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## Part 1

### Short Title, Purpose, Community Development, and General Provision

#### §1. Short Title

This Ordinance shall be known as the "Bloomfield Borough Building and Flood Plain Management Ordinance." (Ord. 141, 2/8/1978, Art. 1, §1.01)

#### §2. Purpose

The purpose of this ordinance is to promote the general health, welfare and safety of the community; encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future; minimize damage to public health by protecting the water supply and natural drainage; and reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding. (Ord. 141, 2/8/1978, Art. 1, §1.02; as amended by Ord. 275, 6/2/2009, Art. I, §1.00)

#### §3. Community Development Objective

This Ordinance is to establish a legal basis for compliance with The National Flood Insurance Program, as well as to provide for the orderly development of the Borough through the regulation of building. (Ord. 141, 2/8/1978, Art. 1, §1.03)

#### §4. Applicability

- A. It shall be unlawful for any person or entity to undertake or cause to be undertaken any construction, demolition or development anywhere within the Borough of Bloomfield unless an approved Zoning Permit has been obtained from the Zoning Officer pursuant to Section 182B of the Bloomfield Borough Zoning Ordinance and the provisions hereof.
- B. A Zoning Permit shall not be required for minor repairs including but not limited to the following:
  - 1. Re-pointing, repairing and replacing of existing masonry.
  - 2. Replacing existing plumbing and light fixtures (if not part of complete modernization)
  - 3. Wiring modernization.
  - 4. Added electrical outlets.

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5. Outdoor electrical cable and outdoor lights.
6. New fences.
7. Lawns and landscaping.
8. Lawn sprinkler systems.
9. New roof.
10. New furnace, replacing worn out furnace,
11. Outside and inside painting.
12. Planter repairs.
13. Redecorating.
14. Repairing and replacing porches and steps.
15. Asphalt, asbestos, or aluminum siding placed over existing siding,
16. New kitchen cabinets, cupboards and counters.
17. Added closets and other built-ins.
18. New ceiling.
19. New wall surfacing.
20. Insulation, weather stripping, storm windows and doors.
21. Exterior awnings.
22. Repairing or replacing sidewalks or drives (sidewalk permit or driveway permit may be required).
23. Automatic hot water - add built-in vent fans.
24. Add or replacing gutter downspouts.
25. Added light near house number.
26. Pave rear lot parking area - residential.

(Ord. 141, 2/8/1978. Art. I. §1.04; as amended by Ord. 275, 6/2/2009, Art. I, §1.01)

## **§5. Abrogation and Greater Restrictions**

This Ordinance supersedes any provisions currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive, (Ord. 141, 2/8/1978, Art. I, §1.05; as amended by Ord. 275, 6/2/2009, Art. I, §1.02)

## **§6. Severability**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable, (Ord. 141, 2/8/1978, Art. I, §1.06; as amended by Ord. 275, 6/2/2009, Art. I, §1.03)

## **§7. Warning and Disclaimer of Liability**

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside any identified flood-prone area or that land uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereto. (Ord. 141, 2/8/1978, Art. I, §1.07; as amended by Ord. 275, 6/2/2009, Art. I, §1.04)

## **§108. Effective Date**

This ordinance shall take effect immediately. (Ord. 141, 2/8/1978, Art. I, §1.08)

## Part 2

### Definitions

#### §21. General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application. (Ord. 141, 2/8/1978. Art. II, §2)

#### §22. Specific Definitions

1. 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.
2. Basement - means any area of the building having its floor below ground level on all sides.
3. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
4. 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.
5. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes, streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land,
6. 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,
7. Flood - a temporary inundation of normally dry land areas.
8. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

9. Flood-proofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

10. Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

11. Historic structure - any structure that is:

(I) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(II) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(III) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(IV) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

12. Identified floodplain area - the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

13. Land development - Any of the following activities:

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

(i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(ii) the division or allocation of land or space, whether initially or cumulatively, 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.

14. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

15. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

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

17. 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 exit-way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety. New construction - structures for which the start of construction commenced on or after October 10, 1982, and includes any subsequent improvements thereto.

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

19. 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.

20. Recreational vehicle - a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

21. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

22. Repetitive loss - flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

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

24. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

25. Subdivision - the division or subdivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. substantial additions to manufactured home parks - any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.

27. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

28. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage or repetitive loss" regardless of the actual repair work performed. The term does not, however include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

30. Uniform Construction Code (UCC) - the statewide building code adopted by The Pennsylvania General assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

(Ord. 141, 2/8/1978, Art. II, §2.01; as amended by Ord. 275, 6/2/2009, Art. VIII, §8.01)

## Part 3

### Administration

#### §31. Zoning Permit Required

A Zoning Permit shall be required before any proposed construction, demolition or development is undertaken within the Borough of Bloomfield including any identified flood-prone area thereof. (Ord. 141, 2/8/1978, Art. III, §3; as amended by Ord. 275, 6/2/2009, Art. II, §2.00)

#### §32. Issuance of Zoning Permit

- A. The Zoning Officer shall issue a zoning permit pursuant to Section 162B of the Bloomfield Borough Zoning Ordinance and the provisions hereof only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. No Zoning Permit shall be issued until all other required permits have been obtained from any other officer or agency.

(Ord. 141, 2/8/1978, Art. III, §3.01; as amended by Ord. 275, 6/2/2009, Art. II, §2.01)

#### §33. Application Procedures & Requirements

A. Application for such a Zoning permit shall be made, in writing, to the Borough Zoning Officer on forms supplied by the Borough. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location including address.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.

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

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Borough Zoning Officer to determine that:

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

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

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

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Borough Zoning Officer to make the above determination:

1. A completed Zoning Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - a. north arrow, scale and date;
  - b. topographic contour lines, if available;
  - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - d. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
  - e. the location of all existing streets, drives and other access ways.
  - f. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
  - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
  - b. the elevation of the one hundred (100) year flood;
  - c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
  - d. detailed information concerning any proposed flood-proofing measures.
  - e. supplemental information as may be necessary under 34 Pa. Code, Chapters 401-405 as amended, and Section 1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Section R 106.1.3 and R104.7 of the 2003 IRC or latest adopted version thereof.
  
4. The following data and documentation:
  - a. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect to any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
  - b. 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.

Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.

- c. detailed information needed to determine compliance with Section 4.03F., Storage, and Section 4.04, Development Which May Endanger Human Life, including:
  - (i) the amount, location and purpose of any materials or substances referred to in Sections 4.03 F. and 4.04 which are intended to be used, produced, stored or otherwise maintained on site.

- ii) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 4.04 during a one hundred (100) year flood.
- d. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".
- e. where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

(Ord. 141, 2/8/1978, Art III, §3.02; as amended by Ord. 275, 6/2/2009, Art. II, §2.02)

### **§34. Review by County Conservation District**

A copy of all applications and plans for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of zoning permit. The recommendations of the Conservation District shall be considered by the Zoning Permit Officer for possible incorporation into the proposed plan. (Ord. 141, 2/8/1978, Art. III, §3.03; as amended by Ord. 275, 6/2/2009, Art. II, §2.03)

### **35. Review by Other Agencies**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval shall also be submitted by the Borough Zoning Officer to other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment. (Ord. 141, 2/8/1978, Art, III, §3.04; as amended by Ord. 275, 6/2/2009, Art. II, §2.04)

### **§36. Activities Requiring Special Permits**

Prior to the issuance of any zoning permit the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 587, the Pennsylvania Sewage Facilities Act, the Water Obstruction Act of 1013, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made. (Ord. 141, 2/8/1978. Art. III, §3.05)

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

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A. the commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. hospitals
2. nursing homes
3. jails or prisons

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

### Application Requirements for Special Permits

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

- A. A written request including a completed Zoning Permit Application Form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  1. north arrow, scale and date;
  2. topography based upon the North American Vertical Datum of 1988, showing existing and proposed contours at intervals of two (2) feet;
  3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  4. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man made features affecting, or affected by, the proposed activity or development;
  6. the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
  7. the location of all proposed buildings, structures, utilities, and any other improvements; and

8. any other information which the municipality considers necessary for adequate review of the application,

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

1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
4. detailed information concerning any proposed flood-proofing measures;
5. cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;
6. profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and
7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;
4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

6. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";

7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

7. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

8. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

#### Application Review Procedures

Upon receipt of an application for a Special Permit by Bloomfield Borough, the following procedures shall apply in addition to those of Article II:

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough engineer for review and comment.

B. If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, registered or certified mail, within five (5) working days after the date of approval.

E. Before issuing the Special Permit, the Borough shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by Bloomfield Borough.

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F. If the Borough does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.

G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the Special Permit.

### Special Technical Requirements

A. In addition to the requirements of Article IV of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article IV of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

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

b. the lowest floor (including basement) elevation will be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation.

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

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

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 Borough and the Department of Community and Economic Development. (Ord. 275, 6/2/2009, Art. V, §§5.0 to 5.03)

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### **§37. Changes**

After the issuance of a zoning permit by the Zoning 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 Zoning Officer. (Ord. 141, 2/8/1978, Art. III, §3.06)

### **§38. Placards**

In addition to the zoning permit, the Zoning 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 zoning permit, the date of its issuance and be signed by the Zoning Officer. (Ord. 141, 2/8/1978, Art. IB, §3.07)

### **§39. Start of Construction**

A. Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of both the Borough zoning permit and Perry County COG building permit or the permits shall expire unless a time extension is granted, in writing, by the COG Enforcement Officer and/or Borough Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the COG Enforcement Officer and/or Borough Zoning Officer to approve such a request.

(Ord. 141, 2/8/1978, Art. III §3.08; as amended by Ord. 275, 6/2/2009, Art. II, §2.07)

### **§40. Inspection and Revocation**

A. During the construction period, the COG Enforcement Officer and/or Borough Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the COG Enforcement Officer and/or the Borough Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

C. In the event the COG Enforcement Officer or Borough Zoning 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 inspecting authority shall revoke the zoning permit and report such fact to Perry County COG and the Borough for whatever action it considers necessary.

D. A record of all such inspections and violations of this ordinance shall be maintained.

E. The requirements of the 34 Pa, Code Chapters 401-405 and the UBC (Sections 109.3.3, 1612.5.1, 104.7 and 103.8) and the 2003 IRC (R106.1.2, 109.1.3 and R104.7) or latest revisions thereof, pertaining to elevation certificates and record retention shall be considered.

(Ord. 141, 2/8/1978, Art. III, §3.09; as amended by Ord. 275, 6/2/2009, Art. II, §2.08)

#### **§41. Fees**

Applications for a zoning permit shall be accompanied by a fee, payable to the Bloomfield Borough, based upon the estimated cost of the proposed construction as determined by the Borough Zoning Officer at rates as set from time to time by resolution of the Bloomfield Borough Council.

(Ord. 141, 2/8/1978, Art, III, §3.10; as amended by Ord. 216, 12/1/1998, §1; as amended by Ord. 274, 5/5/2009, §2)

#### **§42. Enforcement**

##### **A. Notice of Violation**

1. Whenever the Zoning Officer shall determine that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance or of any regulation adopted pursuant thereto, the said Officer shall give notice of such alleged violation as hereinafter provided.
2. Said notice shall:
  - a. Be in writing
  - b. Include a statement of the reasons for its issuance
  - c. Allow a reasonable time for the performance of any act it requires
  - d. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance or any regulations adopted pursuant thereto.

3. Said notice shall be served upon the property owner or his agent either personally or by certified mail return receipt requested.

B. Hearing

1. Any person or entity receiving notice of violation pursuant to this Section may request and shall be granted a hearing on the matter before the Zoning Hearing Board.
2. Said request shall be in the form of a written petition requesting such a hearing and setting forth a brief statement of the reasons therefore and shall be filed with the Secretary of the Zoning Hearing Board within 10 days after service of the notice aforesaid.
3. Upon receipt of a petition, the Secretary of the Zoning Hearing Board will set a time and place for such hearing, which shall be held within not less than 10 or more than 30 days after the date on which the petition was filed.
4. Notice of said hearing shall be advertised one time in the Perry County Times, and in addition shall be given to the Petitioner and any other interested party in writing.
5. The filing of a request for a hearing shall operate as a stay of the notice.
6. The Zoning Hearing Board shall keep a record of the proceedings, and a transcript, of said proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

C. Decision Procedure

1. The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on the petition within 14 days after the hearing is concluded. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reason therefore.
2. A copy of the final decision or, where no decision is called for, of the findings, shall be served on the petitioner personally or mailed to him by certified mail, return receipt requested, within five days of the date thereof. The Zoning Hearing Board shall provide by regular mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined to all other persons who requested such notice at the hearing.
3. Whenever the Zoning Hearing Board imposes a condition or conditions with respect to the favorable consideration, of a petition, the said condition or conditions must be stated in the order of the Board and in the building permit issued pursuant thereto by the Zoning Officer. Such permit shall remain valid only as long as the condition or conditions upon which it was granted are adhered to.

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- D. Appeals - Any person or entity aggrieved by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas of the 41st Judicial District, Perry County Branch, within 30 days from the date thereof,
- E. Penalty - Any person or entity that shall violate the provisions of the Ordinance or that fails or refuses to comply with any notice, order or direction of the Zoning Officer shall, upon conviction thereof, in a summary proceedings, be sentenced to pay a fine to the Borough of Bloomfield of not less than \$25 and no more than \$600 and in default of the payment of the fine shall be liable to imprisonment for not more than 10 days. Each day that a violation is continued 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 Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violation and non-compliance within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered, or relocated within any identified flood-prone area in noncompliance with this Ordinance may be declared by the Borough of Bloomfield to be a public nuisance and abatable as such.

(Ord. 141, 2/8/1978, Art. III. §3.11; as amended by Ord. 275, 6/2/2009, Art. II, §2.09)

## Part 4

### Identification of Flood-Prone Areas

#### §51. Identification

- A. The identified floodplain area shall be any area of Bloomfield Borough, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated February 18, 2009, and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency including all digital data developed as part of the Flood Insurance Study.
- B. A map showing all areas considered to be flood-prone is available for inspection at the Office of the Borough of Bloomfield.
- C. The identified floodplain area shall consist of the following specific areas:
  1. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
  2. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood insurance study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

3. FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated,
4. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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

(Ord. 141. 2/8/1978. Art. IV, §4.00; as amended by Ord. 275, 6/2/2009, Art. III §3.01)

### **§52. Changes in Identification of Flood-Prone Areas**

The identified floodplain area may be revised or modified by Bloomfield Borough where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

(Ord. 141, 2/8/1978, Art IV. §4.01; as amended by Ord. 275, 6/2/2009, Art. III §3.02)

### **§53. Disputes**

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

(Ord. 143. 2/8/1978, Art. IV, §4.02; as amended by Ord. 275, 6/2/2009, Art. III §3.03)

## Part 5

### Technical Provisions

#### §61. General

A. No encroachments, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office, and the Department of Environmental, Bureau of Waterways, Division of Dam Safety.

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

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

#### Special Requirements for FW, FE and FA Areas

C. With any FW (Floodway Area), the following provisions apply:

1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

D. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

E. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:

1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

2. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

3. Any new construction or development, which would cause any increase in flood heights shall be prohibited within any floodway area.

(Ord. 141, 2/8/1978, Art. V, §5; as amended by Ord. 155, 3/1/1983, §1; as amended by Ord. 275, 6/2/2009, Art. IV §§4.00, 4.01)

## **§62. Elevation and Flood-proofing Requirements**

### **A. Residential Structures**

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 Pa. Code (Chapters 401-405 as amended, or latest adopted revision thereof shall be utilized.

### **B. Non-residential Structures**

1. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flooded elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

2. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1 1/2 ) feet above the one hundred (100) year flood elevation, shall be flood proofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U. S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

3. The design and construction standards and specifications contained in the IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1, or latest adopted revision, and ASCE 24 (Sees. 2.4 and Chap. 7) and 34 Pa. Code (Chapters 401-405 as amended) shall be utilized.

### **C. Space below the lowest floor.**

1. Fully enclosed space below the lowest floor (including basement) is prohibited.

2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- b. the bottom of all openings shall be no higher than one (1) foot above grade.
- c. openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Consideration may be given to the requirements of 34 Pa. Code (Chapters 401-4305 as amended) and the 2003 IRC (Secs. R323.2.2 and R323.1.4) and the 2003 IBC (Secs. 1612.4, 1612.5, 1202.3.2 and 1203.3.3).

D. Accessory structures

Structures accessory to a principal building need not be elevated or flood proofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 600 square feet.
3. the structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be at least one and one-half (1-1/2) feet above the 100 year flood elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
7. sanitary facilities are prohibited.

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8. the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- b. the bottom of all openings shall be no higher than one (1) foot above grade.
- c. openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(Ord. 141, 2/S/1978, Art, V, §5.01; as amended by Ord. 275, 6/2/2009, Art. IV, §4.02)

### Development Which May Endanger Human Life

In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

will be used for the production or storage of any of the following dangerous materials or substances; or,

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

will involve the production, storage, or use of any amount of radioactive substances;

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

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.

B. Within any FW (Floodway Area), any structure of the kind described in Subsection A., above, shall be prohibited.

C. Within any FE (Special Floodplain Area) or FA (General Floodplain area), any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

D. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one hundred (100) year flood and,
2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations (U. S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard. (Ord. 275, 6/2/2009, Art. IV, §4.04)

### **§63. Design and Construction Standards**

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

- A. Fill, if it is used, shall:
1. extend laterally at least fifteen (15) feet beyond the building line from all points;
  2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Borough Zoning Officer; and,
5. be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Section 1801.1 & 1803.4) or latest adopted revision, shall be utilized

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties. The provisions contained in the 2003 IBC (Appendix G401.5) shall be utilized,

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and 34 Pa. Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Appendix G Sees. 401.3 and 401.4, or latest adopted revision), the 2003 IRC (Sect. 323.1, or latest adopted revision), the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and the International Private Sewage Disposal Code (Chapter 3) shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 4.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water,

H. Anchoring

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

2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

3. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 Pa. Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Secs R301.1 and R323.1.1) and ASCE 24-98 (Sec. 5,6) or latest adopted revisions, shall be utilized.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

5. The provisions of the UCC pertaining to this subsection and referenced in the 34 Pa. Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2, or latest adopted revisions), the 2003 IRC (Secs. R323.1.7 & R 501.3 or latest adopted revisions) and ASCE 24-98 (Chapter 6).

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

4. The standards and specifications contained in 34 Pa. Code (Chapters 401-405, as amended) the 2003 IBC (Secs. 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Secs. R323.1.7, or latest adopted revisions).

K. Electrical Components

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

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

3. The provisions pertaining to the above provisions and referenced in the UCC and 34 Pa. Code (Chapters 401-405), as amended and contained in the 2003 IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) or latest adopted revisions, shall be utilized.

L. Equipment

1. 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.

2. The provisions pertaining to the above provision and referenced in the UCC and 34 Pa. Code (Chapters 401-405), as amended and contained in the 2003 IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) or latest adopted revisions, shall be utilized.

M. Fuel Supply Systems

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

(Ord. 141, 2/8/1978, Art. V, §5.02; as amended by Ord. 275, 6/2/2009, Art. IV §§4.03)

**§64. Special Requirements for Mobile Homes**

- A. All mobile homes and any additions thereto shall be 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 Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (VFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:
1. 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.
  2. 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.
  3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
- B. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:
1. The stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the elevation of the Regulatory Flood.
  2. Adequate surface drainage is provided.
  3. Adequate access for a hauler is provided.
  4. 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 six feet or more above the ground level.
- C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for mobile home parks and mobile home subdivisions where appropriate.

- D. No mobile homes shall be placed in any designated Floodway area
- E. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2003 International Residential Building Code, or latest adopted revision thereto, or the U. S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 edition, draft or latest revision thereto shall apply and 34 Pa. Code Chapters 401-405.
- F. Consideration shall be given to the installation requirements of the 2003 IBC (Appendix G, Sec. 501.1-3) and the 2003 IRC (Sees. R323.2, R323.3, R102.7.1, and Appendix AE 101, 604 and 605) or the most recent revisions thereto and 34 Pa. Code Chapters 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation.

(Ord. 141, 2/8/1978, Art. V, §5 03; as amended by Ord. 275, 6/2/2009, Art. IV §4.05)

## Part 6

### Variances

#### §71. General

If compliance with the elevation or flood-proofing requirements of this Ordinance would result in an exceptional hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements. (Ord. 141, 2/8/1978, Art, VI. §6; as amended by Ord. 275, 6/2/2009, Art. VII §7.00)

#### §72. Requests

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Section 42B through D of this Ordinance and the following criteria:

- A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- B. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- C. Except for a possible modification of the one and one-half (1 1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 36) or to Development Which May Endanger Human Life (Section 62).
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance.
- F. Whenever a variance is granted, the Borough shall notify the applicant in writing that:
  - 1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variances may increase the risks to life and property.

G. in reviewing any request for a variance, the Borough shall consider, at a minimum, the following: That there is good and sufficient cause.

1. That failure to grant the variance would result in exceptional hardship to the applicant,
2. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

H. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

(Ord. 141, 2/8/1978, Art. VI, §6.01; as amended by Ord. 275, 6/2/2009, Art. VII §7.01)

### **§73. Resistance to Forces**

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy, and other forces associated with the one-hundred-year flood. (Ord. 141, 2/8/1978, Art. VI, §6.02)

## Part 7

### Existing Structures in Flood-Prone Areas

#### §81. General

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

A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

B. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

The above activity shall also address the requirements of the 34 Pa. Code Chapters 401-405, as amended and the 2003 IBC (Secs. 3402.1 and 1612.4) and the 2003 IRC (Sec. 323.1.4), or latest adopted revisions.

D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

E. Any modification, alteration, reconstruction or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

F. The requirements of 34 Pa. Code Chapters 401-405, as amended and the 2003 IRC (Sees. R102.7.1, R 105.3.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

(Ord. 141, 2/8/1978, Art. VI. §7; as amended by Ord. 275, 6/2/2009, Art. VI §6.00, 6.01)

## Part 8

### Water & Sewer Facilities, Construction Standards

#### §91. Intent

It is the intent of this Part to promote the general health, welfare and safety of the community and reduce the financial burden imposed on the community, its governing bodies and its residents by preventing the improper installation of water and/or sewer facilities. (Ord. 177, 3/1/1988, §1)

#### §92. Definitions

- A. "Borough" - Borough of Bloomfield
- B. "Sewer Authority" -- Bloomfield Municipal Authority
- C. "Water Authority" - Bloomfield Borough Water Authority
- D. "Person" - Any natural person, corporation, organization of persons, company, association, partnership, municipality or any other legal entity,
- E. "Planning Commission" — Bloomfield Planning Commission

(Ord. 177. 3/1/1988, §2)

#### §93. Requirements

It shall be unlawful for any builder or real estate, commercial and/or institutional developer to build or develop a property in the Borough without first fulfilling the following requirements:

- A. Compliance with Pennsylvania Utility Contractors Association (PUCA) requirements.
- B. Preliminary approval of water and/or sewer line plans prior to initiation of construction.
- C. Construction in accordance with standard specifications of the Borough or Authority and rules and regulations promulgated by them.
- D. Inspection of construction by Borough or Authority personnel.
- E. Independent testing and certification of water and/or sewer lines in accordance with Borough or Authority specifications.

BUILDINGS

F. Furnishing of As-Constructed drawings to the Borough and Authority

(Ord. 177, 3/1/1988, §3)

**§94. Preliminary Plans**

Preliminary approval of a water and/or sewer line plan shall require the submission of four sets of preliminary plans to Borough Council for distribution to it, the Authority, the engineers and Planning commission and which plan shall contain the following:

- A. For water lines, the location of said lines, together with pipe sizes, locations of hydrants, valves, and any other appurtenances. Where a tie-in is made to an existing water main of the Borough or Authority, an enlarged detail of the tie-in is required. Where a right-of-way is utilized, there shall also be furnished with the preliminary plans a complete description and property plat of the proposed right-of-way.
- B. For sewer lines, the location of said lines, together with pipe sizes, distance between manholes, pipe grade, and manhole rim and invert elevations shown on the plan. In addition, all sewer plans, including force main, shall show detailed profiles of the proposed construction, with manhole rim and invert elevations, pipe grade and distance between manholes.
- C. If a pump station is part of the submission, design data shall be furnished including number of services, flow data, type of station, proposed pump capacities, location of station and force main details.
- D. Where a right-of-way is to be utilized, or a pump station site is to be provided, there shall also be furnished with the preliminary plans a complete description and property plat of the proposed right-of-way or site.
- E. All designs shall conform to at least the minimum requirements of the Department of Environmental Resources.
- F. There shall be a fee for review by the Borough and Authority which must accompany the preliminary plans. The fee shall be in accordance with the following schedule.

	<b>Water Lines</b>	<b>Sewer Lines</b>
Single Dwellings, Townhouses, and all situations which require individual connections to each dwelling unit		
1 - 5 Lots (Dwelling Units)	\$ 40.00	\$ 50.00
6 - 10 Lots (Dwelling Units)	\$ 75.00	\$ 100.00

	<b>Water Lines</b>	<b>Sewer Lines</b>
11 – 20 Lots (Dwelling Units)	\$120.00	\$160.00
21 – 50 Lots (Dwelling Units)	\$150.00	\$200.00
51 – 100 Lots (Dwelling Units)	\$225.00	\$300.00
Over 100 Lots (Dwelling Units)	\$225.00+	\$300.00+
	\$2.50 Per Additional Lot (Dwelling Unit)	\$3.00 Per Additional Lot (Dwelling Unit)
Apartments Developments, and all situations which permit common connection to service multi-dwelling unit structure		
1 – 3 Apartment Buildings	\$80.00	\$100.00
4 – 10 Apartment Buildings	\$130.00	\$150.00
Over 10 Apartment Buildings	\$130.00+	\$150.00+
	\$10.00 Per Additional Building	\$10.00 Per Additional building
Commercial and Institutional Structures	\$75.00	

In addition to the fee review schedule for review by the Borough and Authority, all engineering review costs incurred by the Borough and Authority shall be the responsibility of the builder and/or developer and shall be invoiced by the Borough and Authority to the builder and/or developer for payment.

[Ord.180]

- G. For Commercial and Institutional Structures, a separate sheet shall be provided detailing the anticipated use of (he structure, and estimating waste flow volumes, and discharge rates of How The review fee for these Commercial Structures will be equal to the amount which the Borough or the Authority is invoiced by its engineer plus the Borough's and Authority's costs incurred for review by its personnel.
- H. Current regulations of the Department of Environmental Resources require the filing of Land Planning Modules with the regional office of D.E.R. There shall be a \$100 fee payable by the Developer to the Borough or Authority to supply the necessary information including review of the modules. [Ord.180]
- I. Where the Borough or the Authority must make the permit application in its own name to the Department of Environmental Resources, the Developer shall provide the completed plans, specifications, modules, and applications for submission to the DER, and shall pay all DER filing fees, and shall pay to the Borough or the

Authority, in addition to the above indicated plan review fees, an additional \$100 for review of modules, application, etc., and for filing on behalf of the Developer.

(Ord. 177, 3/1/1998, §4: as amended by Ord. 180, 12/6/1988, §§1, 2, and 3)

### **§95. Compliance to Borough Specifications**

Standard specifications for construction of water and/or sewer lines which shall ultimately be taken-over and/or served by the Borough or Authority shall be constructed in strict accordance with the latest revision of the "Standard Specifications of the Borough or Authority for Water and Sewer Line Construction." Copies of the "Standard Specifications . . ." are available from the Borough Secretary. The cost of each set of these specifications is \$35. (Ord. 177, 3/1/1988, §5)

### **§96. Construction Inspection**

Inspection of construction shall be as follows:

- A. All water and/or sewer line construction by builders and/or developers is required to be inspected by a representative of the Borough or Authority. The degree and length of the inspection will vary from project to project, but it is required that no work shall be backfilled unless approval is given in writing to do so by the said representative.
- B. Builders and/or Developers must pay all costs of this inspection and for purposes of estimating costs for such inspection, a minimum of four hours per day inspection of such construction should be assumed. The cost of inspection shall be at the rate of \$15 per hour for Borough and/or Authority personnel with a minimum daily charge of \$75 and a minimum hourly rate of \$50 per hour for engineering personnel with a minimum daily charge of \$250. Inspection costs will be billed for actual time on the project, and may often exceed the minimums aforesaid. The Developer will not be billed for days when no inspection is provided, [Ord.180]
- C. This Borough or Authority inspection is limited to water mains, sewer lines, and sewage pump station construction, and does not include the costs of inspecting individual structure service connections or house laterals. Those building connection inspection costs are provided for in the Connection Fee Schedule as part of the connection fee charged for each water and/or sewer connection permit issued,

(Ord. 177, 3/1/1988, §6; as amended by Ord. 180, 12/6/1988, §4)

## §97. Water and Sewer Testing and Inspection

In order for any water and/or sewer facilities constructed by other to be considered for acceptance, the lines and their appurtenants shall be subjected to inspection and testing as follows:

- A. Pressure testing of water lines and forced mains shall be in conformity with the Borough's or Authority's "Standard Specifications for Water Line Testing."
- B. Low-pressure air testing is a mandatory requirement before backfilling any sewer line. Low-pressure air testing procedures are discussed in the Borough's or Authority's "Standard Specifications. . ."
- C. The amount of actual ground water infiltration will be the only acceptable method of determining the sewer line's degree of water-tightness. This infiltration inspection/testing shall be performed at a time when the ground water in the vicinity of the constructed sewer line is near its highest annual elevation. The time in which this inspection/testing will occur shall be specified by the Borough or Authority. Such high ground water conditions generally occur within the Borough during fall and/or spring periods.
- D. The Borough or Authority's personnel or engineer will assist the Builder's/Developer's representative in performing the infiltration inspection /testing, depending on the particular situation. This inspection may have to be performed during early morning hours. The Builder/Developer will be responsible for paying all costs of this inspection/testing, and for the purpose of estimating cost for such effort, a minimum of five hours for two Borough or Authority men, at the rate of \$15 per man-hour, with a minimum charge of \$150 and minimum hourly rate of \$50 per hour for engineering personnel with a minimum daily charge of \$250. If infiltration problems are found, then additional inspection and testing by Borough or Authority personnel or engineer will be required and these costs will be billed for actual time on the project. [Ord.180]
- E. All manholes will be completely inspected for water-tightness, and all visible or detectable leaks shall be marked and recorded. The requirements of a manhole lid insert, used to prevent the entrance of surface water through the manhole cover, will also be determined at that time. An acceptable manhole shall contain no visible or detectable leaks, and shall be fitted with a manhole insert when required.
- F. If during the manhole inspection there is a definite and recognizable leakage of ground water into the sewer line, the Borough or Authority's personnel or engineer will proceed with an infiltration test. That is, said personnel or engineer will measure the flow in each isolated sewer line section, or in a test pattern established by the personnel or engineer. The flow measurements will be made by a 90° V-notch weir. A single manhole section shall not be acceptable if the infiltration into it exceeds the rate of 100 gallons per inch nominal diameter of sewer pipe per mile of length in 24 hours at peak water table elevation. No flow averaging of groups of sewer line sections will be accepted in meeting the acceptable rate.

- G. When any sewer line section or sections fails to meet these requirements, the Builder and/or Developer shall determine at his own expense the source or sources of leakage, and shall repair or replace all defective materials or workmanship to the satisfaction of this Borough or Authority. Any repaired sewer line shall meet the acceptable infiltration rate before being considered acceptable. No groups of sewer line sections will be acceptable until all single sections within the group are found to meet the acceptable infiltration rate. Any needed repairs will require additional inspection and testing by Borough or Authority employees or engineer and these costs will be billed to the Developer. The Builder and/or Developer shall proceed with all repairs in a timely fashion. Failure to proceed after given due notice will result in work being performed by the Borough or Authority and the cost of which shall be billed to the Developer, plus 10%.

(Ord. 177, 3/1/1988, §7; as amended by Ord. 180, 12/6/1988, §5)

#### **§98. Submission of Construction Plans**

Prior to formal acceptance of any Builder/Developer- constructed water and/or sewer line, the Builder/Developer shall furnish to the Borough four sets of detailed As-Constructed drawings on 24 inches by 36 inches size paper. Upon receipt of said As-Constructed plans, which, for sewer construction shall show lateral locations and other pertinent information, and the full payment of all fees required by the Borough or Authority, as detailed herein, and upon written approval of the Borough or Authority representative, and the Consulting Engineer to the Borough or Authority, the sewer line will be formally accepted. The Builder/Developer shall be responsible for all maintenance of lines and their appurtenants unless and until they are accepted by the Borough or Authority. (Ord. 177, 3/1/1988, §8)

#### **§99. Reservation of Performance Bond Requirement**

The Borough or Authority reserves the right to require for any project a Performance Bond, payable to the Borough or Authority, in an amount set by the Borough or the Authority, but in no event more than the estimated project cost for the water and/or sewer lines, including reasonable administrative, legal and engineering expenses. This Performance Bond shall be filed with the Borough or Authority prior to the initiation of construction, if such a Bond is to be required. The applicability of a Bond shall be in the sole judgment of the Borough or Authority and the Borough or Authority shall not be deemed to waive the right to require a Bond, by reason of exempting any specific project from the Bonding requirement. (Ord. 177, 3/1/1988, §9)

**§100. Penalties**

Any person who shall violate the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Provided: each day that a violation shall be permitted to continue shall constitute a separate offense. (Ord. 177, 3/1/1998, §10)

**Part 9**

**Uniform Construction Code and Regulations**

**§901. Administration and Enforcement**

Bloomfield Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 PS §§7210.101 - 7210.1103, as amended from time to time, and its regulations. (Ord. 240. 5/4/2004, §1)

**§902. Adoption of Code**

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of Bloomfield Borough. (Ord. 240, 5/4/2004, §2)

Uniform Construction Code Coordination

The Standards and Specifications contained in 34 Pa. Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2003 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE 101, Appendix E and Appendix J.

(Ord. 275, 6/2/2009, Art. IV, §403N)

**§903. Methods of Administration and Enforcement**

Administration and enforcement of the Code within this Borough shall be undertaken in any of the following ways as determined by the Council of Bloomfield Borough from time to time by resolution:

- A. By the designation of an employee of the Borough to serve as the municipal code official to act on behalf of the Borough.
- B. By the retention of one or more construction code officials or third party agencies to act on behalf of the Borough.
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an inter-municipal agreement.

- D. By entering into a contract with another Borough for the administration and enforcement of this Act on behalf of this Borough
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one family or two family dwelling units and utility and miscellaneous use structures.

(Ord. 240, 5/4/2004. §3)

#### **§904. Board of Appeals**

A Board of Appeals shall be established by resolution of the Council of this Borough in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities. (Ord. 240, 5/4/2004, §4)

#### **§905. Prior Building Code Ordinances**

1. All building code ordinances or portions thereof which were adopted by this Borough on or before July 1, 1999, if any, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.
2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.
3. All relevant ordinances, regulations and policies of Bloomfield Borough not governed by the Code shall remain in full force and effect.

(Ord. 240, 5/4/2004. §5)

#### **§906. Fees**

Fees assessable by the Borough for the administration and enforcement undertaken, pursuant, to this Part and the Code shall be established by the Council of the Bloomfield Borough by resolution from time to time. (Ord. 240. 5/4/2004, §6)

**§907. Effective Date**

This Part shall be effective five days after the date of passage hereof. (Ord. 240, 5/4/2004, §7)

**§908. Severability**

If any Section, subsection, sentence or clause of this Part is held for any reason to be invalid, such decision or decisions shall not affect the validity of the remaining portions hereof. (Ord. 240, 5/4/2004, §8)

## **Part 10**

### **Numbering of Buildings**

#### **§1001. Number Required; Placement**

All property owners of Bloomfield Borough are hereby required to place a number of at least three inches in height on the main structure of all properties located within the Borough limits. The numbers must be clearly visible. If the property has a mailbox, numbers must be placed on the mailbox as well. If the building lies back off the street by 50 feet or more, the number sign must be displayed on a post, sign, wall, fence or mailbox at the end of the driveway near the street right-of-way or in front of the building near the street right-of-way.

(Ord. 245. 1/4/2005. §1)

#### **§1002. Assignment of Numbers**

Those property owners that need to have a number assigned to their property may contact the Secretary of the Borough for that purpose.

(Ord. 245. 1/4/2005, §2)

#### **§1003. Violations and Penalties**

Any property owner who fails to comply with the requirements of this Part shall, upon conviction before a District Justice, be sentenced to the payment of a fine of not more than \$25 and the costs of prosecution, with each day violation thereafter being considered a continuing violation and the daily accruing of said fine.

(Ord. 245, 1/4/2005. §3)