

Chapter 55

BUILDING CONSTRUCTION

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

ARTICLE I

Uniform Construction Code

[Adopted 6-21-2004 by Ord. No. 131 (Ch. 53, Art. I, of the 1991 Code)]

§ 55-1. Title.

This article shall be known and may be cited as the "North Londonderry Township Construction Code Ordinance," and may be referred to herein as "the code," and hereby amends the applicable Code of Ordinances of the Municipality.

§ 55-2. Intent.

The purpose of this article is to promote the general health, safety and welfare of the residents of North Londonderry Township, to conform to the requirements of the Pennsylvania Uniform Construction Code Act, to comply with the regulations issued by the Pennsylvania Department of Labor and Industry within the Pennsylvania Uniform Construction Code (UCC), including all standards, codes and other information incorporated herein, and to adopt administrative and enforcement regulations.

§ 55-3. Adoption of Pennsylvania Uniform Construction Code.

North Londonderry Township (hereinafter sometimes referred to as municipality) hereby adopts and incorporates by reference the Pennsylvania Uniform Construction Code, as contained in 34 PA. Code, Chapters 401 through 405 and amendments thereto, and declares this to be the North Londonderry Township Construction Code Ordinance, referred to herein as "the code."

§ 55-4. Scope.

The code and regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of all buildings and structures and shall apply to existing or proposed structures, unless exempted by the Pennsylvania Uniform Construction Code (UCC). All other ordinances of the municipality which are more stringent shall apply. It shall be the joint responsibility of the owner, lessee, if any, and the contractor to obtain the required code permit before performing any work.

§ 55-5. Administration and enforcement.

In accordance with and in addition to the administrative provisions of the Pennsylvania Construction Code Act 45 of 1999, the Pennsylvania Uniform Construction Code (UCC) and the

Pennsylvania Department of Labor and Industry Regulations, the following administrative and enforcement requirements shall be part of the code:

A. Administration.

- (1) The administration and enforcement of the code and Pennsylvania Department of Labor and Industry Regulations is hereby delegated to the County of Lebanon by virtue of a separate contract authorizing the Building Code Official of the Lebanon County Planning Department to administer and enforce the code on behalf of the municipality. For purposes of this article, the term "Building Code Official" shall include all employees and contracted agents of the Lebanon County Planning Department who are Building Code Officials, Code Administrators, Construction Code Officials, Current Code Administrators or individuals similarly licensed and/or certified by the State of Pennsylvania to perform code work.
- (2) The Building Code Official shall have all the powers and duties set forth in the Pennsylvania Uniform Construction Code (UCC), this article, the contract with the County of Lebanon and the Pennsylvania Department of Labor and Industry Regulations. Specifically, in addition to such other powers and duties provided, the Building Code Official shall be authorized to receive code permit applications; issue or deny code permits; collect fees for permits, plan reviews and inspections; make inspections and require such work to be performed as may be necessary to carry out the provisions of the code; issue certificates of occupancy; and enter buildings and premises within normal business hours or at other times with permission of the owner or contractor. Additionally, the Building Code Official may perform code enforcement activities, including, but not limited to, issuance of notices of violation, stop-work orders, vacate orders or other legal action necessary to enforce, restrain, abate or correct violations of the code.
- (3) The application for a code permit shall be on forms provided by the Building Code Official. At the time of code permit application and prior to issuance of a code permit, the applicant shall submit to the Building Code Official two (2) sets of construction documents with plans and specifications, all required fees and a copy of any required zoning permit. No code permit application shall be deemed complete without the required construction plans, fees, zoning permit copy and other required approvals. Additionally, the applicant shall pay all outstanding permit and inspection fees required during the course of construction prior to the issuance of a certificate of use and occupancy.
- (4) The application, plan review, permit and inspections fees shall be paid by each applicant in accordance with the fee schedule established by resolution of this municipality and maintained by the Building Code Official.
- (5) The joint Lebanon County Code Appeals Board is hereby created as the Board of Appeals for the code of this municipality. Membership, operation and decision making of the Appeals Board shall be in accordance with the applicable municipal resolutions, agreements and contracts and shall be in conformity with the applicable law. Appeals shall be filed in writing, within twenty (20) days of the determination by the Building Code Official that is being appealed. If a hearing is not requested within

the twenty (20) days, the decision shall be made by the Appeals Board based upon the evidence, plans and information presented.

B. Violations and penalties.

- (1) It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any building, structure or equipment regulated by this code, or to permit or cause same to be done, in conflict with or in violation of this code, and in violation of the regulations adopted hereunder.
- (2) The Building Code Official may serve and enforce a notice of violation, stop-work order, vacate order or other lawful enforcement notice on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupy a building, structure or equipment in violation of the provisions of this code or any permit issued under the provisions of this code.
- (3) If the Building Code Official has served a notice of violation and the notice of violation is not complied with by the deadline prescribed, summary enforcement proceedings may be initiated by the Building Code Official against the violator. Additionally, appropriate proceedings at law or in equity may be instituted by this municipality and/or the Building Code Official to restrain, correct or abate a violation, to prevent unlawful construction or to prevent illegal occupancy of a building, structure or premises.
- (4) Any person who shall violate a provision of this code or the regulations adopted hereunder or who shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, extend, repair, remove, demolish, use or occupy, or permit the use or occupancy of, any building, structure or equipment regulated by this code in violation of the provisions of this code or of an approved plan or of a directive of the Building Code Official or of a permit or certificate issued under the provision of this code or who shall permit the use, occupancy, erection, construction, alteration, extension, removal, demolition or repair of the building, structure or equipment in violation thereof shall, upon being found guilty in a summary enforcement proceeding commenced by this municipality or its appointed Building Code Official, pay a penalty of not less than four hundred (\$400) dollars and not more than one thousand (\$1,000.00) dollars for each violation, plus all costs of prosecution, which fines or penalties may be collected as provided by law. Each day that a violation continues shall be deemed a separate offense, and each section of the code which is violated shall be deemed a separate offense. The Building Code Official may request the Police Department to make arrests for any offense against the code or orders of the Building Code Official affecting the immediate safety of the public.

ARTICLE II

Floodproofing Building Code

[Adopted 9-21-1999 by Ord. No. 119 (Ch. 53, Art. III, of the 1991 Code)]

§ 55-6. Purpose.

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to construction, development and substantial improvements

occurring in any designated floodplain districts.

§ 55-7. Basements and first floors.

A. Basements and lowest floors.

- (1) All new construction and substantial improvements of residential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the base flood elevation.
- (2) All new construction and substantial improvements of nonresidential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the base flood elevation; or, together with attendant utility and sanitary facilities, be floodproofed to an elevation of two (2) feet above the base flood elevation in accordance with Subsection B of this section.
- (3) Enclosed space below the lowest floor (including basement), which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (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 area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. For structures to be floodproofed to an elevation at or above two (2) feet above the base flood elevation (nonresidential structures only):

- (1) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- (2) A determination of elevations of existing ground, proposed finished ground, lowest floor and floodproofing limits, certified by a registered professional engineer, surveyor or architect.
- (3) A certificate prepared by the registered professional engineer or architect who prepared the plans in Subsection B(1) above that the structure in question, together with attendant utility and sanitary facilities, is designed so that:
 - (a) Below an elevation of two (2) feet above the base flood elevation the structure is watertight, with walls substantially impermeable to the passage of water.

- (b) The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact and other forces resulting from the flood depths, velocities, pressures and other factors associated with the base flood.

§ 55-8. Fill.

- A. Filling or the dumping of fill material is prohibited in designated floodplain areas on vacant lots or on land not scheduled for approved construction activities.
- B. Fill shall only be used to raise the finished surface of the lowest floor to an elevation of two (2) feet above the base flood, and the following conditions shall be met:
 - (1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for the intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of 25% of the perimeter of a nonresidential structure.
 - (2) Fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - (3) Fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
 - (4) Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer.
 - (5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
 - (6) Use of fill shall be permitted only when the property owner or applicant provides a document acceptable to the Zoning Officer, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the base flood at any point.

§ 55-9. Placement of buildings and structures.

- A. All buildings and structures, including manufactured homes, shall be constructed and placed on the lot 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 floodwater.
- B. The following shall not be placed or caused to be placed in any of the designated floodplain districts: fences, except two-wire fences, other structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of floodwaters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.

§ 55-10. Placement of recreational vehicles.

Recreational vehicles to be placed within any floodplain area shall either: be on the site for fewer than one hundred eighty (180) consecutive days and fully licensed and ready for highway use or meet the provisions of § 55-12 of this article. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices and has no permanent foundation or attached additions.

§ 55-11. Anchoring.

- A. All buildings, manufactured homes and/or substantial improvements thereto and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- B. All air ducts, large pipes and storage tanks located at or below the base flood elevation shall be firmly anchored to prevent flotation, collapse or lateral movement.

§ 55-12. Special anchoring and site requirements for manufactured homes.

Where permitted, all manufactured homes and/or substantial improvements thereto to be located in any designated floodplain district shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors as well as additional precautions in the following manner:

- A. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and with manufactured homes less than fifty (50) feet long requiring one additional tie per side.
- B. Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points for manufactured homes fifty (50) feet or more in length and with manufactured homes less than fifty (50) feet long requiring four additional ties per side.
- C. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- D. Any manufactured home which is substantially improved shall be similarly anchored.
- E. Where permitted, all individual manufactured homes and substantial improvements thereto, new manufactured home parks and manufactured home subdivisions, expansions to existing manufactured home parks and manufactured home subdivisions, existing manufactured home parks and manufactured home subdivisions shall be located and/or designed so that:
 - (1) Manufactured homes and/or substantial improvements thereto are placed on permanent foundations.
 - (2) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home and/or substantial improvement thereto will be at or above an

elevation of at least two (2) feet above the base flood elevation.

- (3) Adequate surface drainage and access for a hauler are provided.
- F. Manufactured homes and/or substantial improvements thereto which are elevated by piers or pilings shall be:
- (1) Placed on lots large enough to permit steps;
 - (2) Placed in stable soils on piling foundations no more than ten (10) feet apart; and
 - (3) Said pilings shall be adequately reinforced if they extend more than six (6) feet above ground level.
- G. An evacuation plan indicating alternate vehicular access and escape routes for manufactured home parks and manufactured home subdivisions shall be filed with the appropriate local officials where appropriate.
- H. Manufactured homes shall not be placed in the Floodway or Approximated (or General) Floodplain Districts, except in existing manufactured home parks and existing manufactured home subdivisions.

§ 55-13. Floors, walls and ceilings.

- A. Wood flooring used at or below the lowest floor level shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
- B. Plywood used at or below the lowest floor level shall be of an exterior or marine grade and of a water-resistant or waterproof variety.
- C. Basement ceilings in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.
- D. Window frames, door frames and door jambs used at or below the lowest floor level shall be made of metal.

§ 55-14. Electrical systems.

- A. All electric water heaters, electric furnaces, electric air conditioning and ventilating systems and other critical electrical installation shall be permitted only at elevations of two (2) feet or more above the base flood elevation.
- B. No electrical distribution panels shall be allowed at an elevation of less than two (2) feet above the level of the base flood elevation.
- C. Separate electrical circuits shall serve lower levels and shall be dropped from above.

§ 55-15. Plumbing.

- A. Water heaters, furnaces and other critical mechanical installations shall be permitted only at elevations of two (2) feet or more above the base flood elevation.

- B. No part of any on-site sewage disposal system shall be constructed within any floodplain district.
- C. All new or replacement water supply systems and/or sanitary sewage systems shall be designed and located to preclude infiltration of floodwaters into the system and discharges from the system into floodwaters.
- D. All gas and oil supply systems shall be designed to preclude the infiltration of floodwaters into the system and discharges from the systems into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- E. On-site waste disposal and/or storage systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 55-16. Paints and adhesives.

- A. Adhesive used at or below the lowest floor level shall have a bonding strength that is unaffected by inundation.
- B. Doors and all wood trim at or below the lowest floor level shall be sealed with a waterproof paint or similar product.
- C. Paints or other finishes used at or below the lowest floor level shall be capable of surviving inundation.

§ 55-17. Storage.

No materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, shall be stored below an elevation two (2) feet above the base flood elevation.

§ 55-18. Zoning Officer to supply information.

To ensure that the aforementioned flood damage controls are being employed in all new construction, development, substantial improvements and placement or relocation of any structure (including manufactured homes) within any floodplain district, the Zoning Officer shall provide the applicant with information concerning the location of the Floodway, Flood Fringe and Approximated (or General) Floodplain District boundary relative to his proposed construction and the water surface elevation of the base flood at the proposed construction site.

§ 55-19. Plan to be included with permit application; requirements.

To ensure that all construction and development on property which contains identified floodplain areas will be conducted employing flood damage controls, the Zoning Officer shall require the following additional information to be included as a part of an application for a building permit:

- A. A plan which accurately locates the proposed construction and/or development with respect to the floodplain area boundaries, stream channel, existing floodplain development and all proposed subdivision and land development to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage; and
 - (2) All public utilities and facilities, such as sewer, water, gas, telephone, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazard.
- B. Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Zoning Officer based upon site conditions) and elevations of the ground, base flood elevations, structure elevation, lowest floor elevation, size of the structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures. When proposed construction and/or development involves structures and/or fill to be located within the designated floodplain, such plan shall also include details of proposed fill, pile structures, retaining walls, foundations and erosion control measures, and the Zoning Officer may require more detailed contour and elevation data.
- C. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure and that the plans for the development of the site adhere to the restrictions cited in this article, the municipality's zoning and subdivision and land development regulations¹ and any other applicable ordinances.
- D. Prior to issuance of any building permit, the applicant shall submit to the Zoning Officer copies of all other required state and federal permits, including, but not limited to, the following permits when applicable: floodway, wetland, surface mining, water quality, earth disturbance, sewage or state Fire Marshal. Copies of all required permits shall be maintained by the Zoning Officer as a part of the building permit file.

§ 55-20. Review of application by others.

- A. The Zoning Officer may require a copy of all plans and specifications for construction and/or development affecting identified floodplain areas be submitted to other appropriate agencies and/or individuals (e.g., County Conservation District, Planning Commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated floodplain, the Zoning Officer shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a building and zoning permit.
- B. All other necessary governmental permits, such as those required by state and federal law, shall be presented for review upon permit application.

§ 55-21. Definitions.

1. Editor's Note: See Ch. 150, Zoning, and Ch. 130, Subdivision and Land Development.

As used in this article, the following terms shall have the meanings indicated:

BASE FLOOD — The flood, also known as the one-hundred (100) year flood, which has a one-percent (1%) chance of being equaled or exceeded in any given year; the flood which has been selected to serve as the basis upon which the floodplain management provisions of this article and other ordinances have been prepared.

BASE FLOOD ELEVATION — The determination by the Federal Insurance Administrator of the water surface elevation of the base flood, that is, the flood level that has a one-percent (1%) or greater chance of occurrence in any given year.

BASEMENT — Any area of a building having its floor subgrade on all sides.

CONSTRUCTION — Includes the building, reconstruction, extension, expansion, alteration, substantial improvements, erection or relocation of a building or structure, including manufactured homes and gas or liquid storage tanks. For floodplain purposes, "new construction" includes structures for which the start of construction commenced on or after the effective date of the adoption of these floodplain management regulations.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, buildings, manufactured homes or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of equipment or materials.

FLOOD — A general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN DISTRICT — The zoning district that establishes the bounds of the base flood as identified by the Federal Insurance Administrator in the Official Flood Insurance Study so that necessary floodplain management control measures can be instituted in flood-prone areas. This district has been divided into four possible sub districts: the Floodway District, Flood Fringe District, the Approximated (or General) Floodplain District and the Special Floodplain District.

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.

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

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 connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes all mobile homes and camping trailers, recreational vehicles, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK/SUBDIVISION — A lot or area which is a planned

development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a "manufactured home subdivision."

ONE-HUNDRED-YEAR FLOOD (BASE FLOOD) — A flood, selected as the base flood, that has a one-percent (1%) chance of being equaled or exceeded in any given year.

RECREATIONAL VEHICLE — A vehicular-type of structure which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; self-propelled or mounted on or drawn by another vehicle; and primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term "recreational vehicle" includes, but is not limited to, travel trailers, camping trailers, truck campers and self-propelled motor homes.

STRUCTURE — A walled or roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home or any other man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, major alteration or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structures either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this article, "substantial improvement" is considered to have occurred when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to correct any existing violation of state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an "historic structure."

§ 55-22. Administration and enforcement.

The Lebanon County Planning Department is authorized to administer the provisions of this chapter providing for the control of damage caused by flood and providing for certain minimum standards in the construction of structures within a flood control area and for the administration of the same and providing penalties for the violation thereof as herein provided, and to enforce the provisions of this article on behalf of the Lebanon County Commissioners and North Londonderry Township. With the approval of the governing body, the Lebanon County Planning Department may, in addition to other remedies provided herein, institute, in the name of Lebanon County and/or North Londonderry Township, any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct or use constituting a violation of this article.

§ 55-23. Violations and penalties.

Any person, partnership or corporation who or which shall violate the provisions of this article shall, upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than six hundred dollars (\$600). Each day that a violation is continued shall constitute a separate offense.

§ 55-24. Appeals.

Any applicant aggrieved by any action of the Lebanon County Planning Department or Zoning Officer or other administrator under this article who refuses to approve a permit application shall have the right, within thirty (30) days after such refusal received in writing, to appeal to the Court of Common Pleas of Lebanon County.