

Article IV — Administration

§ 24-401	Building Permit Required.	24-13
	(a) In General.	24-13
	(b) Exception.	24-13
§ 24-402	General Application Requirements.	24-13
§ 24-403	Applications for Projects Within Identified Floodplain Areas— In General.	24-14
§ 24-404	Submissions Required for Projects Within Identified Floodplain Areas.	24-14
	(a) Application Form.	24-14
	(b) Site Plan.	24-14
	(c) Plans of Improvements.	24-15
	(d) Documentation for Special Floodplain Area (FE).	24-15
	(e) Certification of Adequate Design.	24-15
	(f) Compliance With Storage and Endangerment Requirements.	24-15
	(g) Planning Module.	24-15
	(h) Erosion and Sedimentation Control.	24-15
§ 24-405	Fees.	24-15
§ 24-406	Issuance of Building Permit.	24-16
	(a) In General.	24-16
	(b) Other Required Permits.	24-16
	(c) Effects on Watercourses.	24-16
	(d) Review by Others.	24-16
§ 24-407	Changes to Building Permit and Supporting Material.	24-16
§ 24-408	Placards.	24-17
§ 24-409	Time of Construction.	24-17
	(a) In General.	24-17
	(b) Start of Construction.	24-17
	(c) Time Extensions.	24-17
§ 24-410	Inspection and Revocation.	24-17
	(a) Inspections.	24-17
	(b) Authority to Enter for Inspection.	24-17
	(c) Revocation of Building Permit.	24-17
	(d) Maintenance of Records.	24-18
§ 24-411	Enforcement.	24-18
	(a) Notice.	24-18
	(b) Penalties.	24-18
	(c) Other Remedies.	24-18
§ 24-412	Appeals.	24-19
	(a) In General.	24-19
	(b) Consideration by the Board.	24-19
	(c) Judicial Appeal.	24-19

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§ 24-401 Building Permit Required.

(a) **In General.** It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless a Building Permit has been obtained from the Building Permit Officer.

(b) **Exception.** A Building Permit shall not be required for minor repairs to existing buildings or structures.

§ 24-402 General Application Requirements.

Application for a Building Permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Borough. The application shall include the following:

- (a) Name and address of the applicant.
- (b) Name and address of the owner of the land on which the proposed construction is to occur.
- (c) Name and address of the contractor.
- (d) Site location.
- (e) Listing of other permits required.
- (f) Brief description of the proposed work and its estimated cost.

(g) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

§ 24-403 Applications for Projects Within Identified Floodplain Areas—In General.

If any proposed construction or development is located entirely or partially within any identified floodplain area, the applicant shall provide all the necessary information, in sufficient detail and clarity, to enable the Building Permit Officer to determine whether—

(a) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this Chapter and all other applicable codes and ordinances;

(b) all utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

(c) adequate drainage is provided so as to reduce exposure to flood hazards.

§ 24-404 Submissions Required for Projects Within Identified Floodplain Areas.

The following minimum information shall be filed by the applicant to satisfy its obligation under § 24-403. The applicant shall also file such other pertinent information as may be required by the Building Permit Officer (such as the information described in § 24-602 in the case of an application for a Special Permit):

(a) **Application Form.** A completed Building Permit Application Form.

(b) **Site Plan.** A plan of the entire site, clearly and legibly drawn at a scale of one inch (1”) being equal to one hundred feet (100’) or less, showing the following:

(1) north arrow, scale, and date;

(2) topographic contour lines, if available;

(3) all property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;

(4) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development;

(5) the location of all existing streets, drives, and other access ways; and

(6) the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.

(c) **Plans of Improvements.** Plans of all proposed buildings, structures, and other improvements, drawn at suitable scale, showing the following:

(1) the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

(2) the elevation of the one hundred (100) year flood;

(3) if available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a one hundred (100) year flood; and

(4) detailed information concerning any proposed floodproofing measures.

(d) **Documentation for Special Floodplain Area (FE).** If any development is proposed within an FE—Special Floodplain Area, the application shall include documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within the FE—Special Floodplain Area, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot (1') at any point.

(e) **Certification of Adequate Design.** A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. The 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 development.

(f) **Compliance With Storage and Endangerment Requirements.** Detailed information needed to determine compliance with § 24-504(f) (relating to storage) and § 24-505 (relating to development which may endanger human life), including:

(1) the amount, location, and purpose of any materials or substances referred to in § 24-504(f) or § 24-505 which are intended to be used, produced, stored, or otherwise maintained on site; and

(2) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 24-505 during a one hundred (100) year flood.

(g) **Planning Module.** The appropriate component of the Pennsylvania Department of Environmental Protection's Planning Module for Land Development.

(h) **Erosion and Sedimentation Control.** Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Protection to implement and maintain erosion and sedimentation control.

§ 24-405 Fees.

All applications for a Building Permit shall be accompanied by a fee, payable to the Borough, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer, at the following rates:

(a) If the estimated cost is less than or equal to One Thousand Dollars (\$1,000.00), the fee shall be Ten Dollars (\$10.00).

(b) If the estimated cost is greater than One Thousand Dollars (\$1,000.00), the fee shall be Ten Dollars (\$10.00) plus Two Dollars (\$2.00) for every One Thousand Dollars (\$1,000.00) or part thereof of the estimated cost beyond the first One Thousand Dollars (\$1,000.00).

§ 24-406 Issuance of Building Permit.

(a) **In General.** The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this Chapter and all other applicable codes and ordinances.

(b) **Other Required Permits.** Prior to the issuance of any Building Permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by state or federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended), the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended), the Pennsylvania Clean Streams Act (Act 1937-394, as amended), and the U.S. Clean Water Act, section 404 (33 U.S.C. § 1344). No Building Permit shall be issued until the Building Permit Officer determines that all such required permits have been obtained.

(c) **Effects on Watercourses.** No Building Permit shall be issued for any encroachment, alteration, or improvement of any kind to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. The Building Permit Officer shall also notify the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Development prior to issuing a Building Permit for any alteration or relocation of any watercourse.

(d) **Review by Others.** The Building Permit Officer may submit a copy of all plans and applications for any proposed construction or development in any identified floodplain area to any other appropriate agencies and/or individuals for review and comment (such as, without limitation, the Lehigh County Conservation District, the Lehigh Valley Planning Commission, the Alburtis Planning Commission, the Borough Engineer, and the Borough Solicitor), and may incorporate their recommendations into any Building Permit.

§ 24-407 Changes to Building Permit and Supporting Material.

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

§ 24-408 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 and the date of its issuance, and shall be signed by the Building Permit Officer.

§ 24-409 Time of Construction.

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

(b) **Start of Construction.** Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

(c) **Time Extensions.** Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

§ 24-410 Inspection and Revocation.

(a) **Inspections.** During the construction period, the Building Permit Officer or his/her designee shall inspect the premises to determine whether the work is progressing in compliance with the Building Permit, the information provided on the permit application, and with all applicable laws, regulations, and ordinances. The Building Permit Officer and/or his/her designee shall make as many inspections during and upon completion of the work as are reasonably necessary, in their opinion.

(b) **Authority to Enter for Inspection.** In the discharge of his duties under this Chapter, the Building Permit Officer or his/her designee shall have the authority to enter any building, structure, premises, or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter. By completing and filing an application for a Building Permit, the applicant shall be deemed to have consented to the provisions of this subsection (b).

(c) **Revocation of Building Permit.** In the event the Building Permit Officer and/or his/her designee discovers that the work does not comply with the Building Permit, the permit application, or any applicable laws, regulations, or ordinances, or that there has been a false statement or representation by the applicant, the Building Permit Officer shall revoke the building permit and report such fact to Council and the Board for whatever action they consider necessary.

(d) **Maintenance of Records.** The Building Permit Officer shall maintain a record of all inspections made under this Section and violations of this Chapter which have been discovered.

§ 24-411 Enforcement.

(a) **Notice.** Whenever the Building Permit Officer or his/her designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulations adopted pursuant to this Chapter, the Building Permit Officer shall give notice of the alleged violation, which shall—

(1) be in writing;

(2) include a statement of the reasons for its issuance;

(3) allow a reasonable time, not to exceed a period of thirty (30) days, for the performance of any act it requires;

(4) be served upon the property owner or his/her agent as the case may require. Such notice shall be deemed to have been properly served upon the owner or agent when a copy thereof has been served personally, by certified mail to the property owner's address as shown on the Building Permit application, or by any other method authorized by the laws of this Commonwealth; and

(5) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.

(b) **Penalties.** Any person who fails to comply with any or all of the requirements or provisions of this Chapter, or who fails or refuses to comply with any notice, order, or direction of the Building Permit Officer or his/her designee, shall be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction, shall be sentenced to pay a criminal fine to the Borough of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. In default of such payment, such person shall be imprisoned in the county prison for a period not to exceed thirty (30) days. Each day during which any violation of this Chapter occurs or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense. The enforcement action shall be brought before a magisterial district judge or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas.

(c) **Other Remedies.** In addition to the penalties described in subsection B, the Borough reserves all other actions and rights, including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation or noncompliance, or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Chapter, may be declared to be a public nuisance by Council, and be abatable as such.

§ 24-412 Appeals.

(a) **In General.** Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Chapter may appeal to the Board. Such appeal must be filed, in writing, with the Borough Manager of the Borough within thirty (30) calendar days after the contested decision, determination, or action of the Building Permit Officer.

(b) **Consideration by the Board.** Upon receipt of an appeal under this Section, the Secretary of the Borough shall schedule a meeting of the Board not less than ten (10) calendar days nor more than thirty (30) calendar days after receipt of the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

(c) **Judicial Appeal.** Any person aggrieved by any decision of the Board under this Section may appeal to court as provided under the laws of this Commonwealth, including, without limitation, the Pennsylvania Flood Plain Management Act, 32 PA. STAT. ANN. § 679.101 *et seq.*