

Chapter 4

Buildings

Part 1

Dangerous Structures

- §4-101. Short Title
- §4-102. Application
- §4-103. Definitions and Word Usage
- §4-104. Dangerous Structures as Nuisances
- §4-105. Investigation Procedure
- §4-106. Hearing Procedure
- §4-107. Standards for Repair, Vacation or Demolition
- §4-108. Enforcement Procedures
- §4-109. Penalties
- §4-110. Emergency Cases

Part 2

Standardized Address Assignment and Road Naming

- §4-201. Purpose of Standardized Address Assignment and Road Naming
- §4-202. Background
- §4-203. Current Numbering Methodology
- §4-204. Corrections or Appeals of Street Numbering
- §4-205. Alternate Addressing Schemes
- §4-206. Term
- §4-207. Adoption of Agreement
- §4-208. Amendment
- §4-209. Miscellaneous

Part 3

Building Permits and Floodplain Regulation

- §4-301. Statement of Intent
- §4-302. Definitions
- §4-303. Application Procedure
- §4-304. Issuance of Permit
- §4-305. Permit Changes
- §4-306. Placards
- §4-307. Start of Construction
- §4-308. Inspection and Revocation
- §4-309. Fees
- §4-310. Appeals
- §4-311. Penalties
- §4-312. Identification of Floodplain Areas
- §4-313. Floodplain Technical Provisions
- §4-314. Existing Structures in Identified Floodplain Areas

- §4-315. Variances
- §4-316. Floodplains Definitions
- §4-317. Development Which May Endanger Human Life
- §4-318. Activities Requiring Special Permits

**Part 4
Historic Resources**

- §4-401. Applicability and Scope
- §4-402. Permit Requirement for Demolition or Alteration of Historic Resources
- §4-403. Demolition or Alteration of Historic Resources, Application Procedures and Conditions
- §4-404. Demolition or Alteration Permit Application Review
- §4-405. Initial Recommendation of Historical Commission
- §4-406. Documentation of Historic Resources
- §4-407. Second Recommendation of the Historical Commission
- §4-408. Board of Supervisors Decision on Demolitions or Alterations

**Part 5
Historic District**

- §4-501. Legislative Intent
- §4-502. Purpose
- §4-503. Certification by the Pennsylvania Historical and Museum Commission
- §4-504. Definitions
- §4-505. General Provisions
- §4-506. Enforcement
- §4-507. Duties of the Building Permit Officer
- §4-508. Historical Architectural Review Board
- §4-509. Procedures to Be Followed by the Historical Architectural Review Board
- §4-510. Criteria to Be Used in Evaluating an Application for a Certificate of Appropriateness
- §4-511. Findings of the Historical Architectural Review Board
- §4-512. Procedures to Be Followed by the Board of Supervisors
- §4-513. Materials to Be Submitted with an Application for a Building Permit in the Historic District
- §4-514. Penalties

Part 1**Dangerous Structures****§4-101. Short Title.**

This Part shall be known as any may be cited as the "Cumberland Township Dangerous Structure Ordinance."

(*Ord. 99, 4/10/2001, §1*)

§4-102. Application.

This Part shall apply uniformly to all persons, business organizations, nonprofit organizations, and all other legal entities, and, it shall apply uniformly to all property and all property owners within the Township of Cumberland.

(*Ord. 99, 4/10/2001, §2*)

§4-103. Definitions and Word Usage.

1. Unless otherwise specifically defined below, words or phrases used herein shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the ordinance its most reasonable application consistent with its intent.

2. The word "shall" is always mandatory and not merely directory.

3. The word "Board" shall mean the Board of Supervisors of the Township of Cumberland (see "Township" herein below).

4. The word "Township" shall mean the Township of Cumberland, County of Adams, in the Commonwealth of Pennsylvania.

5. The words "dangerous structure" shall mean all the structures which have any or all the following defects; and, all such structures or structures shall be deemed "dangerous structures."

6. Those which have been damaged by fire, wind or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation.

A. Those which have been damaged by fire, wind or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation.

B. Those which have been damaged by fire, wind or other cause so as to have become dangerous to the life and safety, morals or the general health and welfare of the occupants or the people of the Township.

C. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living so that they are unfit for human habitation.

D. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living and are likely to cause accidents, sickness, or disease, so as to work injury to the health, moral, safety or general welfare of those living therein as well as

other citizens of the Township.

E. Those which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property.

F. Those which because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Township.

7. Words used in the present text include the future and past, words in the plural number include the singular, words in the singular number include words in the plural, and words either in the feminine or masculine or neuter shall include words of the other two genders.

(*Ord. 99, 4/10/2001, §3*)

§4-104. Dangerous Structures as Nuisances.

1. All dangerous structures are hereby declared to be public nuisances and shall be repaired, vacated or demolished.

2. Each day a nuisance in the form of a “dangerous structure” continues, after notice is given that said dangerous structure is to be repaired, vacated or demolished, shall constitute a separate offense in violation of this Part.

(*Ord. 99, 4/10/2001, §4*)

§4-105. Investigation Procedure.

Whenever it shall be reported or come to the attention of any Township official or police officer that any structure or structures, completed or in the process of construction, or any portion thereof, is in a dangerous condition, such person shall report same to the Board; and, the Board shall immediately designate a Township official, employee or police officer to make an investigation and examination of such structure or structure. If such investigation or examination indicates such structure to be a dangerous structure, a written report of such investigation shall be sent to the Board, specifying the exact condition of such structure and setting forth whether or in what respect the structure is dangerous and whether the structure is capable of being properly repaired or whether it shall be removed as a dangerous structure.

(*Ord. 99, 4/10/2001, §5*)

§4-106. Hearing Procedure.

The Board of Supervisors of the Township shall:

A. Upon receipt of a report in accordance with the investigation procedure provided for herein above in §4-105 of this Part, give written notice to the owner or owners of such dangerous structure as determined by the record in the Office of the Recorder of Deeds in and for the County of Adams in the Commonwealth of Pennsylvania, or failing to find any owner or owners, then such occupant, mortgagee, lessee, agent of any other person with an interest in said dangerous structure who may be located, to appear before the Board on the date specified in the notice to show cause why the structure or structures reported to be a dangerous structure should not be repaired, demolished or vacated in accordance with the statement of particulars set forth in the notice provided for herein.

B. Within not less than 10 nor more than 60 days from the date of such notice, hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee or other person having an interest in said structure shall offer related to the structure.

3. Within 30 days of such hearing, make written findings of fact from the testimony offered pursuant to the hearing as to whether or not the structure in question is a dangerous structure.

4. Within not more than 30 days following the hearing provided for by the subsection .2 hereof, issue an order, based upon findings of fact made pursuant to subsection .3 hereof, demanding the owner of said structure to, repair, demolish or vacate any structure found to be a dangerous structure.

(*Ord. 99, 4/10/2001, §6*)

§4-107. Standards for Repair, Vacation or Demolition.

The following standards shall be followed in substance by the Board in ordering repair, vacation or demolition of a dangerous structure:

A. If the dangerous structure can be repaired as determined by the Board so that it will no longer exist in violation of the terms of this Part, it shall be ordered repaired.

B. If the dangerous structure is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.

C. If the dangerous structure cannot be reasonably repaired as determined by the Board, it shall be demolished.

D. If the dangerous structure is a fire hazard, or existing or erected in violation of the terms of this Part, any other ordinance of the Township or any statute of the Commonwealth of Pennsylvania, it shall be demolished.

(*Ord. 99, 4/10/2001, §7*)

§4-108. Enforcement Procedures.

1. If any structure is deemed to be a dangerous structure within the standards of this Part, the Board shall forthwith cause notice to be served upon the owner or owners of such dangerous structure as determined by the record of the Office of Recorder of Deeds in and for the County of Adams in the Commonwealth of Pennsylvania, or failing to find any owner or owners, then such occupant, mortgagee, lessee, agent, or any other person with an interest in said dangerous structure who may be located.

2. The notice required by this Section shall be served personally upon the owner or owners of a dangerous structure if such owner resides or such owners reside, in the Township or personally upon his agent if such agent resides within the Township. If personal service required herein cannot be obtained, such notice shall be sent to the owner or owners of a dangerous structure by certified mail at the last known address according to the records available in the Tax Assessment Office in and for the County of Adams in the Commonwealth of Pennsylvania.

3. Such notice shall identify the structure deemed dangerous, contain a

statement of the particulars which make this structure a dangerous structure and include an order requiring the same to be put in such condition as to conform with the terms of this Part; provided, further, in any case where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure in lieu of making the repairs thereto within the time period provided.

4. Such notice shall require any person notified to repair, vacate or demolish any structure to commence the work or act required by the notice within 10 days of such notice and to comply with such repair, vacation or demolition within 60 days from the receipt of such notice.

5. The Board shall cause to be placed on all dangerous structures a notice reading substantially as follows:

“This structure has been found to be a dangerous structure by the Board of Supervisors for the Township of Cumberland, County of Adams in the Commonwealth of Pennsylvania. This notice is to remain on this structure until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner, occupant, lessees, mortgagee, or agent of the structure. It is unlawful to remove this notice until compliance is made under the terms contained in the notice served on the above named party.”

(*Ord. 99, 4/10/2001, §8*)

§4-109. Penalties.

1. All fines provided for in this Section shall be in addition to costs.

2. Any person who shall fail to comply with any notice or order to repair, vacate or demolish any dangerous structure, which notice is served by any person authorized to do so by the Board, shall, any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 05-112*]

3. Any person removing the notice provided in §4-108.5 shall, any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 05-112*]

4. Any person having an interest in any structure who fails to comply with any notice or order to repair, vacate or demolish any dangerous structure within 60 days of the receipt of such notice, by such failure, does empower the Board to cause such structure to be repaired, vacated or demolished by the Township and to cause the costs of such repair, vacation or demolition together with a penalty of 10% to be charged upon the land upon which the structure exists as a municipal lien, or alternatively to

recover such costs and penalty in a suit at law against the owner or owners but failing to recover same to have the judgment therefor to be charged upon the land as a lien; and, this subsection is separate from and in addition to the fine, penalty and costs which may be imposed by any other subsection of this Section.

(Ord. 99, 4/10/2001, §9; as amended by Ord. 05-112, 7/26/2005)

§4-110. Emergency Cases.

In cases where it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous structure, the Board shall cause the immediate repair, vacation or demolition of such dangerous structure. The costs of such emergency repair, vacation or demolition of such dangerous structure shall be collected as provided for in §4-109.4 of this Part.

(Ord. 99, 4/10/2001, §10)

Part 2**Standardized Address Assignment and Road Naming****§4-201. Purpose of Standardized Address Assignment and Road Naming.**

1. *Agreement to Cooperate.* Pursuant to 53 Pa.C.S.A. §2301 *et seq.*, the parties agree to cooperate and provide themselves subject to the address assignment and road naming procedures created under this agreement.

2. *Purpose of Agreement.* The parties agree that this policy has the purpose of standardizing the assignment of street and road addresses and the naming of streets and roads, which enhances the rapid and easy location of properties, residences and businesses for the most efficient delivery of public safety and emergency services, and mail and business deliveries.

3. *Start Date.* The address assignment and road naming procedures contained herein shall be effective as of 12:01 a.m. on July 1, 2001 ("start date").

(*Ord. 01-100, 7/10/2001, §1*)

§4-202. Background.

1. *Historical Basis.* A resolution was passed by the Adams County Commissioners in 1980 to implement a Countywide street naming and house numbering system. This resolution was aimed to provide County citizens with improvements with regard to voter registration, property assessments, emergency response and other services related to street or road address numbering and naming. Prior to this system addresses were based on rural route numbers. The plan was to implement this system through the Adams County Office of Planning and Development. This system has evolved into a standardized street and road address numbering system that is used by the GIS/Mapping Department for many of the municipalities of the County.

2. *Planned Method.* This system is based upon "blocks," each approximately 1,000 feet in road length. Theoretically, each block could accommodate up to 100 addresses. The numbering is to be sequential and as evenly spaced as existing parcel layout will allow. The sequential aspect is important, as a sequential numbering system best supports the Emergency 9-1-1 System and the associated computer aided dispatch system. The specific sequential numbering for each address is based upon where the access to the property via a lane or driveway is located on the block. When the system was created in 1980 multi-lot subdivisions were addressed. However, future development planning did not, in many cases, provide for the growth and accompanying need for street addresses for many large vacant parcels.

(*Ord. 01-100, 7/10/2001, §2*)

§4-203. Current Numbering Methodology.

1. *Numbering System.* The GIS/Mapping Department will continue to follow a uniform method of sequential numbering based upon the aforementioned block system.

2. *Exceptional Situations.* In situations where an already densely populated area

gains additional development, or where back lots need to remain addressed off of the dedicated main road, sequential addressing may become difficult. In order to be consistent with the overall County addressing scheme these situations may require lettered addresses. These lettered addresses will be assigned alphabetically to the greatest extent possible. However, as new development occurs, sequential numbering and lettering may not be able to be maintained. In those situations a standardized alternative system will be utilized to the greatest extent possible.

3. *Correcting Address Problems.* One of the inherent problems with uncoordinated numbering of a rapidly developing area is creation of addresses that prove problematic for delivery of police and emergency services. In situations where nonsequential numbers exist, and where these numbers create problems, there may be need for correction of serious numbering difficulties. The GIS/Mapping Department will follow the procedures noted in §4-204 of this Agreement to resolve those anomalies.

4. *Official Address and Road Name Maps.* Since the enacting of the address assignment and road naming policy in 1980 the County has maintained official address and road name maps. These maps remain available for public reference and inspection during normal business hours at the Adams County GIS/Mapping Department, Room 206, in the Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

5. *Assignment Responsibilities.* Assignment of address numbers to properties, both on existing and proposed streets, shall be the responsibility of the Adams County GIS/Mapping Department. Particular attention will be focused by the GIS/Mapping Department upon the need to keep address numbers sequential to help facilitate emergency response.

6. *Numbering Procedure.* In general, numbering shall begin at the end of the road connecting with the main road and increase with the even numbers on the left side of the road and the odd numbers on the right side of the road. The plan, however, recognizes the existence of a few, limited exceptions to this methodology. These exceptions will be maintained in those municipalities. The manner to be followed in appealing a GIS/Mapping Department decision is contained in §4-204.

7. *Street Names.* Every public right-of-way in all roads where there are two or more properties, improved or unimproved, shall have a name. The name shall be derived through consultation between local municipal officials, the County GIS/Mapping Department, and the developer, if the parcel is part of a coordinated development. The naming of streets is not a responsibility of the GIS/Mapping Department. However, the GIS/Mapping Department, Department of Emergency Services, and municipalities are aware that street names are a necessary component of an address, and steps must be followed to ensure possible duplicate or similar names are avoided in municipalities, as well as in areas of response for emergency services companies. To that end, street names should be created by the developer or owner and reviewed by the municipality and the Department of Emergency Services to ensure no duplicate or similar street names are created. It is recommended that this coordination occur during the subdivision review process. The Adams County Office of Planning and Development stands ready to assist in this review.

8. *Changes to Street Names.* It is requested that all participating and non-participating municipalities provide lists detailing the names and locations of all roads,

streets, lanes, alleys, and right-of-ways to both the GIS/Mapping Department and Office of Planning and Development within 60 days of the implementation of this agreement. Further, any addition, change, dedication, abandonment or modification of streets, or any other action affecting the location, existence or name of any of the above, shall be promptly reported to the GIS/Mapping Department and the Office of Planning and Development. The GIS/Mapping Department agrees to continuously maintain this updated list, which will be used in the numbering process.

9. *Recommended Municipal Procedures.* The GIS/Mapping Department is aware of numerous other signage and related policies, procedures and practices that increase the effectiveness of street numbers to identify properties. The County of Adams is mindful that these undertakings are not part of the scope of this agreement. However, these various practices and procedures are highly recommended. Please contact the GIS/Mapping Office if you would like copies of these practices.

(Ord. 01-100, 7/10/2001, §3)

§4-204. Corrections or Appeals of Street Numbering.

1. *Correcting Numbering Problems.* When a GIS/Mapping Department staff member is made aware of a numbering situation which contradicts or is in violation of this policy, the GIS/Mapping Department will promptly notify the property owner in writing by first class mail of the contradiction or violation of the policy, and the potential problems the current address used or proposed to be used by the property owner creates with standard address policy. This letter shall also contain a recommended corrected address. In addition, a copy of that portion of the address map showing the problem and the reason for the recommended change shall be included with the notification. Personal delivery shall be undertaken whenever doubt as to the efficiency of mail delivery exists due to the numbering problem.

2. *Review of Recommendation.* The property owner has the right and is encouraged to bring any questions or concerns regarding the reason for a numbering change to the attention of GIS/Mapping Department staff and to discuss those changes with a staff member. Upon request, a meeting will be scheduled at which time the address maps will be available for review and a staff member will be available to attempt to clarify the situation. A copy of this agreement will be made available to the property owner upon request. In addition, a copy will be available in the GIS/Mapping Department for public inspection during business hours.

3. *Municipal Appeal.* If a property owner has reviewed the address maps, the aforementioned policy, and discussed the matter with a GIS/Mapping Department staff member and still believes that the policy is in error or in other ways presents such difficulty that the owner desires a change to the decision of the GIS/Mapping Department, the property owner will have the right to address this through the appropriate municipal officials for review. The Commissioners of the County of Adams will make the final determination in regard to this matter in consultation with the GIS/Mapping Department staff and the elected authorities for the municipality in which the property in question is located, as necessary.

4. *Notice of Address.* Once the property owner has either agreed to the necessity of the address change or the matter has been referred through the County Commissioners, the property owner will receive official notification of the address

determination via first class mail.

5. *Notification of Governmental Entities.* A duplicate of the notification provided for in subsection .4 will be forwarded via first class mail to the following entities advising them of the established or corrected address:

- A. Postmaster for the area servicing the property.
- B. The Department of Emergency Services.
- C. The governing body of the municipality in which the property is located.

6. *Other Methods of Address Conflict Determination.* Staff members of the Adams County Tax Assessment Department and the Tax Appraising Department have reason to frequently review maps and addresses in the normal course of their work. In any situation in which the employees of the Tax Assessment Department or the Tax Appraising Department become aware of potential address conflicts, they will notify the GIS/Mapping Department. GIS/Mapping Department staff members will review this situation and determine if a conflict exists. If a conflict is found property owners shall be notified as provided for in §4-204.1.

7. *Non-Owner Address Problem.* Situations may occur in which the building or residence believed to be improperly numbered is occupied by a tenant, leaseholder or other non-owning entity. In that situation the conflict will be researched as indicated above, and the property owner and the resident and/or tenant will be notified via first class mail as provided for in §4-204.1, above. In any such situation the County will consider the record owner to be the entity with whom the County attempts to resolve any street numbering or street naming problems.

8. *Official Owner Information.* For the purposes of this policy the record owner as determined by review of Tax Assessment Department shall be the party through whom the County works with regard to any street numbering or naming issues or difficulties.

(Ord. 01-100, 7/10/2001, §4)

§4-205. Alternate Addressing Schemes.

1. *Different Numbering Schemes.* It is possible that the few municipalities within Adams County that have opted to assign address numbers and street names through their own governmental offices will choose to continue this practice and not be involved in a standardized Countywide numbering and street name system. Such municipalities shall be known as "non-participating municipalities" for the purpose of this policy and agreement. All non-participating municipalities will be exempt from policies contained within this agreement.

2. *Responsibility of Non-participating Municipalities with Regard to Countywide Address Assignment and Road Name Policy.* Any municipality choosing to not be involved in this Agreement and retaining the street numbering and road naming duties for themselves will naturally continue to have the responsibility to directly and officially respond to any citizen inquiries or complaints with regard to address numbering and road naming policies or practices undertaken by that municipality.

3. *Emergency Services Coordination.* It is required that any nonparticipating municipality coordinate all information necessary to ensure Countywide emergency response offices can provide efficient police and emergency response for the inhabitants

of the County. In that regard, it is requested that all non-participating municipalities provide current maps and other documents to illustrate the address assignment scheme used in that municipality. Further, it is requested that the County Department of Emergency Services and the County GIS/Mapping Department be promptly notified of all new address and street name assignments, as well as information required by §4-203.8. It is likewise suggested that the same information be provided to the local postmaster and emergency entities. While it is acknowledged that the County has no legal authority to direct or require non-participating municipalities to provide and coordinate this information, such cooperation is essential for effective emergency management.

(Ord. 01-100, 7/10/2001, §5)

§4-206. Term.

1. *Term.* The initial term of this agreement shall be for a period commencing with the execution of this agreement through December 31, 2003. The agreement shall thereafter renew automatically from year to year subject to determination, or amendment, by vote of two-thirds of the municipalities, and in the event of determination said two-thirds vote occurring at least 1 year in advance of the effective date of determination.

2. *Agreement Not to Withdraw.* By accepting and signing this agreement, each party expresses its belief that a Countywide address assignment and road naming policy is in the best interest of the member municipalities. As a result, because of the great amount of time, dedication and cost expended in the formation of this program, the parties commit not to withdraw or institute dissolution proceedings during the initial term of this agreement.

3. *Withdrawal.* After the initial term of this agreement, a municipality may withdraw from the agreement by giving written notice of the intent to withdraw, by certified mail, return receipt requested, to the GIS/Mapping Department and all other parties at least 1 year prior to December 15 of the year preceding the year in which the withdraw is to be effective. If notice of participant's intent to withdraw is timely sent, such withdraw shall be effective January 1 of the second following year.

4. *Dissolution.* The withdrawal of less than two-thirds of the participants shall not create a dissolution of the address assigning and road naming policy. In the event that two-thirds or greater of the participants choose to withdraw, then a review of the policy will be undertaken to determine its continuing validity.

(Ord. 01-100, 7/10/2001, §6)

§4-207. Adoption of Agreement.

1. *Ordinance.* Municipalities shall advertise and adopt an ordinance authorizing acceptance and adoption of this agreement, each providing for all action necessary for participation in this agreement.

2. *Compliance with Laws.* The ordinance shall comply with the revisions of and be adopted in accordance with the Intergovernmental Cooperation Act and respective County, Township and Borough Codes.

(Ord. 01-100, 7/10/2001, §7)

§4-208. Amendment.

1. *Agreement Amendment.* This agreement shall not be amended or modified except by written document, dated and executed by all of the parties, with the exception of minimal policy changes as provided for in §4-208.2. Any such amendment shall require the assent of at least two-thirds of all parties.

2. *Changes to Numbering Procedures.* The participants agree that numbering procedures must remain flexible to be the best tools to meet the needs throughout the County. To that end, participants agree that minor changes to numbering procedures may be established by the GIS/Mapping Department without requiring approval of those changes, or adoption of a new intermunicipal agreement, provided 60 days notice is given of the change(s) to each participant, and a majority of participants do not object to those changes. Any proposed change which a majority opposes will require an agreement amendment as provided for in §4-208.1. Such changes adopted under this Section, will not affect the relationship or responsibilities of participants.

(Ord. 01-100, 7/10/2001, §8)

§4-209. Miscellaneous.

1. *Governing Law.* This agreement shall be governed by and construed under the laws of the Commonwealth of Pennsylvania.

2. *Headings.* The headings, captions, article numbers and section numbers in this Agreement are for convenience and ease of reference only. They shall not limit or restrict the subject matter that precedes or follows them.

3. *Legal Construction.* In the event any provision of this agreement is held by a court of competent jurisdiction to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision of this agreement, and this agreement shall be construed as if the invalid or unenforceable provision had not been included.

4. *Execution.* This agreement shall be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument and agreement. An originally-signed counterpart shall be distributed to each party.

5. *Definitions.*

Participant, participating municipality, member, and party - a municipality now or hereafter a party to this agreement.

Non-participating municipality - a municipality which now, or hereafter, is not a party to this agreement. This definition refers to only the period of non-participation.

(Ord. 01-100, 7/10/2001, §9)

Part 3**Building Permits and Floodplain Regulations****§4-301. Statement of Intent.**

1. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the construction, reconstruction, enlargement, alteration, or relocation of any building or structure unless an approved building permit has been obtained from the Township Building Permit Officer.

2. A building permit shall not be required for repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

(Ord. 32, 9/23/1974, §1)

§4-302. Definitions.

For the purposes of this Part, the following definitions shall apply:

Building - a combination of materials to form a permanent structure having walls and a roof Included shall be all mobile homes and trailers to be used for human habitation.

Person - any person, persons, partnership, business or corporation.

Structure - a combination of materials to form anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, factories, sheds, cabins, mobile homes, carports, perches, driveways, swimming pools, and ether similar items.

Alteration - any work or rearrangement, removal or replacement of any exterior wall, roof or support where the actual cost thereof shall exceed \$1000.

(Ord. 32, 9/23/1974, §2)

§4-303. Application Procedure.

1. Application for such a building permit shall be made in writing to the Building Permit Officer on forms supplied by the Township. Such application shall contain at least the following:

- A. Name and address of applicant.
- B. Name and address of owner of land on which proposed construction is to occur.
- C. Name and address of contractor.
- D. Site location.
- E. Brief description of proposed work and estimated cost.
- F. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(Ord. 32, 9/23/1974, §3)

§4-304. Issuance of Permit.

1. All development within the area of a floodplain shall be subject to the issuance of a building permit in accordance with the provisions herein.

2. Prior to the 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, § 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.

3. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, shall be notified by the municipality prior to any alteration or relocation of any watercourse. [*Ord. 05-112*]

4. The plot plan shall also show:

A. The location of the identified floodplain area boundary line, floodway line if available, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including direction and velocities.

B. A general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:

(1) All such proposals are consistent with the need to minimize flood damage.

(2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

C. The proposed lowest floor elevations of any proposed building based upon National Geodetic Vertical Datum of 1929.

D. Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.

E. Detailed information concerning any proposed flood-proofing measures.

5. The applicant shall also set forth as additional information and data a document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the 100-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(*Ord. 32, 9/23/1974, §4; as amended by Ord. 50, 9/22/1981, §1; and by Ord. 05-112,*

7/26/2005)

§4-305. Permit Changes.

After the issuance of a building permit by the Building Permit Officer, no change 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.

(*Ord. 32, 9/23/1974, §5*)

§4-306. 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.

(*Ord. 32, 9/23/1974, §6*)

§4-307. Start of Construction.

Work on the proposed construction shall begin within 6 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 shall be considered to have started with the first placement of permanent construction of the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling; excavation for 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 electric or other service lines from the street.

(*Ord. 32, 9/23/1974, §7*)

§4-308. Inspection and Revocation.

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

(*Ord. 32, 9/23/1974, §8*)

§4-309. Fees.

Applications for a building permit shall be accompanied by a fee, payable to the

Township, based upon the estimated cost of the proposed construction in an amount as established from time to time by resolution of the Board of Supervisors.

(*Ord. 32, 9/23/1974, §9; as amended by Ord. 05-112, 7/26/2005*)

§4-310. Appeals.

Any person aggrieved by the Building Permit Officer's estimate of the cost of the proposed construction may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within 30 days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Board of Supervisors shall set a time and place not less than 10 nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination of the estimated cost by the Board of Supervisors shall be final in all cases.

(*Ord. 32, 9/23/1974, §10*)

§4-311. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated 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 Part. The imposition of a fine or penalty for any violation of, or non-compliance with, this Part shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Part may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

(*Ord. 32, 9/23/1974, §11; and by Ord. 05-112, 7/26/2005*)

§4-312. Identification of Floodplain Areas.

1. *Designation of Floodplain Areas.* For the purposes of this Part, the areas considered to be floodplain within the Township shall be those, areas identified as being subject to the 100-year flood in the Flood Insurance Study prepared for the Township by the Federal Insurance Administration dated February 3, 1981. A map showing all areas considered to be subject to the 100-year flood is available for inspection at the Township offices. For the purposes of this Part, the following nomenclature is used in referring to the various kinds of floodplain areas:

A. FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA.

B. FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA.

C. FA (General Floodplain Area) - the areas identified as "Approximate 100-year Floodplain" in the Flood Insurance Study prepared by the FIA.

(1) The FW (Floodway Area) is delineated for purposes of this Part using the criteria that a certain area within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than 1 foot at any point. The areas included in this area are specifically defined in the Floodway Data Table contained in the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.

(2) The FF (Flood-Fringe Area) shall be that area of the 100-year floodplain not included in the Floodway. The basis for the outermost boundary of this district shall be the 100-year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.

(3) The FA (General Floodplain Area) shall be that floodplain area for which no detailed flood profiles or elevations are provided. Such areas are shown on the maps accompanying the Flood Insurance Study prepared by the FIA. In determining the necessary elevations for the purposes of this Part, other sources of data may be used such as:

- (a) Corps of Engineers - Floodplain Information Reports.
- (b) U.S. Geological Survey - Flood-prone Quadrangles.
- (c) USDA, Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information.
- (d) Pennsylvania Department of Environmental Protection flood control investigations. [*Ord. 05-112*]
- (e) Known highwater marks from past floods.
- (f) Other sources.

2. *Changes in Floodplain Area Delineations.* The areas considered to be floodplain may be revised or modified by the Board 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 Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

3. *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. The burden of proof shall be on the appellant.

(*Ord. 32, 3/12/1960; as added by Ord. 50, 9/22/1981, §2; as amended by Ord. 05-112, 7/26/2005*)

§4-313. Floodplain Technical Provisions.

1. *General.*

A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such

action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection. [Ord. 05-112]

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse. [Ord. 05-112]

B. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances and regulations.

C. No new construction shall be permitted within any identified floodplain area.

2. *Special Floodway and Stream Setback Requirements.*

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

(1) No development or encroachment of any kind, shall be allowed, except where the rise in flood heights caused by the proposed development is fully offset by accompanying improvements.

(2) No development shall be allowed, unless a permit is obtained from the Department of Environmental Protection. [Ord. 05-112]

3. *Elevation and Floodproofing Requirements.*

A. Within any FW, FF, or FA, the lowest floor level (including basement) of any substantially improved structure shall be at least 1½ feet above the 100-year floodplain elevation.

B. Any structure, or part thereof, which cannot be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction.

4. *Design and Construction Standards.* The following minimum standards shall apply for all substantial improvements proposed to be undertaken within any identified floodplain area:

A. *Fill.* If fill is used, it shall:

(1) Extend laterally at least 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 1 vertical to 2 horizontal feet, unless substantiated data justifying steeper slopes are submitted to, and approved by, the Building Permit Officer.

(5) 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 damage and the infiltration of flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

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 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, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

G. *Placement of Buildings and Structures.* All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the-flow and height of flood water.

H. *Anchoring.*

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

(2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. *Electrical Components.*

(1) Electrical distribution panels shall be at least 3 feet above the 100-year flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

J. *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.

K. *Fuel Supply Systems.* All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

5. *Special Requirements for Mobile Homes.*

A. Within any FW (Floodway Area), mobile homes shall be prohibited.

B. Within any FA (General Floodplain Area), mobile homes shall be prohibited within the area measured 50 feet landward from top-of-bank of any watercourse.

C. Where permitted within any FF (Flood-Fringe Area) or AA (General Floodplain Area), all mobile homes and any additions thereto shall be:

(1) Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes including Mobile Home Park Requirements (NAPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

(a) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.

(b) Frame ties shall be provided at each corner of the mobile home, with five additional ties per side at intermediate locations for units 50 feet or more in length, and four additional ties per side for units less than 50 feet in length.

(c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

(2) Elevated in accordance with the following requirements:

(a) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be 1½ feet or more above the elevation of the 100-year flood.

(b) Adequate surface drainage is provided.

(c) Adequate access for a hauler is provided.

(d) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for 6 feet or more above the ground level.

D. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks.

(*Ord. 32, 9/23/1974; as added by Ord. 50, 9/22/1981, §3; and by Ord. 05-112, 7/26/2005*)

§4-314. Existing Structures in Identified Floodplain Areas.

1. *General.* Structures existing in any identified floodplain area prior to the

enactment of this Part may continue subject to the following provisions:

A. No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of ½% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(Ord. 32, 9/23/1974; as added by Ord. 50, 9/22/1981, §4)

§4-315. Variances.

1. *General.* If compliance with any requirement of this Part would result in an exceptional hardship for a prospective builder, developer, or landowner, the Township may, upon request, grant relief from the strict application of the requirement.

2. *Variance Procedures and Requirements.* Requests for variances shall be considered by the Township 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 100-year flood elevation.

B. Except for a possible modification of the freeboard requirements 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.

C. If granted, a variance shall involve only the least modification necessary to provide relief.

D. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this Part.

E. Whenever a variance is granted, the Township 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.

F. In reviewing any request for a variance, the Township 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 will:

(a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public

expense.

(b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State statute or regulation, or local ordinance or regulation.

G. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.

(Ord. 32, 9/23/1974; as added by Ord. 50, 9/22/1981, §5)

§4-316. Floodplains Definitions.

1. *General.* Unless specifically defined below, words and phrases used in this Part shall be interpreted so as to give this Part its most reasonable application.

2. *Specific Definitions.*

Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.

Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Flood - a temporary inundation of normally dry land areas.

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.

Floodproofing - means any combination of structural and non-structural 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.

Identified floodplain area - the floodplain area specifically identified in this

Part as being inundated by the 100-year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Flood-Plain (FA).

Land development -

(1) The improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

(a) A group of two or more buildings.

(b) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

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

Mobile home - means a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

Mobile home park - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient use.

Obstruction - any well, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area.

(1) 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.

(2) Which is placed where the flow of the water might carry the same downstream to the damage of life and property.

100-year flood - a flood that, on the average, is likely to occur once every 100-years (i.e., that has 1% chance of occurring each year, although the flood may occur in any year)

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.

Regulatory flood elevation - the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

Special permit - a special approval which is required for hospitals, nursing homes, jails, and new mobile home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of, a floodplain.

Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, shed, mobile homes, and other similar items.

Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other 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; provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

Substantial improvement - means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur 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:

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

(2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(Ord. 32, 9/23/1974; as added by Ord. 50, 9/22/1981, §6)

§4-317. Development Which May Endanger Human Life.

1. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Part, 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: [Ord. 05-112]

A. Will be used for the production or storage of any of the following dangerous materials or substances.

B. 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.

C. 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:

- (1) Acetone.
- (2) Ammonia.
- (3) Benzene.
- (4) Calcium carbide.
- (5) Carbon disulfide.
- (6) Celluloid.
- (7) Chlorine.
- (8) Hydrochloric acid.
- (9) Hydrocyanic acid.
- (10) Magnesium.
- (11) Nitric acid and oxides of nitrogen.
- (12) Petroleum products (gasoline, fuel oil, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulphur and sulphur products.
- (17) Pesticides (including insecticides, fungicides and rodenticides)
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

C. Within any Floodway Area any structure of the kind described in subsection .B above shall be prohibited.

D. Where permitted within any Flood-Fringe Area or General Floodplain Area, any structure of the kind described in subsection .B above, shall be:

- (1) Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.
- (2) Designed to prevent pollution from the structure or activity during the course of a 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 "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

E. Within any General Floodplain Area, any structure of the kind described in subsection .B above shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

F. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

(*Ord. 32, 9/23/1974; as added by Ord. 50, 9/22/1981, §7; and as amended by Ord. 55, 4/23/1985, §1; and by Ord. 05-112, 7/26/2005*)

§4-318. Activities Requiring Special Permits.

1. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Part, or any other ordinance, code, or regulation.

2. *Identification of Activities Requiring a Special Permit.* In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) 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 identified floodplain area: [Ord. 05-112]

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.

C. *Application Requirements.* Applicants for special permits shall provide five copies of the following items:

- (1) A written request including a completed building permit application form.
- (2) A small scale map showing the vicinity in which the proposed site is located.
- (3) A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - (a) North arrow, scale and date.
 - (b) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.
 - (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 streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - (e) 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.
 - (f) The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including direction and velocities.
 - (g) The location of all proposed buildings, structures, utilities, and any other improvements.
 - (h) Any other information which the municipality considers

necessary for adequate review of the application.

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

(a) Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.

(b) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.

(c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood.

(d) Detailed information concerning any proposed floodproofing measures.

(e) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.

(f) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.

(g) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

(5) The following data and documentation:

(a) 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.

(b) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.

(c) 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 100-year flood, including a statement concerning the effects such pollution may have on human life.

(d) 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 100-year flood elevations and flows.

(e) 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 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows.

(f) The appropriate component of the Department of Environmental

Protection's "Planning Module for Land Development." [Ord. 05-112]

(g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control. [Ord. 05-112]

(h) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-166. [Ord. 05-112]

(i) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

D. *Application Review Procedures.* Upon receipt of an application for special permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

(1) Within 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.

(2) If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.

(3) If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

(4) 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 5 working days after the date of approval. [Ord. 05-112]

(5) Before issuing the special permit, the Township shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and the decision made by the Township. [Ord. 05-112]

(6) If the Township does not receive any communication from the Department of Community and Economic Development during the 30-day review period, it may issue a special permit to the applicant. [Ord. 05-112]

(7) 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. [Ord. 05-112]

E. *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 provision, the more restrictive provision shall apply.

(1) 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:

(a) 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:

(i) The structure will survive inundation by waters of the 100-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100-year flood elevation.

(ii) The lowest floor elevation (including basement) will be at least 1½ feet above the 100-year flood elevation.

(iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.

(b) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

(2) 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. [*Ord. 05-112*]

F. Within any identified floodplain area, any structure of the kind described in subsection .B above shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

(*Ord. 32, 9/23/1974; as added by Ord. 55, 4/23/1985, §2; and as amended by Ord. 05-112, 7/26/2005*)

Part 4**Historic Resources****§4-401. Applicability and Scope.**

1. This Part regulates the circumstances in which any historic resource in the Township may be demolished or altered. For the purposes of this Part, "alteration" shall include changes to the exterior of a historic resource. However, for the purposes of this Part, "alteration" shall also include changes to land and the exterior of buildings or structures located within 50 feet of any historic resource in the Township.

2. For the purposes of this Part, a "historic resource" is defined as: any building, structure, road, road corridor, bridge, marker, fence, sign, tree, hedgerow, site, encampment, district, passage, object, or vista contained on the list and/or map of Historic Resources in the Cumberland Township Comprehensive Plan, adopted June 2000, and as may be amended by the Board of Supervisors.

3. "Demolition" is defined as: destruction of a building or structure, all or in part, whether systematic or by neglect. Demolition shall include the extensive removal or stripping of significant interior or exterior architectural features and leaving a building or structure open or vulnerable to vandalism or decay by the elements.

4. "Historic Commission" is defined as: the Cumberland Township Historical Architectural Review Board.

(Ord. 04-107, 2/10/2004, §1)

§4-402. Permit Requirement for Demolition or Alteration of Historic Resources.

No person, organization, society, association, corporation, or any governmental agency or representative thereof, directly or indirectly, shall, without first obtaining a permit as herein provided, demolish or alter a historical resource.

(Ord. 04-107, 2/10/2004, §2)

§4-403. Demolition or Alteration of Historic Resources, Application Procedures and Conditions.

Permits for demolition or alteration of a historic resource, whether all or in part, shall be obtained by making application to the Township. The application shall be accompanied by written and other materials, such as photographs and drawings, providing the following information concerning the resource:

- A. Owner of record.
- B. Site plan showing all buildings, structures, plantings, and features of the property on which the resource is located.
- C. Recent photographs of the resource and its physical context.
- D. Reasons for demolition or alteration.
- E. Method of demolition or alteration.
- F. Disposition of materials from demolition or alteration.

G. Projected uses of the site following demolition or alteration of the resource.
(*Ord. 04-107, 2/10/2004, §3*)

§4-404. Demolition or Alteration Permit Application Review.

The Code Enforcement Officer shall notify the Historical Commission of the application for demolition or alteration permit within 5 business days of acceptance of a properly filed application, including relevant fees. Within 30 days of the date of application filing the Historical Commission or a subcommittee thereof shall consider the application for demolition or alteration and shall render an initial recommendation.
(*Ord. 04-107, 2/10/2004, §4*)

§4-405. Initial Recommendation of Historical Commission.

The Historical Commission may recommend approval of the demolition or alteration permit application and may so advise the Code Enforcement Officer. The Code Enforcement Officer then is authorized to issue the demolition or alteration permit in accordance with the Building and Fire Codes and other applicable codes. Alternatively, the Historical Commission may require that the applicant provide documentation of the resource proposed for demolition or alteration prior to the issuance of a demolition or alteration permit.

(*Ord. 04-107, 2/10/2004, §5*)

§4-406. Documentation of Historic Resources.

Upon the direction of the Historical Commission pursuant to §4-405, the applicant for a demolition or alteration permit shall provide a historical resource impact study documenting the resource proposed to be demolished, or altered. Such documentation shall include:

A. A detailed description of the resource and its context, including topography, vegetation, landscaping, driveways, and associated structures and features.

B. Detailed site plan of the resource, measured floor plans, and exterior elevations.

C. Comprehensive photographic record of the resource and its context.

D. Statement of the significance of the resource and its context to the Township and environs.

E. Financial documentation, including:

(1) Amount paid for property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased.

(2) Assessed value of the land and improvements thereon according to the most recent assessment.

(3) For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.

(4) All appraisals obtained by the owner in connection with his purchase

or financing of the property or during his ownership of the property.

(5) Bona fide offers of the property for sale or rent, price asked, and offers received, if any.

(6) Any consideration by the owner as to adaptive uses for the property, including the historic resources.

(Ord. 04-107, 2/10/2004, §6)

§4-407. Second Recommendation of the Historical Commission.

Upon receipt of the full documentation of the historic resource proposed for demolition or alteration, the Code Enforcement Officer shall notify the Historical Commission within 5 business days of acceptance. Within 30 days of the date of the full documentation filing, the Historical Commission, or a subcommittee thereof, shall consider the application for demolition or alteration and shall render a recommendation. The Historical Commission may recommend approval of the demolition or alteration application and so advise the Code Enforcement Officer. Alternatively, the Historical Commission may recommend denial of the application. In such cases, the Historical Commission shall make a written report to the Board of Supervisors setting forth reasons for the recommendation and the evidence considered.

(Ord. 04-107, 2/10/2004, §7)

§4-408. Board of Supervisors Decision on Demolitions or Alterations.

Within 30 days of receipt of the Historical Commission's report, the Board of Supervisors shall consider the Historical Commission's recommendation for denial of the application for demolition or alteration of a historic resource. The owner of the resource proposed for demolition or alteration shall be given at least 10 days notice of the meeting of the Board of Supervisors to consider the denial recommendation. The Board of Supervisors shall consider any evidence, reports, or testimony from interested parties and shall render a decision either to deny or approve the application for demolition or alteration within 21 days of the meeting. This period may be extended, and its length established, by mutual consent of the applicant and the Board of Supervisors.

(Ord. 04-107, 2/10/2004, §8)

Part 5**Historic District****§4-501. Legislative Intent.**

In accordance with the provisions of an Act entitled:

"An Act authorizing counties, cities, borough, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

Adopted by the General Assembly No. 167 of the Commonwealth of Pennsylvania and approved by the Governor of the Commonwealth of Pennsylvania on the 13th day of June, 1961, as amended by Act of the General Assembly, No. 24, on the 23rd day of April, 1963, the Cumberland Township Historic District is hereby established.

(*Ord. 53, 7/26/1983, §I*)

§4-502. Purpose.

The Cumberland Township Historic District is created for the following purposes:

A. To protect those portions of Cumberland Township critical to the scenic integrity and historic landscape quality of the Gettysburg National Military Park and Gettysburg Battlefield Historic District.

B. To awaken, or reinforce, in our people an interest in our historic past.

C. To promote the general welfare, education and culture of our Township.

D. To advocate an interest in civic beauty through the encouragement of appropriate settings and continued construction of buildings in the historic styles and in general harmony with respect to style, form, color, proportion, texture and material between buildings of historic design and those of more modern design.

(*Ord. 53, 7/26/1983, §II*)

§4-503. Certification by the Pennsylvania Historical and Museum Commission.

Upon the adoption of this Part the Board of Supervisors shall forward a copy thereof to the Pennsylvania Historical and Museum Commission, along with a request for certification and a statement of architectural and/or historical significance. This Part shall take effect immediately upon:

A. Receipt of notification of certification of historical significance of the Cumberland Township Historic District by resolution of the Pennsylvania Historic and Museum Commission.

B. Satisfaction of the requirement for advertisement required by existing law.

(*Ord. 53, 7/26/1983, §III*)

§4-504. Definitions.

Agricultural use - the planting; growing, storing and selling of plants and crops, and the breeding, raising, keeping, and selling of animals and the products thereof, provided that such uses shall be conducted on a lot not less than 10 acres in size.

Alteration - any change in the exterior appearance of a structure.

Building - any structure having enclosing walls and roof, located on the land.

Construction - all work necessary for the erection or exterior finishing of any building or structure, or portion thereof.

Demolition - the dismantling or tearing down of all or part of the exterior portion of a building or structure.

Gettysburg Battlefield Historic District - a historic district listed on the National Register of Historic Places. It includes the Park and areas around the Park.

Gettysburg National Military Park (the "Park") - all property owned in partial or fee simple interest by the National Park Service as part of the Park, to include the most recent acquisitions.

Historic building, structure, site - any building, structure, or site that existed during the Civil War period and is officially recognized for its historic and/or architectural significance by the U.S. Department of the Interior, the National Park Service, the Pennsylvania Historical and Museum Commission, Historic Gettysburg-Adams County or the Adams County Historical Society; or as contributing to a National Register or municipal historic district.

Historic district - any area or district officially listed as a historic district on the National Register of Historic places or certified as a municipal historic district by the Pennsylvania Historical and Museum Commission.

Repair - the replacement of existing construction with the same material(s) for the purpose of maintenance only.

Screen - plant materials, fencing, walls and/or earthen berms to aid in the concealment of a building, structure, road, quarry, or other landscape element.

Structure - any man-made object having a relatively stationary location on land, whether or not affixed to the land (to include signs).

(Ord. 53, 7/26/1983, IV)

§4-505. General Provisions.

1. The Cumberland Township Historic District shall be shown on an official Township Historic District Map which is hereby adopted by reference and declared to be a part of this Part. The provisions of this Part shall be applied to all land, buildings and structures within the boundaries of Sewer Districts 1 and 2 within Cumberland Township, but excluding Sewer District 3.

2. No structure within the Cumberland Township Historic District may be erected in whole or in part, nor may the exterior architectural character of any structure be altered until after an application for a building permit has been approved by the Board of Supervisors.

3. No structure within the Cumberland Township Historic District may be demolished or removed, in whole or in part, nor the exterior architectural character of

any such structure be changed until after application for a permit has been approved by the Board of Supervisors.

4. Evidence of the approval required above shall be a certificate of appropriateness issued by the Board of Supervisors. The certificate shall be a statement signed by the Chairman of the Board of Supervisors.

5. Repairs to existing buildings which do not alter the exterior appearance are exempt and need not be approved by the Board of Supervisors.

6. Nothing in this Part shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described herein; nor shall anything in this Part be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which the Board of Supervisors shall certify as required for public safety.

7. Any person requesting a permit under this Part shall be entitled to a hearing on such request before the Board of Historical Architectural Review according to the provisions of Part 8, herein.

(Ord. 53, 7/26/1983, §V)

§4-506. Enforcement.

1. It is the intent of this Part that the requirements contained herein shall only pertain to construction, alteration or demolition on sites located within the Historic District, and which are also one of the following:

A. A designated historic building, structure or site.

B. Serviced or proposed to be serviced by the Cumberland Township Authority in Sewer Districts 1 and/or 2.

2. It is also the intent of this Part that the requirements contained herein shall not pertain to structures for agricultural uses as defined in §4-504 or to structures within Cumberland Township Sewer District 3 to the west of the Borough of Gettysburg.

(Ord. 53, 7/26/1983, §VI)

§4-507. Duties of the Building Permit Officer.

1. The Building Permit Officer shall issue a permit for the construction, alteration, or demolition of a building in the Historic District only after the Board of Supervisors has issued a certificate of appropriateness. Upon receipt of a written disapproval by the Board of Supervisors, the Building Permit Officer shall disapprove the application for a permit and so advise the applicant.

2. Upon receipt of an application for a building permit for work to be done in the Historic District, the Building Permit Officer shall act in accordance with the procedures presently being followed in acting upon an application for a building permit, except as those procedures are necessarily modified by the following requirements:

A. The Building Permit Officer shall inform the applicant of the specific requirements for the issuance of a building permit (including application procedures and materials to be submitted, as set forth herein) within the Historic District and of the time and place of the hearing before the Historical Architectural

Review Board at which he/she may appear to explain the application.

B. The Building Permit Officer shall inform the applicant that if he/she can demonstrate that the property and proposed construction, alteration or demolition thereon is not visible from the Gettysburg National Military Park, and the property is not a historic site or structure, the application need only include information sufficient to so demonstrate.

C. The Building Permit Officer shall forward to the Chairman of the Historical Architectural Review Board a copy of the application for a building permit, together with copies of the documents and materials filed by the applicant.

D. The Building Permit officer shall maintain in his/her office a record of all such applications, and of his/her handling and final disposition of the same which shall be in addition to and appropriately cross-referenced to his/her other records.

3. The Building Permit Officer shall have the power to institute any proceedings at law, or in equity, necessary for the enforcement of this Part in the same manner as in his/her enforcement of any other Township ordinances, as enacted, and as may be amended from time to time.

(Ord. 53, 7/26/1983, §VII)

§4-508. Historical Architectural Review Board.

1. *Establishment, Composition, Appointment and Terms of Members.*

A. The Historical Architectural Review Board, hereinafter also referred to as "the Board," is hereby established to be composed of not less than seven members, appointed by the Board of Supervisors, one of whom shall be a registered architect, one a licensed real estate broker, one shall be the Building Inspector, one a member of the Planning Commission, and the remaining member or members shall have a knowledge of and an interest in the preservation of the Historic District. A majority of the members must be Township residents.

B. The position of any member of the Board appointed in his/her capacity as a registered architect, a licensed real estate broker, a building inspector or a member of the Planning Commission who ceases to be so engaged shall be automatically considered vacant.

C. The initial terms of the members of the Board shall be as follows: one member shall be appointed to serve until the first day of January following the effective date of this Part; one member shall be appointed to serve until the first day of the second January thereafter; one member shall be appointed to serve until the first day of the third January thereafter; two members shall be appointed to serve until the first day of the fourth January thereafter; and two members shall be appointed to serve until the first day of the fifth January thereafter, and the Board of Supervisors shall appoint their successors on the expiration of their respective terms to serve for a period of 5 years. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

D. The Historical Architectural Review Board shall elect its own chairman and vice-chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Historical Architectural Review Board may make and alter by-laws and rules and regulations

to govern its procedures consistent with the ordinances of Cumberland Township and the laws of the Commonwealth of Pennsylvania.

2. *Duties and Powers of the Historical Architectural Review Board.*

A. The Board shall give counsel to the Board of Supervisors, to be executed at a public meeting of the latter, regarding the advisability of issuing a certificate of appropriateness. The Board's recommendation to the Board of Supervisors shall be in the form of a written report.

B. The Board shall keep on file up-to-date maps of the following:

(1) Location of historic buildings, structures and sites as defined in §5-504.

(2) The official boundaries of the Gettysburg National Military Park.

C. A majority of the Board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the Board present.

D. The members of the Board shall serve without compensation but may be reimbursed for direct expenses.

E. The Board shall make an annual report to the Board of Supervisors which should include, but not be limited to, an accounting of expenditures, justification for the appropriation of monies for the upcoming year, a record of actions taken by the Board in the preceding year and any recommendations for changes to this Part.

F. The Board shall meet publicly at least once a year. Further, it shall hold any additional public meetings and hearings as provided in this Section necessary to execute its powers and duties as required by this Part, or the laws of the Commonwealth of Pennsylvania.

3. In addition to the above, upon specific authorization by the Board of Supervisors, the Board may be empowered to have the following duties:

A. To conduct a survey of buildings for the purpose of determining those of historic and/or architectural significance, pertinent facts about them, and any action to be undertaken in cooperation with the Planning Commission and/or other appropriate groups; and to maintain and periodically revise the detailed listings of historic sites and buildings and data about them, appropriately classified with respect to national, state or local significance, to period or field of interest.

B. To propose, from time to time as deemed appropriate, the establishment of additional historic districts, and revisions to existing districts.

C. To cooperate with and advise the Board of Supervisors, the Planning Commission, or other Township agencies in matters involving historically and/or architecturally significant sites and buildings (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional regulations and minimum structural standards).

D. To cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, the Pennsylvania Historical and Museum Commission, the Adams County Historical Society, Historic Gettysburg-Adams County and other agencies, public and private, from time to time, concerned with historic sites and buildings.

(Ord. 53, 7/26/1983, §VIII)

§4-509. Procedures to Be Followed by the Historical Architectural Review Board.

1. Upon receipt by the Board of a notice that an application for a building permit in the Cumberland Township Historic District has been filed, the Board shall schedule a public hearing to take place within 30 days. The applicant for the permit shall be advised of the time and place of said hearing and invited to appear to explain his/her reasons therefor. Any requirements for proper advertisement and notification for public hearings, as required by law, shall be observed. Additional hearings, if necessary, shall be scheduled within 30 days of each other, unless mutually agreed otherwise by the Board and the Applicant.

2. If the Board recommends the issuance of a certificate of appropriateness because it has determined that the site in question and the proposed construction, alteration or demolition thereon cannot be seen from areas within the Gettysburg National Military Park and the property is not a historic site or structure, it shall so notify the applicant and the Board of Supervisors before or at their next regularly scheduled meeting of its recommendation that a certificate of appropriateness should be issued.

3. In all other cases recommending the issuance of a certificate of appropriateness, the Board shall forthwith transmit a written or oral report to the Board of Supervisors stating the basis upon which such a recommendation was made. If the Board shall fail to transmit such report before or at the next regularly scheduled meeting the Board of Supervisors or within 30 days after the occurrence of the final hearing concerning an application for a permit, the application shall be deemed to be approved, except where mutual agreement has been made for an extension of the time limit.

4. In the case where relatively minor changes in the applicant's plans and specifications will meet the Board's conditions for approval, the Board may recommend conditional approval for the issuance of a certificate of appropriateness. A written report to the Board of Supervisors (copied to the applicant) shall clearly state these conditions. If the applicant decides to make these changes, he/she shall so notify the Board and the Board of Supervisors in writing prior to the next regularly scheduled meeting of the Board of Supervisors.

5. In the case of a recommendation for the disapproval of the issuance of a certificate of appropriateness, the Board shall transmit a written report to the Board of Supervisors within 30 days after the occurrence of the final hearing, stating the reasons therefor. The report shall state what changes in the applicant's plans and specifications would meet the Board's conditions for approval. The applicant shall be informed in writing of the Board's decision and of the recommended changes in his/her plans and specifications.

(Ord. 53, 7/26/1983, §IX)

§4-510. Criteria to Be Used in Evaluating an Application for a Certificate of Appropriateness.

1. The Board shall recommend for the issuance of a certificate of appropriateness for any construction, alteration or demolition within the Cumberland Township Historic District when, in the Board's opinion, the applicant has successfully

demonstrated that the proposed work will not be seen from within the Park and the property in question is not a historic site or structure.

2. When evaluating an application, the Board shall consider whether the property in question is within Zone I or Zone II of the Historic District. Sites in Zone II, since they are generally more distant from the Park and not seen as frequently from various areas within the Park, should be considered less critical and, therefore, the Board shall be more tolerant in Zone II. The Board shall also recognize that §4-512.3 of this Part allows applicants in Zone II to submit less information.

3. When evaluating an application, the Board shall use the *Design Guidelines for the Issuance of a Certificate of Appropriateness* prepared for the Straban and Cumberland Historic Districts and consider the following factors as expressed in the "Guidelines":

- A. Distance from the Park
- B. Areas in the Park that view the site
- C. Landscape setting
- D. Adjacent structures
- E. Color(s)
- F. Exterior materials
- G. Siting of structure(s)
- H. Size of structure(s)
- I. Shape of structure(s)
- J. Architectural style and design
- K. Screening and landscaping
- L. Historic significance
- M. Architectural significant
- N. Proposed Park landscape features

(Ord. 53, 7/26/1983, §X)

§4-511. Findings of the Historical Architectural Review Board.

The Board, according to the provisions of §4-509, shall submit to the Board of Supervisors within 30 days of the final hearing or before their next regularly scheduled meeting a report containing its recommendations regarding the issuance of a certificate of appropriateness of the proposed construction, alteration or demolition within the Historic District. If the Board has determined that the property in question cannot be seen from the Gettysburg National Military Park and is not a historic site or structure, the report may be in the form of a brief statement of those facts which shall be submitted to the Board of Supervisors before or at their next regularly scheduled meeting.

A. For properties in Historic District Zones I and II that cannot be seen from the Park and are not historic sites or structures, the report shall include, but need not be limited to, the following documentation:

- (1) The exact location of the property in question and the proposed

construction, alteration or demolition thereon.

(2) The finished height and width of any proposed construction or alterations.

(3) Proposed landscape work, such as tree removal/additions, other plantings, grading and access roads.

(4) Landscape features on property or elsewhere that prevent view of site from the Park.

(5) The opinion of the Board as to whether the property and the proposed construction, alterations or demolition can be seen from the Park.

B. For properties in Historic District Zone I that can be seen from the Park and/or are historic sites or structures, the report shall include, but not be limited to, the following documentation:

(1) All items from paragraph .A above.

(2) Areas within the Park that view the property.

(3) Distance from the property to the viewing areas within the Park.

(4) If the property is a historic site or structure, the source of such designation or determination.

(5) Exterior materials and colors proposed for construction or alteration.

(6) The opinion of the Board (including any dissent) as to the appropriateness of the work proposed as it will enhance or detract from the quality of views from the Park.

(7) If the recommendation of the Board is for disapproval or conditional approval, changes in the applicant's plans and specifications that would meet the Board's conditions for approval.

C. For properties in Historic District Zone II that can be seen from the Park and/or are historic sites or structures, the report shall include, but not be limited to, the following documentation:

(1) The exact location of the property in question and the proposed construction, alteration or demolition thereon.

(2) The finished height and width of any proposed construction or alterations.

(3) Exterior materials and colors.

(4) Proposed landscape work, such as tree removal/additions, other plantings, grading and access roads.

(5) If the property is a historic site or structure, the source of such designation or determination.

(6) The opinion of the Board as to the appropriateness of the work proposed as it will enhance or detract from the quality of views from the Park.

(7) If the recommendation of the Board is for disapproval or conditional approval, changes in the applicant's plans and specifications that would meet the Board's conditions for approval.

(Ord. 53, 7/26/1983, §XI)

§4-512. Procedures to Be Followed by the Board of Supervisors.

1. Upon receipt of the report from the Historical Architectural Review Board, the Board of Supervisors shall consider at its next regularly scheduled, or special meeting, the question of issuing to the Building Permit Officer a certificate of appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the Township Secretary of the time and place of the meeting at which his/her application shall be considered. The applicant shall have the right to attend this meeting and comment on his/her application.

2. In determining whether or not to issue a certificate of appropriateness the Board of Supervisors shall consider the same criteria as the Board set forth in §4-510, herein, and its report.

3. If the Board of Supervisors approves the application it shall issue a certificate of appropriateness authorizing the Building Permit Officer to issue a building permit for the work covered.

4. If the Board of Supervisors disapproves the application, it shall do so in writing, and copies shall be given to the Building Permit Officer, the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall set forth the reasons therefore, and shall indicate what changes in the plans and specifications would meet the conditions for protecting the scenic historical and architectural character of the district.

5.. In either case, the Board of Supervisors shall notify the applicant within 10 days of its meeting, at which the application was considered, unless mutually agreed otherwise.

6. When a certificate of appropriateness has been issued, a copy thereof shall be transmitted to the Township Building Inspector, who shall from time to time inspect the alteration or construction approved by such certificate and shall make a monthly report of such inspection to the Board listing all work inspected and reporting and work not in accordance with such certificate, or violating any ordinance of the Township.

(*Ord. 53, 7/26/1983, §XII*)

§4-513. Materials to Be Submitted with an Application for a Building Permit in the Historic District.

1. Applications attempting to demonstrate that the property and construction, alteration or demolition proposed thereon are out visible from the Gettysburg National Military Park need only contain those materials necessary to allow the Board to render its findings as set forth in §4-510.1.

2. *Historic District Zone I.*

A. Drawings of all proposed construction or alteration of structures which shall include exterior elevations and dimensions, sufficient detail to show the architectural design of the proposed construction and the proposed exterior materials and colors.

B. A plot plan or site plan showing property lines, existing and proposed buildings and structures and proposed and existing landscape features (trees, shrubbery, elevations).

C. *Photographs (35mm or larger format camera).*

(1) *Applications for Demolition of Historic Buildings or Structures.* Legible photographs showing all sides of the building(s) under consideration and any interior shots which relate the state of disrepair or substantiate the need for demolition.

(2) *Applications for Construction and / or Alteration.* Legible photographs showing all sides of existing buildings, the views of the site from Gettysburg National Military Park and views of the Park from the site. Compass direction of camera should be noted for each view.

3. *Historic District Zone II.*

A. Location of proposed construction, alteration or demolition.

B. Finished exterior dimensions, materials and color of proposed construction or alteration.

(Ord. 53, 7/26/1983, §XIII)

§4-514. Penalties.

Any person who violates any provision of this Part shall be guilty of a summary offense, and upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. The Township of Cumberland may also bring any actions at law or equity to enforce the terms of this Part at its sole discretion.

(Ord. 53, 7/26/1983, §XIV; as amended by Ord. 05-112, 7/26/2005)