

**WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 10-01-01

AN ORDINANCE REQUIRING BUILDING PERMITS FOR THE BUILDING OR ALTERATION OF ANY BUILDINGS OR STRUCTURES IN WINDSOR TOWNSHIP, YORK COUNTY, PENNSYLVANIA; PROVIDING FOR APPLICATIONS FOR SUCH PERMITS; SPECIFYING FEES THEREFOR; PLACING LIMITATIONS THEREON; IMPOSING REQUIREMENTS THEREUNDER; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP WHICH ARE SUBJECT TO FLOODING; REQUIRING REPORTS OF COMPLETION; PROVIDING FOR REVOCATION OF PERMITS; PROVIDING REMEDIES AND PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING AND REENACTING THE WINDSOR TOWNSHIP BUILDING PERMIT ORDINANCE

WHEREAS, the Board of Supervisors enacted Ordinance 09-08-01 on August 17, 2009 [Windsor Township Building Permit Ordinance] to regulate the issuance of building permits and development within floodplain areas;

WHEREAS, it is the desire of the Board of Supervisors to make certain amendments to the Windsor Township Building Permit Ordinance and to repeal and reenact the Building Permit Ordinance.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Windsor Township, York County, Pennsylvania as follows:

This Ordinance shall be known as the WINDSOR TOWNSHIP BUILDING PERMIT ORDINANCE.

Part I

Section 1. REQUIREMENT OF PERMIT

- A. It shall be unlawful for any person to build or alter any building or structure in Windsor Township without having obtained a permit therefor as herein provided.
- B. It shall be unlawful for any person to begin any work for the building or alteration of any building or structure unless and until a building permit has been duly issued therefor.
- C. It shall be unlawful for any person to commence activities addressing or relating to an issue requiring compliance with the Windsor Township Zoning Ordinance, adopted May 7, 2001, as amended, without having obtained a building permit.
- D. It shall be unlawful for any person to commence activities addressing or relating to an issue requiring compliance with the Windsor Township Uniform Construction Code, adopted as Ordinance 04-06-01, and as may be amended, without having obtained a building permit.
- E. This Ordinance supersedes any other conflicting provisions which may be in effect in

identified floodplain areas. However, any other ordinance provisions shall remain in 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.

Section 2. APPLICATION FOR PERMIT

- A. A complete Application for Building/Zoning Permit must be filed for all building permits with the Building Permit Official; all appropriate forms determined by the Township must accompany the filed application. The proposed improvements must comply with provisions of this and all other Ordinances of Windsor Township.
- B. All applications shall be accompanied by a drawing showing the shape, size and dimension of the lot to be built upon, the size and location of all buildings, dwellings or structures existing thereon, and the size and location of all buildings, dwellings, and/or structures proposed to be built or altered.
- C. A site plan is required for all new dwelling construction and additions to existing dwellings, including mobile and manufactured homes as defined in other municipal Ordinances. Items listed below are required to be designated on the site plan when applicable to the proposed improvements:
 - 1. Name of subdivision, including proper address.
 - 2. Location by tax map and parcel number, municipality, county and state.
 - 3. North point, date, and graphic scale no smaller than 1" equals 30'.
 - 4. Boundaries of the lot indicated by a heavy line and metes and bounds, and accurate gross and net acreage.
 - 5. Location, cartwidths and right-of-ways including names of all existing or recorded streets adjacent to the lot, clear sight triangles for proposed driveways.
 - 6. Utility right-of-ways and/or easements (i.e. sanitary sewers, water mains, wells, storm drains, electric power lines, transmission stations, gas mains, or other underground items within the lot)
 - 7. Proposed contours for the lot of ten (10) foot intervals per Section 302.3K of the Subdivision and Land Development Ordinance.
 - 8. Required grading around the dwelling and max slopes for the driveways must be designated per section 404.F of the Subdivision and Land Development Ordinance and Section 309.4 of the Zoning Ordinances respectively.
 - 9. Building setback lines, measured from property lines and the right-of-way line.
 - 10. Improvements, both existing and proposed, including first floor elevation and square footage of the dwelling, distances from property lines, area of walks, driveways, decks and patios.
 - 11. The engineer's or surveyor's name, address, and seal or registration number.
 - 12. Location of alluvial soils or flood plains designated on official Flood Insurance Mapping presented by FEMA and or recorded subdivision plans.
 - 13. Zoning classification, permitted lot coverage, including proposed and remaining based on net acreage.
- D. Three (3) copies of the required sealed site plan must be submitted with building permit application.
- E. Within fifteen (15) days after receipt of an application for a building permit, the

Building Permit Officer must grant or refuse the permit. If the permit is not granted, he or she must state in writing the grounds for the refusal. The applicant may appeal the decision to the Board of Supervisors or Zoning Hearing Board pursuant to Section 16.

- F. A Certification Letter must be filed following the completion of the footer inspection and prior to the construction of the foundation identifying the accuracy of the footer location for the new dwelling/addition as proposed on the Site Plan.

Section 3. FEE FOR PERMIT

- A. When a building permit is required under Section 1 of this Ordinance, the fee for such permit shall be based upon the estimated costs of the building or alteration in the amount as set by Resolution and as may be amended from time to time by the Governing Body for each One Thousand (\$1,000.00) dollars of such costs or fraction thereof. Such fees shall be in addition to any other fee required under any other Ordinance of Windsor Township as a condition to the issuance of a Building Permit; excepting specifically that any and all repairs, rebuilding, construction or reconstruction of any structure and/or building necessitated and/or required by reason of fire or other casualty loss caused by an act of God or determined to be solely accidental to said structure or building, shall not require payment of any fee.
- B. At the time of filing by the applicant of the report of completion hereinafter provided for, the applicant shall simultaneously therewith pay to the Building Permit Officer any additional fee based upon the difference between the estimated cost of building or alteration and the actual costs thereof.
- C. On a permit issued for the moving of an existing building or structure to a different location on the same lot, the fee shall be based upon the cost of such removal.
- D. On a permit issued for the moving of an existing building or structure to a different lot, the fee shall be based upon the estimated cost of new construction of a building or structure in its completed condition upon the new lot.

Section 4. LIMITATION ON PERMITS

- A. No permit shall be issued for the building or alteration of any building or structure within the right-of-way limits of any street or highway, with the exception of drainage structures, curbing or pavement.
- B. No permit shall be issued for the building or alteration of any building or structure unless such building or alteration conforms to required building setback lines as specified in the subdivision and land development regulations or any Zoning Ordinance enacted by the Township of Windsor.
- C. No permit shall be issued for the building or alteration of any building or structure unless surface drainage of the land is provided for by compliance with a grading plan submitted and approved for the subdivision plan which created the lot or, in the case of a lot smaller than one (1) acre, a grading plan prepared specifically for the lot and approved by the Township Engineer, and the payment of any fee associated with such review and approval.
- D. No permit shall be issued for the building or alteration of any building or structure upon land

in a subdivision unless and until a final plan of subdivision shall have been approved and properly recorded.

- E. No permit shall be issued unless or until any required sewerage permits have been issued.

Section 5. REQUIREMENTS UNDER PERMITS

- A. All buildings or structures built or altered shall conform to the lines and grades of the streets and highways on which they abut.
- B. All excavations and ditches shall be kept adequately drained and all such excavations, ditches, supplies and materials on or about the premises shall be properly protected, screened, shielded or covered to avoid drainage or injury to other property and injury to other persons.
- C. All building permits shall be immediately posted by the applicant at a conspicuous place on the premises upon which the work is to be performed, and shall remain posted thereon until completion of the work.
- D. A permit becomes invalid unless the authorized construction work begins with 180 days after the permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request for an extension of time to commence construction for just cause. The building code official may grant extensions of time to commence construction in writing. A permit may be valid for no more than five (5) years from its issue date.
- E. No work shall be undertaken or resumed after a permit has expired unless and until a new application has been filed, the fee herein specified has been paid with such new application and a new permit has been issued.

Section 6. DEFINITIONS

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

- A. ALTERATION: Any change, rearrangement, enlargement, moving, relocation, removal or demolition of any structure or of the structural parts thereof.
- B. BUILD: The construction, erection, location, placement, altering, raising, fabricating, making, repairing, enlarging, paving, or restoration of any structure or part thereof, but not including the mere painting or finishing of surfaces when not accompanied by any other activity herein referred to.
- C. BUILDING: An enclosed structure having a roof supported by columns, walls, arches or other devices and adapted to occupancy or use, for public, institutional, residence, commercial, manufacturing or storage purposes.
- D. GRADE, STREET: The elevation of the centerline of the street as officially established by the Township of Windsor.
- E. LINE, STREET: The dividing line between the street and the lot.

- F. SIGN: Any device for visual communication used for the purpose of bringing a subject to the attention of the public.
- G. STREET: A thoroughfare within the right-of-way which affords the principal means of access to abutting properties and is used or intended to be used by vehicular traffic or pedestrians whether public or private.
- H. STRUCTURE: A combination of materials used to form a construction, excavation or erection with a movable or fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.
- I. 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 laws as the subject of rights and duties.

Part II

Minimum requirements for new construction and development within areas of the Township which are subject to flooding:

Section 7. BUILDING PERMITS REQUIRED IN FLOOD PLAIN

A Building Permit shall be required for all construction and development including, but not limited to paving, filling, grading, excavation, mining, dredging and drilling operations.

Section 8. ISSUANCE OF BUILDING PERMIT

- A. The Building Permit Officer shall issue a Building 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 issuance of any Building Permit, the Building Permit Officer shall review the application for permit to determine if all other necessary governmental 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 Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.
- C. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by municipality and until all required permits or approvals have been first obtained from the Department of Environmental Resources Regional Office.

In addition, the Federal Emergency Management Agency (FEMA) and Pennsylvania Department of Community & Economic Development, shall be notified by the municipality prior to any alteration or relocation of any watercourse.

Section 9. APPLICATION PROCEDURE AND REQUIREMENTS

In addition to the information and documentation ordinarily required for Building Permits, as provided in Part I hereof, applicants shall also include the following specific information along with any application for construction or development within any flood plan district:

- A. If any proposed construction or development is located entirely or partially within any identified flood plain district, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:
- a) 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;
 - b) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - c) Adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:

1. A completed Building 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) all property and lot lines including dimensions and the size of the site expressed in acres or square feet;
 - d) the location of all existing and proposed buildings, structures, and other improvements including the location of any existing or proposed subdivision and land development;
 - e) the location of all existing streets, drives and other access ways; and
 - f) the location of any existing bodies of water or watercourses, identified flood plain 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 to 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 one-hundred (100) year flood;
 - c) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood; and
 - d) detailed information concerning any proposed flood-proofing measures.
4. The following data and documentation:

- a) When any part of a proposed structure or a substantial improvement to an existing structure is to be built below the elevation of the one-hundred (100) year flood, the applicant must submit a document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one-hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred (100) year flood.
- b) detailed information needed to determine compliance with Section 25.F.
 - 1. the amount, location and purpose of any materials or substances referred to in Section 25.F. which are intended to be used, produced, stored or otherwise maintained on site.
 - 2. 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 Section 25 during a one-hundred (100) year flood.
- c) the appropriate component of the Department of Environmental Resources "Planning Module for Land Development."
- d) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.
- e) documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

Section 10. REVIEW BY COUNTY CONSERVATION DISTRICT

A copy of all applications and plans for any proposed construction or development in any flood plain district to be considered for approval may be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

Section 11. REVIEW OF APPLICATION BY OTHERS

A copy of all plans and applications for an proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review or comment.

Section 12 CHANGES

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Building Permit

Officer for consideration.

Section 13. PLACARDS

In addition to the building permit, the Building Permit Officer 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 building permit the date of its issuance and be signed by the Building Permit Officer.

Section 14. START OF CONSTRUCTION

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer.

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 Building Permit Officer to approve such a request.

Section 15. INSPECTION AND REVOCATION

- A. During the construction period, the Building Permit Officer 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 shall make as many inspections during and upon completion of the work as are necessary.
- B. In the discharge of his duties, the Building Permit Officer 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.
- C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit.
- D. A record of all such inspections and violations of this Ordinance shall be maintained.

Section 16. APPEALS

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

- B. Upon receipt of such appeal the Township shall set a time and place for the purpose of considering the appeal.
- C. Any person aggrieved by any decision of the Township may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including Pennsylvania Floodplain Management Act.

GENERAL TECHNICAL PROVISIONS

In order to prevent excessive damage to buildings and structures due to flooding, the following provisions shall apply to all proposed construction or development occurring in any of the flood plain districts identified in the Township of Windsor from time to time.

Section 17. DESCRIPTION OF FLOODPLAIN

For the purpose of this Ordinance, the areas considered to be floodplain within the Township of Windsor shall be those areas identified as being subject to the one-hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated September 25, 2009 and the accompanying maps or the most recent revision thereof as issued by FEMA. Including all digital data developed as part of the Flood Insurance Study.

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

- A. FW (Floodway Area) – the areas identified as “Floodway” in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
- B. FF (Flood-Fringe Area) – the remaining portions of the one-hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
- C. FE (Special Floodplain Area) – the areas identified as Zone AE in the Flood Insurance Study, where one-hundred (100) year flood elevations have been provided, but no floodway has been delineated.
- D. FA (General Floodplain Area) – the areas identified as Zone A in the Flood Insurance Study for which no one-hundred (100) year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one-hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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.

Section 18. SPECIAL REQUIREMENTS FOR FW, FE AND FA AREAS

- A. With any FW (Floodway Area), the following provisions apply:
 - 1. Any new construction, development, use activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - 2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- B. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred (100) year flood more than one (1) foot at any point.
- C. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:
 - 1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 - 2. Any new construction or development, which would cause any increase in flood heights shall be prohibited within any floodway area.

Section 19. RESIDENTIAL STRUCTURES

Within any Floodplain Area the lowest floor (including basement) of any new construction of, or substantial improvement to, residential structures shall be at least one and one-half (1 ½) feet above the one-hundred (100) year flood elevation.

Section 20. ACCESSORY STRUCTURES

Structures accessory to a principal building need not be elevated or flood proofed 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 600 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 at least one and one-half (1 ½) feet above the one-hundred (100) year 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 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.

Section 21. NON-RESIDENTIAL STRUCTURES

- A. Within any Floodplain Area the lowest floor (including basement) of any new construction of, or substantial improvement to non-residential structures shall be at least one and one-half (1 ½) feet above the one-hundred (100) year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
- B. Any non-residential structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the W1 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 flood proofing 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. Where a non-residential structure is intended to be made watertight below the house flood level :
 1. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the rules of the FEMA; and
 2. a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Township as part of its permanent records.
- D. Space below the lowest floor.
 1. Fully enclosed space below the lowest floor (including basement) is prohibited.
 2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in any 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 "partially enclosed space" also includes crawl spaces.

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.

Section 22. CHANGES IN FLOODPLAIN AREA DELINEATIONS

The areas considered to be floodplain may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

No modification or revision of any floodplain area identified in the Flood Insurance Study prepared by the FEMA shall be made without prior approval from the FEMA.

Section 23. DISPUTES

Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Planning Commission and any party aggrieved by such decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

Section 24. SPECIAL FLOODWAY AND STREAM SETBACK REQUIREMENTS

A. Within any FW (Floodway Area), the following provisions apply:

- 1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
- 2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

Section 25. GENERAL DESIGN AND CONSTRUCTION STANDARDS

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified floodplain district:

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 Building Permit Officer,
- 5. to be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage

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 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 district 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.

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 Section 25.N, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to 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.
3. All manufactured homes to be placed within Zone A shall be installed using methods and practices which minimize flood drainage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral

movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State anchoring requirements for resisting wind forces.

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 "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 or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or water resistant quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.
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 one-hundred (100) year 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 the flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Development Which May Endanger Human Life

1. The provisions of this section shall be applicable, in addition to any other applicable provisions of this Ordinance, or any other Ordinance, code or regulation.
2. 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:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- a. Acetone
 - b. Ammonia
 - c. Benzene
 - d. Calcium carbide
 - e. Carbon disulfide
 - f. Celluloid
 - g. Chlorine
 - h. Hydrochloric acid
 - i. Hydrocyanic acid
 - j. Magnesium
 - k. Nitric acid and oxides of nitrogen
 - l. Petroleum products (gasoline, fuel oil, etc.)
 - m. Phosphorus
 - n. Potassium
 - o. Sodium
 - p. Sulphur and sulphur products
 - q. Pesticides (including insecticides, fungicides and rodenticides)
 - r. Radioactive substances, insofar as such substances are not otherwise regulated.
3. Within any Floodway District any structure of the kind described in Subsection 2 above, shall be prohibited.
4. Where permitted within any Floodway-Fringe District or General Floodplain District, any structure of the kind described in Subsection 2 above, shall be:
- A. Elevated or designed and constructed to remain completely dry up to at least one and one-half (1 ½) feet above the one-hundred (100) year flood and
 - B. Designed to prevent pollution from the structure or activity during the course of a one-hundred (100) year flood.

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 flood proofing contained in the publication "Flood Proofing Regulations" (U.S. Army Corps of Engineer, June 1972 as amended March 1992), or with some other equivalent watertight

standard.

5. Within any General Floodplain District (FA) any structure of the kind described in Subsection 2 above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
6. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this section.
7. Within any FE (Special Flood Plain Area) or FA (General Flood Plain Area), any new or substantially improved structure of the kind described Subsection 2 above, shall be prohibited within the area measured fifty (50) feet landward from the top-of bank of any watercourse.

O. Activities Requiring Special Permits

1. The provisions of this section shall be applicable, in addition to any other applicable provisions of this Ordinance, or any other Ordinance, code or regulation.
2. Identification of Activities Requiring a Special Permit

In accordance with the Pennsylvania Floodplain Management Act and regulations adopted by the Department of Community and Economic Development as required by the Act, the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any Floodplain District.

- 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 mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

3. Application Requirements

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

- A. A written request including a completed Building 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 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, 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 one-hundred (100) year flood 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 one-hundred (100) year flood;
 4. detailed information concerning any proposed flood proofing measures;
 5. cross-section drawings for all proposed street, drives, other access ways and parking areas, showing all rights-of-way and pavement widths;
 6. profile drawings for all proposed streets, drives and vehicular access ways 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 one-hundred (100) year flood;
 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 one-hundred (100) year flood, 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 one-hundred (100) year flood 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 one-hundred (100) year flood elevation and the effects such materials and debris may have on one-hundred (100) year flood elevations and flows;
6. the appropriate component of the Department of Environmental Protections' "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 one-hundred (100) year flood.

4. Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

- 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 Township Planning Commission and Township Engineer for review and comment.

- B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in which respects the application is deficient.
- C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township 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 mail, within five (5) working days after the date of approval.
- E. Before issuing the Special Permit, the Township 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 the decision made by the Township.
- F. If the Township 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 and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

5. Technical Requirements for Development Requiring a Special Permit

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provisions, the more restrictive provision shall apply.

- A. 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 one-hundred (100) year flood elevation.
 - b) the lowest floor elevation (including basement) will be at least one and one-half (1 ½) feet above the one-hundred (100) year 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 one-hundred (100) year flood.
 2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- B. 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 and the Department of Community and Economic Development.
6. Within any Floodplain District, any structure of the kind described in Subsection 2 above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
7. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this section.

Section 26. EXISTING STRUCTURE IN FLOODPLAIN DISTRICTS

Structures existing in any floodplain district prior to enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain, subject to the following:

- A. Existing structures or uses located in any floodway district shall not be expanded or enlarged.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure or use, 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.
- C. Any modification, alteration, reconstruction, reconstruction, or improvement of any kind to an existing structure or use, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
- D. All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base regulatory flood elevation and be securely anchored to an adequately anchored foundation system in accord with the provisions of this Ordinance relating thereto and specifically as found in Section 23H.
- E. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

Section 27. UNIFORM CONSTRUCTION CODE COORDINATION

The Standards and Specifications contained in 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.

International Building Code (IBC) 2006 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G.

International Residential Building Code (IRC) 2006 or the latest edition thereof:
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Section 28. VARIANCES

If compliance with any of the requirements of this Part II would result in an exceptional hardship for a prospective builder, developer, or landowner, the Board of Supervisors may, upon request, grant relief from the strict application of the requirements.

Where the construction of required site improvements is not physically possible due to weather conditions or other extraordinary reasons, the Owner or permittee shall, prior to issuance of any Certificate of Occupancy, post security in a form acceptable to the Township in an amount established by the Township Engineer to guarantee completion of the improvements.

Section 29. VARIANCE PROCEDURES AND REQUIREMENTS

Requests for variances shall be considered by the Township of Windsor in accordance with 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 one-hundred (100) year flood elevation.
- B. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one-hundred (100) year flood elevation more than one (1) foot at any point.
- C. Except for a possible modification of the one and one half (1 ½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit or to Development Which May Endanger Human Life.
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Township of Windsor shall attach 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 Windsor 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. Whenever a variance is granted, the Township of Windsor shall consider, but not be limited to, 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 would not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public or conflict with any other applicable local or state ordinance and regulations.
- F. A complete record of all variance requests and related actions shall be maintained by the Township of Windsor. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency (FEMA).

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.

SUPPLEMENTARY DEFINITIONS

Section 30. 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.

- A. Basement – a space with less than half of its floor-to ceiling height above the average finished

grade of the adjoining ground.

- B. Building – Any structure with a roof intended for shelter or enclosure of persons, animals or property.

Detached: A building which has not party wall.

Semi-detached or Duplex: A building which has only one party wall in common.

Attached: A building which has two or more party walls in common.

- C. Completely dry space – a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
- D. Construction – the construction, reconstruction, renovation, repair, extension, expansion, alteration, ore relocation of a building structure, including the placement of mobile homes.
- E. 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.
- F. Essentially Dry Space – a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable.
- G. Flood – a general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourse, or from the unusual and rapid accumulation of runoff or surface waters from any source.
- H. Floodplain – 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.
- I. Floodproofing – means any combination of structural and nonstructural additions, changes, adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
- J. Floodway – the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude.
- K. Historic structure – 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 with historic preservation programs which have been approved by the Secretary of Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic

preservation programs 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.

- L. Identified Floodplain District – the floodplain area specifically indentified in this Ordinance as being inundated by the one-hundred (100) year flood. Including would be districts identified as Floodway (FW), Flood-Fringe (FF), General Floodplain (FA) and Special Floodplain (FE).
- M. Lowest Floor – means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Any reference hereafter in this Ordinance to "habitable floor" shall be by definition considered in all respects the same as "lowest floor".
- N. Manufactured Home (formerly mobile 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 park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.
- O. Manufactured Home Park or Subdivision (formerly Mobile Home Park) – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- P. 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, or 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 exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- Q. New construction – structures for which the start of construction commenced on or after June 1, 1983, and includes any subsequent improvements thereto.
- R. Obstruction – any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, file, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.
- S. One-Hundred year flood – a flood, that, on the average, is likely to occur once every one-hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year.)

- T. 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.
- U. Recreational vehicle – a vehicle which is:
1. built on a single chassis;
 2. not more than 400 square feet, measured at the largest horizontal projection;
 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 a temporary living quarters for recreational camping, travel, or seasonal use.
- V. Regulatory flood elevation – the one-hundred (100) year flood elevation plus a freeboard safety factor or one and one-half (1 ½) feet.
- W. Structure – anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.
- X. Subdivision – the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. The division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new streets or easement of access, shall be exempted.
- Y. Substantial damage – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
- Z. Substantial improvements – means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,
1. before the improvement or repair is started, or
 2. if the structure has been damaged, and is being restored, before the damage occurred;

For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

Section 31. PENALTY FOR VIOLATION

- A. Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order of direction of the Building Code Official or any other authorized employee of Windsor Township shall be guilty of a summary offense and, upon conviction, shall pay a fine to Windsor Township of Five Hundred (\$500) plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days.
- B. Each day during which any violation of this article continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity

for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article 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.

- C. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this article may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

Section 32. SEVERABILITY

If any provisions of this Ordinance shall be held invalid or unconstitutional by a recognized court of this Commonwealth, such determination shall not affect the legality of the remaining provisions of this Ordinance.

Section 33. REPEALER


Ordinance No. 09-08-01 is hereby repealed. All Ordinances or portions of Ordinances inconsistent herewith are hereby repealed.

Section 34. EFFECTIVE DATE

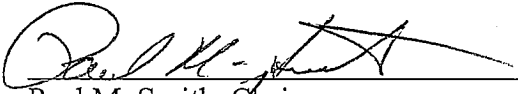
This Ordinance shall be effective five (5) days from the date hereof.

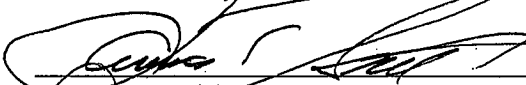
ENACTED AND ORDAINED into an Ordinance this 18th day of January, 2010.

ATTEST:


Jennifer L. Gunniet, Secretary

BOARD OF SUPERVISORS OF WINDSOR
TOWNSHIP


Paul M. Smith, Chairman


Janna T. Smith


Dean L. Heffner