction.

Work on the proposed construction and/or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the

Floodplain Administrator. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of 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.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

§216. Enforcement.

- A. Notices. Whenever the Floodplain Administrator 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 regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
1. Be in writing;
 2. Include a statement of the reasons for its issuance;
 3. Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
 4. 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 this State;
 5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- B. 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 Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a misdemeanor and upon conviction shall pay a fine to the Township of Sewickley of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution. 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 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 and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Supervisors of the Township of Sewickley to be a public nuisance and abatable as such.

§217. Appeals.

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Board of Supervisors of the Township of Sewickley. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the

Floodplain Administrator.

- B. Upon receipt of such appeal the Board of Supervisors of the Township of Sewickley shall set a time and place, within not less than ten (10) or not more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the Board of Supervisors of the Township of Sewickley may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

Article IV – Identification of Floodplain Areas

§218. Identification.

The identified floodplain area shall be any areas of the Township of Sewickley classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 17, 2011 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township of Sewickley and declared to be a part of this ordinance.

§219. Description and Special Requirements of Identified Floodplain Areas.

The identified floodplain area shall consist of the following specific areas:

- A. Floodway Area.
 - 1. Description – the area identified as Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.

This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.
 - 2. Special Requirements:
 - a. Any encroachment that would cause any increase in flood heights shall be prohibited.
 - b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- B. Special Floodplain Area.
 - 1. Description – the areas identified as Zones AE and A1-30 in the FIS which are subject to inundation by the 1-percent-annual chance flood event determined by detailed methods and have base flood elevations (BFEs) shown.
 - 2. Special Requirements:
 - a. No new construction or development shall be located within the area

measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

- b. In Special Floodplain Areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.

C. Approximate Floodplain Area

1. Description – the areas identified as Zone A in the FIS which are subject to inundation by the 1-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.
2. Special Requirements:
 - a. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
 - b. When available, information from other Federal, State, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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

§220. Changes in Identification of Area.

The identified floodplain area may be revised or modified by the Board of Supervisors of the Township of Sewickley 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 FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

§221. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Sewickley Township Planning Commission and any party aggrieved by this decision or determination may appeal to the Board of Supervisors of the Township of Sewickley. The burden of proof shall be on the appellant.

Article V – Technical Provisions

§222. General.

- A. Alteration or Relocation of Watercourse.
 - 1. 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 municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
 - 2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
 - 3. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- B. Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE.
- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

§223. Elevation and Floodproofing Requirements.

- A. Residential Structures.
 - 1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
 - 2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Subsection 219(C)(2)(b) of this ordinance.
- B. Non-residential Structures.
 - 1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential 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 below the regulatory flood elevation:
 - a. Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Subsection 219(C)(2)(b) of this ordinance.
3. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. 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.

C. Space below the lowest floor.

1. Fully enclosed space below the lowest floor (excluding basements) 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 flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. 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 (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) 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.

D. Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. Floor area shall not exceed 100 square feet.
3. The structure will have a low damage potential.
4. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited.

8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. 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 (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) 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 flood waters.

§224. Design and Construction Standards.

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill. 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; 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, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
5. Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.

- D. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in §225, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.
- G. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- H. Anchoring.
1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings.
1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 2. Plywood used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” variety.
 3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.
 4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other “water-resistant” material.
- J. Paints and Adhesives.
1. Paints and other finishes used at or below the regulatory flood elevation shall be of “marine” or “water-resistant” quality.
 2. Adhesives used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” variety.
 3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or “water-resistant” paint or other finishing material.
- K. Electrical Components.
1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- L. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- M. Fuel Supply Systems. 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.
- N. Uniform Construction Code Coordination. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.
1. Reference – International Building Code (IBC) 2006 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 2. Reference – International Residential Building Code (IRC) 2006 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

§225. Development Which May Endanger Human Life.

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
1. Will be used for the production or storage of any of the following dangerous materials or substances; or,
 2. 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,
 3. 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. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid

- Magnesium
 - Nitric acid and oxides of nitrogen
 - Petroleum products (gasoline, fuel oil, etc.)
 - Phosphorus
 - Potassium
 - Sodium
 - Sulphur and sulphur products
 - Pesticides (including insecticides, fungicides, and rodenticides)
 - Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited.
- C. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
1. Elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation,
 2. Designed to prevent pollution from the structure or activity during the course of a base flood elevation. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

§226. Special Requirements for Subdivisions.

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§227. Special Requirements for Manufactured Homes.

- A. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- B. Within Approximate Floodplain or Special Floodplain Area, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
1. Placed on a permanent foundation.
 2. Elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation.

3. Anchored to resist flotation, collapse, or lateral movement.
- D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
- E. Consideration shall be given to the installation requirements of the 2006 IBC, and the 2006 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

§228. Special Requirements for Recreational Vehicles.

- A. Recreational vehicles in Zones A1-30, AH and AE must either
 1. Be on the site for fewer than 180 consecutive days,
 2. Be fully licensed and ready for highway use, or
 3. Meet the permit requirements for manufactured homes in §227.

Article VI – Activities Requiring Special Permits

§229. General.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township of Sewickley:

- 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
- 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.

§230. Application Requirements for Special Permits.

Applicants for Special Permits shall provide five copies of the following items:

- A. A written request including a completed Permit Application Form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal

to one hundred (100) feet or less, showing the following:

1. North arrow, scale and date;
2. Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
4. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
5. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
6. The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation elevations, and information concerning the flow of water including direction and velocities;
7. The location of all proposed buildings, structures, utilities, and any other improvements; and
8. Any other information which the municipality considers necessary for adequate review of the application.

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

1. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood elevation;
4. Detailed information concerning any proposed floodproofing measures;
5. Cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
6. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he 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 base flood elevation;
3. A 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 base flood elevation, including a statement concerning the effects such pollution may have on human life;

4. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation 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 base flood elevation and the effects such materials and debris may have on base flood elevation elevations and flows;
6. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

§231. Application Review Procedures.

Upon receipt of an application for a Special Permit by the Township of Sewickley 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. Copies of the application shall also be forwarded to the Sewickley Township Planning Commission and the Township's consulting engineer for review and comment.
- B. If an application is received that is incomplete, the Township of Sewickley shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township of Sewickley decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township of Sewickley approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- E. Before issuing the Special Permit, the Township of Sewickley shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township of Sewickley.

- F. If the Township of Sewickley does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township of Sewickley and the applicant, in writing, of the reasons for the disapproval, and the Township of Sewickley shall not issue the Special Permit.

§232. Special Technical Requirements.

- A. In addition to the requirements of Article IV of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article IV of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a Special 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 of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. The structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
 - b. The lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above base 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 base flood elevation.
 - 2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
 - 3. 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 the Township of Sewickley and the Department of Community and Economic Development.

Article VII – Existing Structures in Identified Floodplain Areas

§233. Existing Structures.

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of §234 shall apply.

§234. Improvements.

- A. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
- B. 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 base flood elevation.
- C. No expansion or enlargement of an existing structure shall be allowed within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- D. 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 constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- E. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2006 IBC and the 2006 IRC.
- F. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- G. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance

Article VIII – Variances

§235. General.

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Sewickley may, upon request, grant relief from the strict application of the requirements.

§236. Variance Procedures and Conditions.

Requests for variances shall be considered by the Township of Sewickley in accordance with the procedures contained in §217 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE than one (1) foot at any point.

- C. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Article VI) or to Development Which May Endanger Human Life (§225).
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Township of Sewickley 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.
- F. Whenever a variance is granted, the Township of Sewickley shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Township of Sewickley shall consider, at a minimum, the following:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That the granting of the variance will
 - a. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- H. A complete record of all variance requests and related actions shall be maintained by the Township of Sewickley. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.
- I. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 1% annual chance flood.

Article IX – Definitions

§237. 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.

§238. 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. Base flood – a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).
- C. Base flood elevation (BFE) – the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
- D. Basement – any area of the building having its floor below ground level on all sides.
- E. Building – a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- F. 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.
- G. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- H. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- I. Flood – a temporary inundation of normally dry land areas.
- J. Flood Insurance Rate Map (FIRM) – the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- K. Flood Insurance Study (FIS) – the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- L. Floodplain area – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

- M. Floodproofing – any combination of structural and nonstructural 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.
- N. Floodway – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- O. Highest Adjacent Grade – the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- P. Historic structures – 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 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;
 3. Individually listed on a state inventory of historic places in states 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 that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.
- Q. 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 non-elevation design requirements of this ordinance.
- R. 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.
- S. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- T. Minor repair – the replacement of existing work with equivalent materials for the purpose

of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

- U. New construction – structures for which the start of construction commenced on or after January 18, 1980 and includes any subsequent improvements thereto.
- V. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- W. Person – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- X. Recreational vehicle – a vehicle which is
 1. Built on a single chassis;
 2. Not more than 400 square feet, measured at the largest horizontal projections;
 3. Designed to be self-propelled or permanently towable by a light-duty truck,
 4. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- Y. Regulatory flood elevation – the base flood elevation (BFE) plus a freeboard safety factor of one and one-half (1 ½) feet.
- Z. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
- AA. Special permit – a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
- BB. Special flood hazard area (SFHA) – means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

- CC. Start of construction – includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- DD. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- EE. Subdivision – the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- FF. 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 of the structure before the damage occurred.
- GG. 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” or “repetitive loss” 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 that the alteration will not preclude the structure’s continued designation as a “historic structure.”

- HH. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
- II. Violation – means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Article X – Enactment

§239. Adoption.

This Ordinance shall be effective on March 17, 2011 and shall remain in force until modified, amended or rescinded by the Township of Sewickley, Westmoreland County, Pennsylvania.

**PART 3
DANGEROUS STRUCTURES**

§301. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Part 3:

- A. BUILDING – an independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structures.
- B. DWELLING – shall mean any building which is wholly or partly used or intended to be used for living, or sleeping by human occupants.
- C. DWELLING UNIT – shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.
- D. EXTERMINATION – shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Board of Supervisors.

- E. GARBAGE – Please refer to Code Chapter 10, Section 101 (D)
- F. INFESTATION – shall mean the presence, within or around a dwelling, of any insects, rodents or other pests.
- G. OWNER – shall mean the person who, alone or jointly or severally with others:
 - 1. shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof; or
 - 2. shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part 3, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- H. PERSON – shall mean and include any individual, firm, corporation, association or partnership, or other legal entity.
- I. PROPERTY – shall mean a piece, parcel, lot or tract of land.
- J. RUBBISH – Please refer to Code Chapter 10, Section 101 (K)
- K. STRUCTURE – shall mean anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.
- L. MEANING OF CERTAIN WORDS – whenever the words “dwelling”, “dwelling unit”, or “premises”, are used in this Part 3, they shall be construed as though they were followed by the words “or any part thereof.”

§302. Inspection and Determination of Nuisances.

The Board of Supervisors or their designated agent may make periodic inspections of any dwelling, building, structure or property. Whenever an inspection discloses that a dwelling, building, structure or property, by reason of its being a rat harborage or for any other reason has become a public nuisance or a hazard to the health, safety or welfare of the public, the Board of Supervisors shall issue a written notice requiring the owner, within a reasonable time specified in the notice, to rectify the conditions constituting the nuisance, or to remove the conditions constituting a nuisance or demolish and remove the dwelling, building or structure. Such removal or demolition of a dwelling, building or structure shall not be ordered unless the cost of such repair, alteration or improvement shall exceed fifty (50%) percent of the market value of the dwelling, building or structure.

§303. Enforcement, Service of Notices and Orders; Hearings.

Please refer to Code Chapter 10, Section 103, which shall be the enforcement mechanism for this Part 3 of Code Chapter 5.

§304. Designation of Unfit Dwellings and Legal Procedure of Condemnation.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- A. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Board of Supervisors or their designated agent:
 - 1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - 2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - 3. One which because of its general condition or location is unsanitary, or otherwise dangerous, to the health or safety of the occupants or of the public.
- B. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Board of Supervisors or their designated agent, shall be vacated within a reasonable time as ordered.
- C. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Board of Supervisors. The Board of Supervisors shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- D. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Paragraph 3 above.
- E. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Supervisors.

§305. Penalties.

- A. Any person who shall violate any provision of this Part 3 shall, upon being convicted in a summary offense proceeding, pay a fine of not more than \$1,000.00 for each violation, plus court costs and such other costs and expenses of enforcement, including reasonable attorney fees, as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of the violation and, further, to collect all costs, charges and expenses, including reasonable attorney fees, incurred in the enforcement process.
- B. A separate offense shall arise for each day or portion thereof in which a violation is found

to exist.

§306. Conflict of Ordinances; Effect of Partial Validity.

- A. In any case where a provision of this Part 3 is found to be in conflict with a provision of any ordinance existing on the effective date of this Part 3, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Part 3 is found to be in conflict with a provision of any other ordinance existing on the effective date of this Part 3 which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Part 3 shall be deemed to prevail, and such other ordinances are hereby declared to be repealed to the extent that they may be found in conflict with this Part 3.

- B. If any section, subsection, paragraph, sentence, clause, or phrase of this Part 3 should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Part 3, which shall remain in full force and effect; and to this end the provisions of this Part 3 are hereby declared to be severable.

§307. Public Nuisance Abatement.

In addition to the penalties set forth in this Part 3, any building or structure, constructed, created or maintained in violation of this Part 3 is hereby declared to be a public nuisance. The Township is authorized to require the removal of any such nuisance by the owner or occupier of the land upon which such nuisance exists. If the owner or occupier fails, neglects or refuses to remove any such nuisance after being ordered to do so by the Township, the Township may cause the same to be done, and collect the cost thereof, together with twenty (20%) percent of such cost in order to defray the Township's administrative costs, along with the costs and fees of enforcement and reasonable attorney fees, in the manner provided by law for the collection of municipal claims, or by a civil action, assumpsit or in equity.

**PART 4
UNIFORM CONSTRUCTION CODE**

Article I – Adoption of Code

§401. Uniform Construction Code.

The Board of Supervisors of the Township of Sewickley hereby adopts the Uniform Construction Code (hereinafter referred to as "Code"), as designated and defined by the Pennsylvania Construction Code Act (hereinafter referred to as "Act"), as amended and supplemented, and the Regulations promulgated by the Department of Labor and Industry thereunder (hereinafter referred to as "Regulations"), as amended and supplemented from time to time, as provided in said Act and Regulations, as the Township of Sewickley Building Code.

- A. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, consists of the following:
 - 1. The provisions of Chapters 2-29 and 31-35 of the "International Building Code 2006." This includes all errata issued by the International Code Council;

2. The “ICC Electrical Code – Administrative Provisions 2006.” This includes all errata issued by the International Code Council;
 3. The “International Mechanical Code 2006.” This includes all errata issued by the International Code Council;
 4. The “International Fuel Gas Code 2006” and its Appendices. This includes all errata issued by the International Code Council;
 5. The “International Plumbing Code 2006” and its Appendices. This includes all errata issued by the International Code Council;
 6. The “International Residential Code 2006”, Chapter 43 and Appendices A, B, C, D, and L. This includes all errata issued by the International Code Council;
 7. The “International Fire Code 2006” and Appendices B, C, D, E, F, and G. This includes all errata issued by the International Code Council;
 8. The “International Energy Conservation Code 2006” and the Appendix. This includes all errata issued by the International Code Council;
 9. Sections AE 501-AE 503 and AE 601-AE 605 of Appendix E of the “International Residential Code 2006.” This includes all errata issued by the International Code Council;
 10. The “International Existing Building Code for Buildings and Facilities 2006” and the Appendix. This includes all errata issued by the International Code Council;
 11. The “International Urban-Wildlife Interface Code 2006” and Appendices, A, B, C, D, E, F, G and H (First Printing). This includes all errata issued by the International Code Council;
 12. Appendix E of the “International Building Code 2006.” This includes all errata issued by the International Code Council;
 13. Appendix H of the “International Building Code 2006.” This includes all errata issued by the International Code Council;
 14. Appendix G of the “International Residential Code 2006.” This includes all errata issued by the International Code Council.
- B. The hereinafter set forth sections of the above referenced Codes, which form a part of the Uniform Construction Code, are hereby completed, modified or revised as follows:
1. References to Jurisdiction or Municipality shall mean the Township of Sewickley.
 2. The International Building Code: §1612.3, Effective August 5, 1997.
 3. The International Building Code: § 3410.2.
 4. The ICC Electrical Code: § 404.2, insert: “as set forth in a separate resolution adopted by the Board of Supervisors.”
 5. International Mechanical Code: § 106.5.2, insert: “as set forth in a separate resolution adopted by the Board of Supervisors.”
 6. International Mechanical Code: § 106.5.3(2) insert “0%” and 106.5(3)(3), insert: “75%”.
 7. International Mechanical Code: §108.4, insert: “summary offense” in the specific offense portion; insert “up to \$500.00” for the amount of fine; and insert “thirty (30) days” for the term of imprisonment.
 8. International Mechanical Code: § 108.5, insert: “a fine of not less than \$10.00 nor more than \$1,000.00.”
 9. International Fuel Gas Code: § 106.5.2, insert: “as set forth in a separate

- resolution adopted by the Board of Supervisors.”
10. International Fuel Gas Code: § 106.5.3(2) insert “0%” and 106.53 (3), insert: “75%”.
 11. International Fuel Gas Code: § 108.4, insert: “summary offense” in the specific offense portion; insert “up to \$500.00” for the amount of fine; and insert “thirty (30) days” for the term of imprisonment.
 12. International Fuel Gas Code: § 108.5, insert: “not less than \$10.00 nor more than \$1,000.00.”
 13. International Plumbing Code: § 106.6.2, insert: “as set forth in a separate resolution adopted by the Board of Supervisors.”
 14. International Plumbing Code: § 108.4, insert: “summary offense” in the specific offense portion; insert “up to \$1,000.00” for the amount of the fine; and insert “thirty (30) days” for the term of imprisonment.
 15. International Plumbing Code: § 106.6.3 (2) insert “0%” and 106.6.3 (3), insert: “75%”,
 16. International Plumbing Code: § 108.5, insert: “not less than \$10.00 nor more than \$1,000.00.”
 17. International Plumbing Code: § 305.6.1, insert: forty (40”) inches in both locations.
 18. International Plumbing Code: § 904.1, insert: twenty-four (24) inches.
 19. International Residential Code: Table R 301.2(1), insert the following:
 - a. Ground Snow Load: 30 lbs.
 - b. Wind Speed (mph): 90.
 - c. Seismic Design Category: C.
 - d. Weathering: severe,
 - e. Frost Line Depth: forty (40) inches.
 - f. Termite: moderate to heavy.
 - g. Decay: slight to moderate.
 - h. Winter Design Temperature: 5° f,
 - i. lee Shield Underlayment: Yes.
 - j. Flood Hazard Map dated August 5, 1997.
 20. International Residential Code § P2603.6.1 insert: forty (40”) inches in both places,
 21. International Residential Code § P3103.1 insert: twenty-four (24”) inches in both places.
 22. International Fire Code § 109.3 insert: “summary offense in the (specific offense) portion; insert up to \$500.00 for the amount of the fine; and insert thirty (30) days for the term of imprisonment.
 23. International Fire Code § 111.4 insert: Three Hundred (\$300.00) Dollars and One Thousand (\$1,000.00) Dollars.
 24. International Fire Code § 3204.3.1.1, § 3404.2.9.5.1, § 3406.2.4.4 and § 3804.2 insert: Any area mapped on the current FEMA Flood Mapping as a flood area (Maps are dated August 5, 1997).
 25. International Existing Building Code § 1201.2.

Article II – Administration and Enforcement

§402. Local Administration.

- A. The Township of Sewickley hereby elects to administer and enforce this Ordinance, the Code, the Act and Regulations, pursuant to the authority and procedures of said Code, Act and Regulations, by any and all of the means and manner as set forth in said Code, Act and Regulations, and by the means and manner as hereinafter set forth.
- B. The administration and enforcement of this Ordinance, the Code, the Act and the Regulations shall be undertaken and carried out in the following manner:
 1. By the designation of an individual , registered or certified as a “Building Code Official” by the Department of Labor and Industry, to serve as the Municipal Building Code Official, to administer and enforce this Ordinance, the Code, the Act and the Regulations in the Township of Sewickley, to issue building, occupancy and other permits and approvals, and to do and carry out any and all other functions and duties permitted and authorized of such an official with regard to buildings, uses and structures, under the Building Code, the Act and Regulations and by the following additional means, methods and manner.
 2. By designating one or more certified third party agencies, as that term is defined in the Regulations, to perform plan reviews, approvals and inspections, (but not the issuance of building, compliance or occupancy permits), so long as any designated certified third party agency, under contract with the Township, meets and maintains the following standards and criteria:
 - a. Is certified as a third party agency by the Department of Labor and Industry and provides proof of such certification, satisfactory to the Township;
 - b. Registers as a Certified Uniform Construction Code third party agency with the Township, providing the name, address, contact person(s), phone and fax numbers, and e-mail addresses for such agency and contact person; and further providing the specific certifications held by any and all persons performing services.
 - c. Obtains, maintains in effect and provides to the Township proof of all insurance required by the Department of Labor and Industry to be certified as a third party agency, adding or including the Township as an additional insurer on said policy.
 - d. Provides, in a proper and timely fashion, any and all reviews, approvals, inspections, denials, disapprovals and/or comments, made, undertaken or communicated to any person requesting such agency’s services.
 - e. Immediately informs the Township, in writing, if any person within, employed by or engaged by the agency, or the agency itself, loses any certification or registration otherwise is precluded, prevented or directed to cease performing services by any department or agency having jurisdiction over such person or agency.

§403. Board of Appeals.

The owner of a building or structure or any other person may appeal from the decision of the

Building Code Official regarding the provisions of the Code hereby adopted by the Township of Sewickley, covering the manner of construction or materials to be used in the erection, alteration, or repair of a building or structure, to the Board of Appeals. The Board of Appeals shall be that constituted by the Central Westmoreland Council of Governments pursuant to an Intermunicipal Agreement and said Board shall act as the Board of Appeals of the Township of Sewickley in the manner provided in the Code, Act and Regulations and by the Administrative Procedures established by the Central Westmoreland Council of Governments and Pennsylvania Administrative Law.

§404. Matters remaining in effect.

All Ordinances, Resolutions, Regulations and policies of the Township of Sewickley not affected, modified or repealed by this Ordinance, the Code, Act or Regulations, shall remain in full force and effect. In furtherance, but not limitation of this Section, the standards, requirements and regulations of the Township, the Sutersville-Sewickley Municipal Sewage Authority and the Municipal Sewage Authority of the Township of Sewickley with regard to sanitary sewer facilities remain in full force and effect as to those standards, requirements and regulations that are greater or more restrictive than those found in the Code.

§405. Fees and Costs.

The Township of Sewickley hereby imposes and assesses fees and costs for the administration and enforcement of said Code, Act and Regulations and this Ordinance, which fees and costs shall be established by the Board of Supervisors, by Resolution, from time to time.

§406. Penalties.

Any person, firm or corporation that violates any provision of this Ordinance, the Codes, Act and/or Regulations for which a penalty is not otherwise set forth herein, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000.00 and costs incurred by the Township in enforcement of said violation. Each day that a violation exists and continues shall be a separate violation.

**PART 5
NEIGHBORHOOD BLIGHT RECLAMATION AND REVITALIZATION**

§501. Short Title.

This Ordinance may be cited as the "Township of Sewickley Neighborhood Blight Reclamation and Revitalization Ordinance."

§502. Purpose.

The purpose of this Part 5 of Chapter 5 of the Township of Sewickley Code is to implement in the Township of Sewickley the provisions of the act of October 27, 2010 (P.L. 875, No. 90), 53 Pa.C.S. Ch. 61, known as the Neighborhood Blight Reclamation and Revitalization Act. There are deteriorated properties located in Township of Sewickley as a result of neglect by their owners in violation of applicable State and municipal codes. These deteriorated properties create public nuisances which have an impact on crime and the quality of life of our residents and require significant expenditures of public funds in order to abate and correct the nuisances.

In order to address these situations, it is appropriate to deny certain governmental permits and approvals in order:

- (1) To prohibit property owners from further extending their financial commitments so as to render themselves unable to abate or correct the code, statutory and regulatory violations or tax delinquencies;
- (2) To reduce the likelihood that this municipality and other municipalities will have to address the owners' neglect and resulting deteriorated properties, causing public health, safety and welfare issues to the public at large; and
- (3) To sanction the property owners for not adhering to their legal obligations to the Township of Sewickley, tenants, adjoining property owners and neighborhoods.

§503. Definitions.

The following words and phrases when used in this Part 5 of Chapter 5 of the Township of Sewickley Code shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Act.” The act of October 27, 2010 (P.L. 875, No. 90), 53 Pa.C.S. Ch. 61, known as the Neighborhood Blight Reclamation and Revitalization Act.

“Building.” A residential, commercial or industrial building or structure and the land appurtenant to it.

“Code.” A building, housing, property maintenance, fire, health or other public safety ordinance enacted by a municipality. The term does not include a subdivision and land development ordinance or a zoning ordinance enacted by a municipality.

“Court.” The Court of Common Pleas of Westmoreland County.

“Mortgage lender.” A business association defined as a “banking institution” or “mortgage lender” under 7 Pa.C.S. Ch. 61 (relating to mortgage loan industry licensing and consumer protection) that is in possession of or holds title to real property pursuant to, in enforcement of or to protect rights arising under a mortgage, mortgage note, deed of trust or other transaction that created a security interest in the real property.

“Municipality.” A city, borough, incorporated town, township or home rule, optional plan or optional charter municipality or municipal authority in this Commonwealth and any entity formed pursuant to the act of Dec. 19, 1996 (P.L. 1158, No. 177), § 1, 53 Pa.C.S. Ch. 23 (relating to intergovernmental cooperation).

“Municipal permits.” Privileges relating to real property granted by the Township of Sewickley that are building permits, Township of Sewickley Code Chapter 5, Zoning Permits, Special Exceptions, Conditional Uses and Variances granted under the Zoning Ordinance, Township of Sewickley Code Chapter 28, and junkyard and transient business permits, Township of Sewickley Code Chapter 13. The term does not include decisions on the substantive validity of a zoning ordinance or map such a validity variance or the acceptance of a curative amendment.

“Owner.” A holder of the title to residential, commercial or industrial real estate, other than a Mortgage Lender, who possesses and controls the real estate. The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record, including without limitation lessees under leases for which a memorandum of lease is recorded in accordance with the act of June 2, 1959 (P.L. 254 (vol. 1), No. 86), 21 P.S. § 405.

“Public nuisance.” Property which, because of its physical condition or use, is regarded as a public nuisance at common law or has been declared by the Ordinance Officer a public nuisance in accordance with the International Property Maintenance Code, as adopted by the Township, Township of Sewickley Code Chapter 10 Part 1, or by the Court.

“Remediation plan” A plan for the correction of violations of State law or of Township of Sewickley Code that is part of an agreement between the owner and the municipality in which the real property containing the violations is located.

“Serious violation.” A violation of a State law or a Code that poses an imminent threat to the health and safety of a dwelling occupant, occupants in surrounding structures or a passersby, including a building that is ordered to be vacated in accordance with the Department of Labor and Industry's Regulations, 34 Pa. Code § 403.84, as amended, implementing the Uniform Construction Code, the act of November 10, 1999 (P.L. 491, No. 45), as amended, 35 P.S. §§7210.101 to 7210.1103; a building placarded as unfit for human habitation so as to prevent its use under the Township of Sewickley Property Maintenance Code; or a vacant building whose exterior violates the Property Maintenance Code or any successor statute, regulation or Property Maintenance Code.

“State law.” A statute of the Commonwealth or a regulation of an agency charged with the administration and enforcement of Commonwealth law.

“Substantial step.” An affirmative action as determined by a property codes official or officer of the court on the part of a property owner or managing agent to remedy a serious violation of a State law or municipal code, including, but not limited to, physical improvements or repairs to the property, which affirmative action is subject to appeal in accordance with applicable law.

“Tax delinquent property.” Tax delinquent real property as defined under:

- (1) the act of July 7, 1947 (P.L. 1368, No. 542), known as the Real Estate Tax Sale Law;
- (2) the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Act; or
- (3) the act of October 11, 1984 (P.L. 876, No. 171) known as the Second Class City Treasurer's Sale and Collection Act, located in any municipality in this Commonwealth (4) or any successor law to any of the above statutes.

“Uniform Construction Code.” The act of November 10, 1999 (P.L. 491, No. 45), as amended, 35 P.S. §§7210.101 to 7210.1103 as implemented by Township of Sewickley Code Chapter 5, Part 4.

§504. Actions Against Owner of Property with Serious Code Violations.

a. Actions.

In addition to any other remedy available at law or in equity, the Township of Sewickley may institute the following actions against the owner of any real property that is in serious violation of a code or for failure to correct a condition which causes the property to be regarded as a public nuisance:

(1)(i) An in person action may be initiated for a continuing violation for which the owner takes no substantial step to correct within six months following receipt of an order to correct the violation, unless the order is subject to a pending appeal before the administrative agency or court.

(ii) As authorized by the Act, the Township of Sewickley reserves the right to recover in a single action under this section, an amount equal to any penalties imposed against the owner and any costs of remediation lawfully incurred by or on behalf of the municipality to remedy any code violation.

(2) A proceeding in equity.

b. Asset attachment.

(1) General rule.--A lien may be placed against the assets of an owner of real property that is in serious violation of a code or is regarded as a public nuisance after a judgment, decree or order is entered by a court of competent jurisdiction against the owner of the property for an adjudication under section 4.a (relating to actions).

(2) Limitations under the Act.--In proceedings under the Act, except as otherwise allowed by law, where the owner is an association or trust no lien shall be imposed upon the individual assets of any limited partner, shareholder, member or beneficiary of the owner.

c. Reservation of rights and remedies under law other than the Act.

The Township of Sewickley reserves all rights and remedies existing under statutes other than the Act, its ordinances implementing them, and applicable case law to obtain recovery for the costs of preventing and abatement of code violations and public nuisances to the fullest extent allowed by law from mortgage lenders; trustees, and members of liability companies, limited partners who provide property management services to the real property as well as general partners of owners; and officers, agents, and operators that are in control of a property as an owner or otherwise hold them personally responsible for code violations as well as owners themselves. Such owners, mortgage lenders, partners, members of limited liability companies, trustees, officers, agents and operators in control of a real property with code violations shall be subject to all actions at law and in equity to the full extent authorized by such statutes, ordinances and applicable case law. Such action may be joined in one lawsuit against responsible parties with an action brought under the Act.

§505. Denial of Permits.

a. Permit Application Form

(1) In addition to the requirements set forth in the governing ordinance, regulations or rules for the specific municipal permit being applied for under the ordinances referenced in the definition of "municipal permit" in Section 503, all applications for a municipal permit shall include:

- (a) If the owner is an individual, the home address of the owner.
- (b) If the owner is an entity, its registered office and principal place of business, type of entity, in what state it was formed, and whether the entity has qualified to do business as a foreign entity in Pennsylvania by filing with the Corporation Bureau of the Pennsylvania Department of State under title 15 of the Pennsylvania Consolidated Statutes. The home address of at least one responsible officer, member, trustee, or partner shall be also be included.
- (c) The applications shall also include a provision requiring the owner to disclose real properties owned by the owner both inside of the Township of Sewickley as well as in all other municipalities of the Commonwealth:
 - (i) in which there is a serious violation of State law or a code, or where fines, penalties, or judgments have been assessed, imposed, or ordered and the owner has taken no substantial steps to correct the violation within six months following notification of the violation;
 - (ii) and for which fines or other penalties or a judgment to abate or correct were imposed by a magisterial district judge or municipal court, or a judgment at law or in equity was imposed by a court of common pleas;
 - (iii) and real property owned in the Commonwealth by the owner for which there is a final and unappealable tax, water, sewer or refuse collection delinquency on account of the actions of the owner. This provision shall require the owner to disclose the street address, tax parcel number, municipality, and county of each such real property. The provision shall require the disclosure be under penalty as provided in 18 Pa.C.S. § 4904(a) for an unsworn falsification to a government officer or employee (public servant) performing official functions.

(2) All applicants for a municipal permit shall accurately complete the Permit Applicant Disclosure Form as from time-to-time adopted by Resolution of the Board of Supervisors subject to a penalty as described in 18 Pa.C.S. § 4904.

b. Municipal Permit Denials and Appeals

(1) Permit Denial.

(a) The Building Inspector, appropriate Township official or the Zoning Hearing Board, under subsection 505.b(1)(f), shall deny issuing to an applicant a municipal permit if the applicant owns real property in any municipality for which there exists on the real property:

(i) a final and unappealable tax, water, sewer or refuse collection delinquency on account of the actions of the owner; or

(ii) a serious violation of State law or a code and the owner has taken no substantial steps to correct the violation within six months following notification of the violation and for which fines or other penalties or a judgment to abate or correct were imposed by a magisterial district judge or municipal court, or a judgment at law or in equity was imposed by a court of common pleas. However, no denial shall be permitted on the basis of a property for which the judgment, order or decree is subject to a stay or supersedeas by an order of a court of competent jurisdiction or automatically allowed by statute or rule of court until the stay or supersedeas is lifted by the court or a higher court or the stay or supersedeas expires as otherwise provided by law. Where a stay or supersedeas is in effect, the property owner shall so advise the municipality seeking to deny a municipal permit.

(b) The Building Inspector, appropriate Township official or Zoning Hearing Board shall not deny a municipal permit to an applicant if the municipal permit is necessary to correct a violation of State law or a code, provided all other conditions for the issuance of a municipal permit have been met.

(c) The municipal permit denial shall not apply to an applicant's delinquency on taxes, water, sewer or refuse collection charges that are under appeal or otherwise contested through a court or administrative process.

(d) In issuing a denial of a municipal permit based on an applicant's delinquency in real property taxes or municipal charges or for failure to abate a serious violation of State law or a code on real property that the applicant owns in this Commonwealth, the Building Inspector, appropriate Township official or Zoning Hearing Board shall issue the denial in writing and indicate the street address, municipal corporation and county in which the property is located and the court and docket number for each parcel cited as a basis for the denial. The denial shall also state that the applicant may request a letter of compliance from the appropriate State agency, municipality or school district, in a form specified by such entity as provided in the Act. The denial shall be delivered by U.S. Certified, Registered, or Express Mail, Return Receipt Requested [and such receipt is obtained or delivery refused]; personal service in manner provided by the Pennsylvania Rules of Court for Civil Procedure for original process; hand delivery by a member of the codes enforcement staff; or a private delivery service that provides for a receipt [and such receipt is obtained or delivery refused].

(e) The information on the real property forming the basis for a municipal permit denial may be obtained by any employee or agent of Township of Sewickley from the information disclosed by the owner in accordance with Section 505.a. or any other reliable information obtained through a search of records using governmental systems online or through direct contact with the office maintaining the systems such as the court docket systems maintained by the Administrative Office of the Pennsylvania Courts, county department of records, offices of the recorder of deeds, municipal and county tax collectors and treasurers, county tax claim bureaus, prothonotary and clerk of court, private online fee based search services, and free searches on the Internet. Prior to making a determination on whether to deny a municipal permit, the Building Inspector or Zoning Hearing Board using the services of the Zoning Administrator or other municipal staff or contracted service provider may conduct a search using the sources described in this Subsection 505.b(1)(e).

(f) Zoning Hearing Board

(i) Municipal permits may be denied by a board in accordance with the requirements of this section to the extent that approval of the municipal permit is within the jurisdiction of the board. For purposes of this section, "board" shall mean the Township of Sewickley Zoning Hearing Board, granted jurisdiction to render decisions in accordance with the act of July 31, 1968 (P.L. 805, No. 247), known as the Pennsylvania Municipalities Planning Code.

(ii) In any proceeding before a board other than the governing body of the municipality, the municipality may appear to present evidence that the applicant is subject to a denial by the board in accordance with this section.

(iii) For purposes of this subsection, a municipal permit may only be denied to an applicant other than an owner if:

(A) the applicant is acting under the direction or with the permission of an owner; and

(B) the owner owns real property satisfying the conditions of Subsection 505.b(1)(a).

(C) Applicability of other law.--A denial of a municipal permit shall be subject to the provisions of 2 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action) or the Pennsylvania Municipalities Planning Code, for denials subject to the act.

(g) The Building Inspector, appropriate Township official or Zoning Hearing Board shall review the Disclosure Form and the searches, if any, in accordance with Subsection 505.b(1)(e) prior to any plan or construction reviews or inspections to determine if such a review or inspection is unnecessary due to a municipal permit being denied under this Subsection 505.b.

(h) Right of appeal. The owner shall have a right to appeal the denial of a municipal permit in accordance with the applicable law governing such municipal permit. In the case of a denial by the Building Inspector, the appeal shall be made with 30 days of the denial to the Board of Appeals established under the Uniform Construction Code unless the owner has submitted to the Board of Appeals proof before the expiration of the 30 days that the owner is seeking proof of compliance under Section 505(b)(2), which case the municipal permit and the denial shall be held in abeyance until the forty-five day period for obtaining proof of compliance under Subsection 505(b)(2) has expired. In case of a denial by the Township of Sewickley Zoning Hearing Board, the appeal shall be to the Court of Common Pleas.

(i) With respect to a denial under the grounds authorized by the Act, the denial may only be reversed for the following reasons:

(A) An authentic proof of compliance letter in accordance Subsection 505(b)(2).

(B) Evidence of substantial steps taken to remedy a serious violation set forth on the denial confirmed by an order of the Court or the Building Inspector and/or Ordinance Officer.

(C) Evidence of an approved remedial plan to address a serious violation set forth on the denial.

(D) Evidence of a timely appeal or administrative contest of a tax, water sewer, or refuse collection delinquency.

(E) A failure of a state agency, school district or municipality to issue a proof of compliance within 45 days of a request.

(F) A failure of a state agency or municipality to provide the relief required under section 6144 of the Act to an heir or devisee.

(G) Any other verifiable evidence that establishes by a preponderance of the evidence that a serious violation or collection delinquency of tax, water, sewer, or refuse accounts does not exist.

(ii) With respect to denials for reasons other than the those authorized by the Act, the provisions of the Uniform Construction Code or applicable zoning law shall govern.

(iii) Contemporaneously with the Notice of Denial, the owner shall be informed of the right, time and place to make an appeal.

(2) Proof of compliance. --

(a) All municipal permits denied in accordance with this subsection shall be withheld until an applicant obtains a letter from the appropriate State agency, municipality or school district indicating the following:

(i) the property in question has no final and unappealable tax, water, sewer or refuse delinquencies;

(ii) the property in question is now in State law and code compliance; and/
or

(iii) the owner of the property has presented and the appropriate State agency or municipality has accepted a plan to begin remediation of a serious violation of State law or a code. Acceptance of the plan may be contingent on:

(A) Beginning the remediation plan within no fewer than 30 days following acceptance of the plan or sooner, if mutually agreeable to both the property owner and the municipality.

(B) Completing the remediation plan within no fewer than 90 days following commencement of the plan or sooner, if mutually agreeable to both the property owner and the municipality.

(b) In the event that the appropriate State agency, municipality or school district fails to issue a letter indicating tax, water, sewer, refuse, State law or code compliance or noncompliance, as the case may be, within 45 days of the request, the property in question shall be deemed to be in compliance for the purpose of this section, provided a copy of the request has been delivered to the municipality where the municipal permit has been applied for in accordance with Subsection 505.b(2)(d). The appropriate State agency, municipality or school district shall specify the form in which the request for a compliance letter shall be made.

(c) Letters required under this section shall be verified by the appropriate municipal officials, using whatever means necessary, before issuing to the applicant a municipal permit.

(d) An owner seeking to obtain a proof of compliance in order to obtain a Township of Sewickley permit that would otherwise be granted shall submit a copy of the owner's request for proof of compliance within five days of the date that request is sent to the appropriate State agency, municipality or school district, to the Township of Sewickley or submit the copy of the request with the application for the Township of Sewickley permit if such application is made at a later date.

§506. Miscellaneous.

a. Conflict with other law

In the event of a conflict between the requirements of this Ordinance and Federal requirements applicable to demolition, disposition or redevelopment of buildings, structures or land owned by or held in trust for the Government of the United States and regulated pursuant to the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and the regulations promulgated thereunder, the Federal requirements shall prevail.

b. Relief for inherited property

Where property is inherited by will or intestacy, the devisee or heir shall be given the opportunity to make payments on reasonable terms to correct code violations or to enter into a remediation plan in accordance with Section 6131(b)(1)(iii) of the Act and Subsection 505.b(2)(a)(iii) (relating to municipal permit denial) with the Township of Sewickley to avoid subjecting the devisee's or heir's other properties to asset attachment or denial of permits and approvals on other properties owned by the devisee or heir.

§507. Repealer.

All ordinances or parts of ordinances in conflict herewith be and are hereby repealed, except any ordinance or parts of ordinances that authorize greater remedies than this Ordinance are preserved.

§508. Severability.

The provisions of this Ordinance shall be severable and if any of its provisions are found to be unconstitutional or illegal the validity of any of the remaining provisions of this Ordinance shall not be affected thereby.

§509. Effective Date

This Ordinance shall take effect in thirty (30) days.

**APPENDIX 1
Permit Applicant Disclosure Form**

The following paragraph shall be added to Permit Applications to comply with this Ordinance.

The owner/applicant under penalty as provided in 18 Pa.C.S. § 4904(a) for an unsworn falsification to a public servant such as the Codes Enforcement Officer or Zoning Administrator of the Township of Sewickley, swears or affirms that the owner/applicant owns no real property in which there is a serious violation of State law or a municipal code and for which the owner has taken no substantial steps to correct the violation within six months following notification of the violation and for which fines or other penalties or a judgment to abate or correct were imposed by a magisterial district judge or municipal court, or a judgment at law or in equity was imposed by a court of common pleas, or a final and unappealable tax, water, sewer or refuse collection delinquency on account of any action of the owner with respect to any real property owned by the owner/applicant in the Commonwealth, except as follows:

[Insert word “NONE” and initial if there are no such properties, but if there are such properties list the street addresses of such properties, their tax parcel numbers, and the municipalities and counties in which such properties are located.]

In order to avoid a municipal permit denial, an owner may seek a proof of compliance letter from the municipal where tax, water, sewer or refuse collection delinquency existed but is now satisfied or where there is a serious code violation that has been timely abated or the owner has entered into a remediation plan with the municipality where the real property is located.