

## Chapter 51

### BUILDING CONSTRUCTION

- § 51.1. Administration and Enforcement.**
- § 51.2. Amendments to the INTERNATIONAL BUILDING CODE in accordance with 403.102(d) of the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101-7210.1103).**
- § 51.3. Amendments to the International Residential Code in accordance with 403.102(d) of the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101-7210.1103).**

**[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 9/6/1960 by Ord. No. 150; repealed 11/3/1975 by Ord. No. 601; amended 7/5/1977 by Ord. No. 706, 8/7/1978 by Ord. No. 787, 2/5/1979 by Ord. No. 817, 8/6/1979 by Ord. No. 856, 7/6/1981 by Ord. No. 957, 9/21/1981 by Ord. No. 965; repealed 4/7/1986 by Ord. No. 1198; amended 4/3/1989 by Ord. No. 1380, 5/7/1990 by Ord. No. 1439, 8/6/1990 by Ord. No. 1448, 1/7/1991 by Ord. No. 1474, 12/7/1992 by Ord. No. 1559, 8/2/1993 by Ord. No. 1591, 2/7/1994 by Ord. No. 1616, 10/2/1995 by Ord. No. 1685; repealed in its entirety and new chapter enacted 05/04/98 by Ord. No. 1765; amended 4/5/1999 by Ord. No. 1798; 7/6/2004 by Ord. No. 1914; amended 2/5/07 by Ord. No. 1967]**

### GENERAL REFERENCES

**Definitions and rules of interpretation - See Ch. 3.**  
**Buildings and Fire Codes Appeals and Advisory Board - See Ch. 15, Art. IV.**  
**Department of Planning and Community Development - See Ch. 21.**  
**Fees- See Ch. 57.**  
**Fire prevention - See Ch. 61.**  
**Grading and soil excavation - See Ch. 71.**  
**Procedures and specifications for public improvements - See Ch. 99.**  
**Sewers and drains - See Ch. 106.**  
**Subdivision and land development - See Ch. 114.**  
**Swimming pools - See Ch. 116.**  
**Zoning - See Ch. 130.**

**§ 51. 1. Administration and Enforcement.**

51.1.1. In accordance with the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103), (P.L. 491, No. 45), Section 403.102.(l), the following sections and subsections of Chapter 51 are hereby added, inserted, deleted or changed as set forth herein.

## 51.1.2. General Permit Requirements

51.1.2.1. "Within the IDENTIFIED FLOODPLAIN AREAS, a building permit shall be required for all CONSTRUCTION and DEVELOPMENT unless a permit or approval is otherwise required under another section of the TOWNSHIP CODE."

51.1.2.2. Site plan: The application for the permit shall be accompanied by two (2) copies of a site plan which is a survey of a lot upon which is shown to scale the location of existing and proposed structures and structures to be removed or moved; existing and proposed contours; location and dimensions of yards; proposals for the disposition of sanitary waste and stormwater; indications of compliance with zoning, grading, building and other code requirements; name of applicant and landowner; area location map or recorded subdivision or land DEVELOPMENT plan name and lot number; dates of preparation and revisions; locations of all existing utility lines and existing and proposed connections to them; evidence of preparation in accordance with The Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103), (P.L. 491, No. 45)

51.1.2.3. Applications for CONSTRUCTION in IDENTIFIED FLOODPLAIN AREAS: In addition to the information and documentation ordinarily required for building permits, applicants shall also include the following specific information along with any application for CONSTRUCTION or proposed CONSTRUCTION or DEVELOPMENT within any IDENTIFIED FLOODPLAIN AREAS. Applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Code Official to determine that:

51.1.2.3.1. 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;

51.1.2.3.2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate FLOOD damage.

51.1.2.3.3. Adequate drainage is provided so as to reduce exposure to FLOOD hazards.

51.1.2.3.4. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Code Official to make the above determination:

51.1.2.3.4.1. The plan of the entire site, clearly and legibly drawn, showing the following:

5.1.1.2.3.4.2. North arrow, scale and date;

51.1.2.3.4.3. Existing and proposed contours and elevations of the ground, storage elevations, size of the structure, location and elevations of streets, drives and other access ways, water supply, sanitary facilities and FLOODPROOFING measures;

51.1.2.3.4.4. All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;

51.1.2.3.4.5. The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land DEVELOPMENT;

51.1.2.3.4.6. The location of any existing bodies of water or watercourse, IDENTIFIED FLOODPLAIN areas and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.

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

51.1.2.3.5.1. The proposed lowest floor, including BASEMENT elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

51.1.2.3.5.2. The elevation of the ONE-HUNDRED (100) YEAR FLOOD;

51.1.2.3.5.3. If available, information concerning FLOOD depths, pressures, velocities, impact and uplift forces and other factors associated with a ONE-HUNDRED (100) YEAR FLOOD; and

51.1.2.3.5.4. Detailed information concerning any proposed FLOODPROOFING measures.

51.1.2.3.6. Applications shall also contain the following data and documentation:

51.1.2.3.6.1. 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 ONE-HUNDRED (100) YEAR FLOOD elevations, pressures, velocities, impact and uplift forces associated with the ONE-HUNDRED (100) YEAR FLOOD and the plans for DEVELOPMENT of the site adhere to the restrictions in the Chapter. Such statement shall include a description of the type and extent of FLOODPROOFING measures which have been incorporated into the design of the structure and/or DEVELOPMENT.

51.1.2.3.6.2. Detailed information needed to determine compliance with Subsection 3603.5, "Storage," and Subsection 3604.2 "DEVELOPMENT which may endanger human life," including:

51.1.2.3.6.2.1. The amount, location and purpose of any materials or substances referred to in Subsections 3603.5 and 3604.2 which are intended to be used, produced, stored or otherwise maintained on site.

51.1.2.3.6.2.2. 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 Subsection 3304.2 during a ONE-HUNDRED (100) YEAR FLOOD.

51.1.2.3.6.2.3. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."

51.1.2.3.6.2.4. Where any excavation or grading is proposed, a plan meeting the requirements of Chapter 71, "Grading and Soil Excavation."

51.1.2.3.7. Action on applications in IDENTIFIED FLOODPLAIN AREAS: Prior to the issuance of any Building Permit, the Code Official shall review the application for permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Dam Safety and Encroachments Act (Act 1978-325, as amended); the United States Clean Water Act, Section 404,33 U.S.C. § 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.

No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the TOWNSHIP and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the TOWNSHIP prior to any alteration or relocation of any watercourse.

A copy of all plans and applications for any proposed CONSTRUCTION or DEVELOPMENT in any IDENTIFIED FLOODPLAIN AREA to be considered by approval may be submitted by the TOWNSHIP to any other appropriate agencies and/or individuals (e.g. Planning Commission, TOWNSHIP Engineer, etc.) for review and comment.

51.1.2.4. Suspension of permit: Any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work. Upon written application by the holder of the permit, the Code Official may reinstate a suspended building permit for a period not to exceed one (1) year from the date

of suspension. Said application for reinstatement must be made within thirty (30) days after the suspension. 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.

51.1.2.5. Other permits and approvals: Prior to the issuance of any building permit, the permit officer shall review the application for the permit to determine if all other necessary government permits or approvals required by Federal, County or Commonwealth laws have been obtained.

51.1.2.6. Membrane Structure Permit Requirements: All structures regulated by Section 3102.0 shall not be erected, operated or maintained for any purpose without obtaining a permit from the Code Official; however, a separate permit shall not be required each time the structure is erected as long as no changes have been made to the structure, the location where it is to be erected, or the zoning code requirements since the permit was initially issued.

51.1.2.7. Application Requirements: As authorized through Section 403.102(1) of the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103), (P.L. 491, No. 45), Section 403.102.(1), a building permit shall be required for the following as listed:

51.1.2.7.1. Under Section 403.1 Subsection B (General Requirements)

- 51.1.2.7.1.1. Carports
- 51.1.2.7.1.2. Detached Private Garages
- 51.1.2.7.1.3. Greenhouses
- 51.1.2.7.1.4. Storage Sheds
- 51.1.2.7.1.5. Agricultural Buildings
- 51.1.2.7.1.6. Manufactured or Industrial Housing
- 51.1.2.7.1.7. Liquefied Petroleum Gases

51.1.2.7.2. Under Section 403.42 (Commercial Permits)

- 51.1.2.7.2.1. Fencing
- 51.1.2.7.2.2. Oil Derricks
- 51.1.2.7.2.3. Retaining Walls over 30" (inches)
- 51.1.2.7.2.4. Water tanks
- 51.1.2.7.2.5. Driveways
- 51.1.2.7.2.6. Temporary motion picture, television, and theater stages set scenery

- 51.1.2.7.2.7. Shade cloth structures built for nursery or agricultural purposes that do not include service systems
- 51.1.2.7.2.8. Swing and playground equipment
- 51.1.2.7.2.9. Any moveable case, counters and partitions.

51.1.2.7.3. Under Section 403.62 (Residential Permits)

- 51.1.2.7.3.1. Fencing
- 51.1.2.7.3.2. Retaining walls over 30" (inches)
- 51.1.2.7.3.3. Water tanks
- 51.1.2.7.3.4. Driveways
- 51.1.2.7.3.5. Replacement of porches
- 51.1.2.7.3.6. Decks
- 51.1.2.7.3.7. Replacement of air conditioning equipment systems

51.1.3. Fees

51.1.3.1. Fee Schedule: A fee for each application for a building permit, certificate of occupancy, inspection and plan review shall be paid in accordance with the schedule in Chapter 57, "Fees."

51.1.4. Certificate of Occupancy

51.1.4.1. As-built Survey. A final as-built survey shall be required as part of every application for final approval for Certificate of Use and Occupancy for new dwellings and as determined by the Code Official for other structures and additions or as called for by other Chapters of the TOWNSHIP CODE or conditions of approval. The as-built survey shall be prepared by a registered licensed professional surveyor or engineer and include location and dimensions of all structures and paving on a lot, including but not limited to, patios, porches, decks, driveways, walkways, parking on the lot, utilities, fencing and ACCESSORY STRUCTURES. A calculation of as-built lot coverage or ground coverage where applicable and as defined under the TOWNSHIP CODE shall be provided on the survey.

51.1.5. Unsafe Structures and Equipment

51.1.5.1. Conditions. It is the duty of the Code Official to deem buildings and structures unsafe. All structures or existing equipment which are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. All unsafe structures shall be taken down and removed or made safe, as the Code Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

51.1.5.2. Notice. Whenever any building or structure is deemed unsafe under this chapter or the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103), (P.L. 491, No. 45), the Code Official will give written notice to the owner, lessee, tenant, occupant, or agent, and all other PERSONS having an interest in such building or structure, as shown by the land records of the Recorder of Deeds of Allegheny County, describing the unsafe condition, and ordering the abatement of the unsafe condition within the period specified in the Notice, not to exceed thirty (30) days, as is reasonable. Failure to comply with the Order contained in the Notice by correcting the violation or filing a corrective action plan with the TOWNSHIP within the time specified is a violation of the BUILDING CODE and a penalty may be imposed thereunder in addition to any other remedies provided within this chapter or the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103), (P.L. 491, No. 45) .

51.1.5.3. Order of Repair, Vacation or Demolition of Unsafe Buildings or Structures. All buildings or structures deemed unsafe under this chapter or the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103), (P.L. 491, No. 45) are declared to be public nuisances and must be repaired, vacated, or demolished, pursuant to the Notice and Order of the Code Official under within this chapter or the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103), (P.L. 491, No. 45) , in accordance with the following standards, or as otherwise provided in the BUILDING CODE:

51.1.5.3.1. If the unsafe building or structure is in such condition as to make it dangerous to the health, safety, morals, or general welfare of the occupants, it will be ordered to be vacated and secured.

51.1.5.3.2. If the unsafe building or structure can be reasonably repaired so that it will no longer violate the terms of the BUILDING CODE, it will be ordered to be repaired.

51.1.5.3.3. The Code Official will place a notice on all unsafe buildings or structures reading as follows:

"This building or structure has been deemed unsafe by an Upper St. Clair Township Code Official. This Notice is to remain on this building or structure until it is repaired, vacated, or demolished in accordance with the Notice which has been given the owner, or occupant, lessee, or agent of this building or structure, as shown by the land records of the Recorder of Deeds of Allegheny County. It is unlawful to remove this Notice until such Notice is complied with."

51.1.5.4. Costs of Emergency Repairs. Costs incurred in the performance of emergency work will be paid from the treasury of the jurisdiction on certificate from the Code Official. These costs will be recovered by the TOWNSHIP from the owner of the premises in an action of law in the Court of Common Pleas. The TOWNSHIP will file the suit, with a statement of claim and a description of the premises, at the Office of the Prothonotary of Allegheny

County, so that it will be indexed in the Judgment Docket and the TOWNSHIP will have a lien against the premises for the amount of the claim.

51.1.5.5. Condemnation of Buildings and Structures; Notice; Service; Abatement and Cost Recovery.

51.1.5.5.1. Notice of Condemnation. If the Notice and Order of the Code Official under within this chapter or the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103), (P.L. 491, No. 45) is not complied with, or if an unsafe building or structure under Section 403.84(a) constitutes an immediate hazard to life, limb or property, or if the building or structure comes within the provision of Section 403.84(b), the Code Official may prepare a Notice of Condemnation describing the unsafe conditions which have caused the building or structure to become unsafe or otherwise dangerous and ordering the abatement with Section 403.84(e). Such Notice of Condemnation must be signed by the Code Official and sent to the owner or the owner's agent by certified mail, return receipt requested, or served personally on such owner or its agent. A copy of the Notice must be served personally on the occupant of the building and at least one copy of the Notice must be posted on the premises affected by the condemnation. The time limit for abatement of the unsafe condition which must be stated in the Notice is thirty (30) days, except that when, in the opinion of the Code Official, the hazard to life, limb or property warrants such action, the Code Official has the authority to order abatement within a shorter period of time.

51.1.5.5.2. Revocation of Occupancy Permit. After issuance of a Notice of Condemnation, the Code Official has the authority to revoke any Certificate of Occupancy which may previously have been issued for the building or structure affected thereby. If no Certificate of Occupancy has previously been issued, the Code Official has the authority to order discontinuance of any or all occupancies in such building or structure. After revocation of a Certificate of Occupancy, or issuance of an Order to Discontinue Occupancy, any continued occupation of the building or structure is a violation of this by the owner and all occupants of the building or structure.

It is a violation of this BUILDING CODE if, after revocation of the Certificate of Occupancy or issuance of an Order to Discontinue Occupancy, any condemned portion of a building or structure (whether or not any other portion of a building or structure is in unsafe condition) constitutes or contains an exit which is required by law or ordinance, or is, in the opinion of the Code Official, a necessary means of egress.

If a building, structure, or part of the building or structure has been made safe, the Code Official will reissue or renew any Certificate of Occupancy which may have been revoked, or upon application, will issue a new certificate.

51.1.5.5.3. Authority to Abate. If, after expiration of the time specified in the Notice of Condemnation, the owner, agent or PERSON in charge or control has not abated the unsafe condition described in such Notice or has not appealed to the Board within thirty (30) days of service of the Notice, as set forth in within this chapter or the Pennsylvania

Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103), (P.L. 491, No. 45). The Code Official shall have authority to abate the unsafe condition by repairing, removing or demolishing the building, structure, or part of the building or structure, at the expense of the TOWNSHIP. Costs incurred in the repair, removal or demolition of a building or structure will be paid from the treasury of the jurisdiction on certificate from the Code Official. These costs will be recovered by the TOWNSHIP from the owner of the premises in an action of law in the Court of Common Pleas. The TOWNSHIP will file the suit, with a statement of claim and a description of the premises, at the Office of the Prothonotary of Allegheny County, so that it will be indexed in the Judgment Docket and the TOWNSHIP will have a lien against the premises for the amount of the claim.

51.1.5.5.4. Razing of building or structure. In abating any dangerous condition cited in Notice of Condemnation, the Code Official shall have authority to decide whether the building, structure, or part of the building or structure will be repaired, removed or razed. If the Code Official decides to raze such building or structure and the owner thereof has not, within thirty (30) days after condemnation, notified the Code Official in writing that the owner desires to have all parts, appurtenances and materials removed from their place on the lot, the Code Official shall have authority to allow the PERSON, firm, or corporation performing the work of demolition to retain any and all such parts, appurtenances, and materials as payment or part payment for the razing of the building or structure. If such parts, appurtenances and material are placed on the lot, the owner will be required to use or dispose of them within fifteen (15) days after the completion of the demolition and will be responsible for any unsafe condition arising from their storage on the lot.

#### 51.1.6. Board of Appeals

51.1.6.1. Application for appeal: Any PERSON aggrieved by any action or decision of the Code Official concerning the administration of the provisions of this Ordinance, may appeal to the Building and Fire Codes Appeals and Advisory Board. Such an appeal must be filed, in writing, within thirty (30) days after the decision of the Code Official.

51.1.6.2. Designation of Board: The Board of Appeals referred to in this Section shall be deemed to mean the Building and Fire Codes Appeals and Advisory Board established by Chapter 15, Boards and Commissions, of the TOWNSHIP Administrative Code. Said Board is hereby designated as the agency to perform all the functions assigned to the Board of Appeals under the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103)

51.1.6.3. Alternate members: During the absence of a member by reason of disability or disqualification, the appointing authority shall designate a qualified substitute.

51.1.6.4. Secretary: The TOWNSHIP Manager shall designate a qualified clerk to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the office of the TOWNSHIP Manager.

51.1.6.5. Compensation of Members: There shall be no compensation of appointed members of the Board.

51.1.6.6. Public Notice: Upon receipt of an application in accordance with the Board's Rules of Procedure and Bylaws and in accordance with the deadline requirements, public notice shall be given as follows:

51.1.6.6.1. A notice shall be published once each week for two successive weeks in a newspaper of general circulation in the TOWNSHIP. Such notice shall state the time and place of the public hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall be not more than thirty (30) days nor less than seven (7) days from the date of the public hearing.

51.1.6.6.2. By posting one (1) notice in the vicinity of each front lot line of the lot for which the appeal is requested, in a place conspicuously visible from the street. In addition, notices will be posted at the Municipal Building. All posting must be done at least seven days prior to the public hearing.

51.1.6.6.3. Special Meetings - Public notice of each special meeting and of each rescheduled regular meeting shall be given in a newspaper of general circulation within the community at least twenty-four (24) hours prior to the time of the meeting.

51.1.6.7. Postponed meeting: When three (3) qualified members are not present to consider a specific appeal, either the appellant or the Code Official, or their representatives, may request a postponement of the hearing. **[Amended 4-7-03 by Ord. No. 1884]**

51.1.6.8. Board Decision The board shall modify or reverse the decision of the Code Official by a concurring vote of three (3) members.

51.1.6.9. Written Decision - The Board shall render a written decision, or when no decision is called for, make written findings, within sixty (60) days after the last hearing before the board.

51.1.6.10. The Code Official shall take immediate action in accordance with the written decision of the Board.

51.1.6.11. Court review: Any PERSON aggrieved by a decision of the Board of Appeals or any municipal officer or official board of the municipality may appeal within thirty (30) days to the courts of the Commonwealth of Pennsylvania in accordance with the laws of the Commonwealth of Pennsylvania.

51.1.7. Definitions

51.1.7.1. Under Section 202.0 of the INTERNATIONAL BUILDING CODE, entitled "General definitions," is hereby amended by adding the following definitions:

"ACCESSORY STRUCTURE," "BASEMENT," "BUILDING CODE", "COMPLETELY DRY SPACE," "CONSTRUCTION," "DEVELOPMENT," "ESSENTIALLY DRY SPACE," "FLOOD," "FLOODPLAIN," "FLOODPROOFING," "HISTORIC STRUCTURE," "IDENTIFIED FLOODPLAIN AREA," "INTERNATIONAL BUILDING CODE," "LOWEST FLOOR," "MINOR REPAIR," "MOBILE UNITS," "OBSTRUCTION," "ONE-HUNDRED YEAR FLOOD," "PERSON," "PLANNED MOBILE HOME PARK DEVELOPMENT," "REGULATORY FLOOD ELEVATION," "SUBSTANTIAL DAMAGE," "SUBSTANTIAL IMPROVEMENT", "TOWNSHIP", "TOWNSHIP CODE" and "ZONING DISTRICT.

**ACCESSORY STRUCTURE:** A building, the use of which is incidental to that of the main building, that is located on the same lot as the main building. With respect to Floodplain provisions, the term ACCESSORY STRUCTURE shall mean a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**BASEMENT:** That portion of a building which is partly or completely below grade (see "Story above grade"). With respect to FLOODPLAIN provisions, the term BASEMENT shall mean any area of a building having its floor subgrade (below ground level) on all sides.

**BUILDING CODE:** Chapter 51 of the TOWNSHIP CODE.

**COMPLETELY DRY SPACE:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**CONSTRUCTION:** The CONSTRUCTION, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of MOBILE homes.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of MOBILE UNITS, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

**ESSENTIALLY DRY SPACE:** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOODPLAIN:** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPROOFING:** 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.

**HISTORIC STRUCTURE:** Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior, or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

**IDENTIFIED FLOODPLAIN AREA:** The FLOODPLAIN area specifically identified in Chapter 130 of the Code of the TOWNSHIP as being inundated by the ONE-HUNDRED (100) YEAR FLOOD. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA).

**INTERNATIONAL BUILDING CODE:** The INTERNATIONAL BUILDING CODE, Third Edition, 2006, as published by the International Code Council, Inc. 2006 Edition. **[Amended 2-5-07 by Ord. No. 1967]**

**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.

**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, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**MOBILE UNITS:** A MOBILE UNIT is a structure of vehicular, portable design, built on a chassis and designed to be moved from one site to another, and to be used with or without a permanent foundation. MOBILE UNITS shall be designed, constructed and maintained to be transported from one location to another and not mounted on a permanent foundation. A mobile unit placed on a permanent foundation or on foundation piers shall be designed and constructed to comply with all of the requirements of this code for on-site and prefabricated CONSTRUCTION.

**OBSTRUCTION:** Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or FLOOD-prone area which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or which is placed where the flow of the water might carry the same downstream to the damage of life and property.

**ONE-HUNDRED YEAR FLOOD:** A FLOOD that, on the average, is likely to occur once every ONE-HUNDRED (100) YEARS (i.e., that has a one (1) percent chance of occurring each year, although the FLOOD may occur in any year).

**PERSON:** An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**PLANNED MOBILE HOME PARK DEVELOPMENT:** A Planned Residential DEVELOPMENT to be developed and managed as a single entity for a number of MOBILE UNITS.

**REGULATORY FLOOD ELEVATION:** The ONE-HUNDRED (100) YEAR FLOOD elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

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

**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," regardless of the actual repair work performed. The term does not include either:

(1) Any project for improvements to a structure to correct existing violations of state and 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 an "HISTORIC STRUCTURE," provided that the alteration will not preclude the structure's continued designation as an "HISTORIC STRUCTURE."

**TOWNSHIP:** The TOWNSHIP of Upper St. Clair, Allegheny County, Pennsylvania, a Home Rule Municipality.

**TOWNSHIP CODE:** The CODE containing all of the TOWNSHIP ordinances.

**ZONING DISTRICT:** An area of the TOWNSHIP in which regulations under Chapter 130, entitled "Zoning," uniformly apply.

**§ 51.2. Amendments to the INTERNATIONAL BUILDING CODE in accordance with 403.102(d) of the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 – 7210.1103)**

51.2.1. Subsection 406.7 of the INTERNATIONAL BUILDING CODE, entitled "Sprinkler System", is hereby added as follows:

**406.7.** Sprinkler system: All Motor-Vehicle-Related Occupancies shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1:

1. Where the building exceeds seven thousand (7,000) square feet in area (more restrictive sections of the code will apply, see Sections 406, 508, 903);
2. When more than three (3) stories in height;
3. When located beneath other use groups; or
4. When located in a story that is more than fifty percent (50%) below grade.

51.2.2. Section 407 of the INTERNATIONAL BUILDING CODE, entitled "Group I-2", is hereby amended to read "Section 407 Group I-1 and I-2".

51.2.3. Section 419 of the INTERNATIONAL BUILDING CODE, entitled "MOBILE UNITS ," is hereby amended by adding the following:

**419.1.** General: MOBILE UNITS , as defined in Section 202.0, shall comply with the applicable standards as set forth in the laws of the Commonwealth of Pennsylvania. Except for temporary structures authorized by Chapter 130 of the Code of the TOWNSHIP, entitled Zoning, all such units shall be placed upon a permanent foundation or upon foundation piers, and the permanent foundation or the foundation piers, utilities and related facilities shall be made to comply with all of the requirements of the INTERNATIONAL BUILDING CODE for on-site and prefabricated CONSTRUCTION.

51.2.4. Subsection 901.2.1 of the INTERNATIONAL BUILDING CODE, entitled "Maintenance", is hereby added as follows:

**901.2.1.** Maintenance: The owner of every building or structure shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to ensure the safety and welfare of the occupants. Fire protection system(s) shall not be disconnected or otherwise rendered unserviceable without first notifying the Code Official. When installations of required fire protection system(s) are interrupted for repairs or other necessary reasons, the owner shall immediately advise the Code Official of the TOWNSHIP and shall diligently prosecute the restoration of the fire protection system(s).

1. The owner of every building or structure shall maintain a current certificate of compliance indicating proper maintenance of all fire protection system(s) as well as compliance with Section 107.1 of the International Fire Code.

2. The certificate of compliance shall be issued by the Code Official after inspection of the site and all required test reports, compliance with Code requirements and payment of fees for inspection as set forth in Chapter 57 of the Code of the TOWNSHIP entitled Fees. The certificate of compliance shall expire within one year of date issued.

51.2.5. Section 903 of the INTERNATIONAL BUILDING CODE, entitled "Automatic Sprinkler Systems" is hereby modified as follows:

51.2.5.1. In Subsection 903.2.1.1 entitled "Group A-1", the designated fire area of 12,000 square feet is hereby deleted and substituted therefor is the designated fire area of 7,000 square feet.

51.2.5.2. In Subsection 903.2.1.3 entitled "Group A-3", the designated fire area of 12,000 square feet is hereby deleted and substituted therefor is the designated fire area of 7,000 square feet.

51.2.5.3. In Subsection 903.2.1.4 entitled “Group A-4”, the designated fire area of 12,000 square feet is hereby deleted and substituted therefor is the designated fire area of 7,000 square feet.

51.2.5.4. A new Subsection entitled Group B is hereby added as follows:

903.2.1a. Group B. An automatic fire sprinkler system shall be provided throughout all buildings containing a Group B occupancy as follows:

1. When any Group B building exceeds 7000 square feet in area; or
2. Where any Group B building is more than two (2) stories in height.

**[Amended 2-5-07 by Ord. No. 1967]**

51.2.5.5. In Subsection 903.2.3 entitled “Group F-1”, Group F-1 is hereby deleted and substituted therefor is Group F, the designated fire area of 12,000 square feet is hereby deleted and substituted therefor is the designated fire area of 7,000 square feet, and three stories is hereby deleted and substituted therefor is two stories.

51.2.5.6. In Subsection 903.2.6 entitled “Group M”, the designated fire area of 12,000 square feet is hereby deleted and substituted therefor is the designated fire area of 7,000 square feet and three stories is hereby deleted and substituted therefor is two stories.

51.2.5.7. In Subsection 903.2.8 entitled “Group S-1”, Group S-1 is hereby deleted and substituted therefor is Group S, the designated fire area of 12,000 square feet is hereby deleted and substituted therefor is the designated fire area of 7,000 square feet, and three stories is hereby deleted and substituted therefor is two stories.

51.2.6. Chapter 27 of the INTERNATIONAL BUILDING CODE, entitled "Electrical" is hereby amended in the to add the following:

Section 2701.2, entitled "Installation," is amended by adding the following:

**2701.2** Installation: During the installation of electric wiring systems and service equipment, the Code Official shall make inspections to ensure compliance with the ICC Electrical Code.

Section 2703.0 is hereby added to read as follows:

### **SECTION 2703.0 – Service Conductors**

**2703.1** General. Service conductors includes all utility conductors including but not limited to electric, telephone, cable TV or optical fiber cables.

**2703.2** Location. Service conductors shall be Underground service lateral conductors.

**2703.3** Exceptions. Existing overhead service drop conductors to existing buildings may remain and may be repaired and replaced. Also see Section 3303.4.

51.2.7. Chapter 29 of the INTERNATIONAL BUILDING CODE entitled "Plumbing Systems," is hereby amended as follows:

51.2.7.1. Section 2901.1 Scope is hereby deleted and substituted therefor is the following:

**2901.1** Scope: The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies, storm water and sewage disposal in buildings shall comply with the requirements of the Allegheny County Health Department Rules and Regulations, Article XI, Plumbing and Building Drainage.

**2901.2** Administrative Authority: Administrative authority of the Allegheny County Health Department Rules and Regulations, Article XI, Plumbing and Building Drainage except storm water drainage systems external to buildings shall be as defined in Definitions 300 of those Regulations; however, the TOWNSHIP of Upper St. Clair shall be the administrative authority for storm water drainage systems external to buildings.

51.2.8. Section 2902.0 Construction Documents Facilities is hereby deleted and substituted therefor is the following:

#### **SECTION 2902.0 Construction Documents**

**2902.1** Required: Prior to the issuance of any permit by the TOWNSHIP for storm water drainage systems external to buildings, plumbing plans and specifications for the installation, alteration or addition to the drainage systems of the premises shall be submitted to the Code Official for approval. The plans and specifications shall show in sufficient detail: the size, material and location of all storm sewers and drains external to buildings, the location of sanitary sewers and vents, water supply, piping external to buildings.

**2902.2** Plans: Legible site plans and construction plans drawn to scale meeting the requirements of Section 51.1.2. shall be submitted in duplicate and shall show the location of all sanitary sewer lines and water supply lines and the size, material and location of storm sewers and drains external to buildings, the location and size of the public sewers or other disposal systems.

**2902.3** Exemptions: The filing of plans and specifications shall not be required for MINOR REPAIRS.

51.2.9. Section 2901.0 of the INTERNATIONAL BUILDING CODE entitled "PLUMBING SYSTEMS" is hereby amended by adding the following section: [**Amended 2-5-07 by Ord. No. 1967**]

**SECTION 2903.0 Additional Requirements for Storm Sewer Systems  
[Amended 2-5-07 by Ord. No. 1967]**

**2903.1** Applicability: The provisions of this section shall govern CONSTRUCTION of all new structures as covered by this chapter.

**2903.2** Storm sewer connection required: Storm water runoff from all roofs, driveways, foundation drains and french drains for any new structures shall be collected, piped and connected to a storm sewer system in accordance with the Upper St. Clair TOWNSHIP CODE, Chapter 99, Public and Private Improvements, when a system is available. The CONSTRUCTION and connection of said sewers shall be in accordance with the Allegheny County Health Department Rules and Regulations, Article XV, Plumbing and Building Drainage, Chapter 13.

**2903.3** Exceptions.

**2903.3.1** Stormwater runoff from a driveway higher than the gutter line elevation of the public street which it intersects is not required to be piped and connected to a storm sewer system but shall be directed into the gutter of the public street.

**2903.3.2** ACCESSORY STRUCTURES with roof surface less than 200 square feet.

51.2.10. Chapter 33 of the INTERNATIONAL BUILDING CODE entitled "Safeguards During Construction," is hereby amended by adding a new Section 3301.3 as follows:

**3301.3** Permit hours: The operation of heavy CONSTRUCTION or excavation machinery, including but not limited to bulldozers, highlifts, backhoes, trucks, power shovels, pumps and jackhammers, and the operation of equipment, such as saws and drills or any other type of machinery used outside a structure in conjunction with work requiring a building permit which is included to cause a noise sufficient to disturb the peace and general tranquility of the general public or any portion thereof shall be prohibited in the entire TOWNSHIP between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday, and all day Sunday and on federally designated legal holidays.

51.2.11. In Section 3410.2 entitled "Applicability," the words "[date to be inserted by the jurisdiction. Note: It is recommended that this date coincide with the effective date of BUILDING CODES within the jurisdiction.]" are hereby deleted and the following words are substituted therefor: "September 6, 1960."

51.2.12. Immediately following Chapter 35 of the INTERNATIONAL BUILDING CODE, a new Chapter 36, entitled "Specific Requirements for CONSTRUCTION in IDENTIFIED FLOODPLAIN Areas," is hereby added to read as follows:

**Chapter 36****SPECIFIC REQUIREMENTS FOR CONSTRUCTION  
IN IDENTIFIED FLOODPLAIN AREAS****SECTION 3600.0 General**

**3600.1** Scope: The provisions of this Chapter shall govern CONSTRUCTION in IDENTIFIED FLOODPLAIN AREAS. Application requirements for a permit to construct in IDENTIFIED FLOODPLAIN AREAS are specified in Subsection 51.1.2.3.6. Procedures for action on applications for a permit to construct in IDENTIFIED FLOODPLAIN AREAS are specified in Section 51.1.2.3.

**3600.2** Designation of IDENTIFIED FLOODPLAIN AREAS: For the purposes of this chapter, the areas considered to be IDENTIFIED FLOODPLAIN AREAS within the TOWNSHIP shall be those FLOODPLAIN Zoning Districts set forth in Chapter 130, entitled "Zoning."

**3600.3** Changes in and disputes concerning FLOODPLAIN Zoning District delineations: The procedures and requirements for changes and modifications to the FLOODPLAIN Zoning District are set forth in Chapter 130, entitled "Zoning."

**SECTION 3601.0 Special Floodway and Stream Setback Requirements**

**3601.1** Within Floodway Zoning District: Within any Floodway Zoning District (FW), the following provisions apply:

**3601.1.1** Any new CONSTRUCTION, DEVELOPMENT, use, activity or encroachment that would cause any increase in FLOOD heights shall be prohibited.

**3601.1.2** No new CONSTRUCTION or DEVELOPMENT shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

**3601.2** Within General FLOODPLAIN Zoning District. Within any floodway area of any FA (General FLOODPLAIN Zoning District), any new CONSTRUCTION and/or DEVELOPMENT that would cause any increase in FLOOD heights shall be prohibited. Only those uses and/or activities provided for in the Floodway Zoning District (FW) shall be permitted in any floodway area.

**SECTION 3602.0 Elevation and FLOODPROOFING Requirements**

**3602.1** Residential structures: Within any Floodway (FW), Flood-Fringe (FF) or General FLOODPLAIN Zoning District (FA), the LOWEST FLOOR (including BASEMENT)

of any new CONSTRUCTION of, or SUBSTANTIAL IMPROVEMENT to, residential structures shall be at least one and one-half (1 1/2) feet above the ONE-HUNDRED (100) YEAR FLOOD elevation. Fully enclosed areas below the LOWEST FLOOR are prohibited.

**3602.2** Non-residential structures:

**3602.2.1** Within any FW, FF or FA Zoning District, the LOWEST FLOOR (including BASEMENT) of any new CONSTRUCTION of, or SUBSTANTIAL IMPROVEMENT to, a nonresidential structure shall be at least one and one-half (1 1/2) feet above the ONE-HUNDRED (100) YEAR FLOOD elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during the FLOOD up to that height.

**3602.2.2** Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" (United States Army Corps of Engineers, June 1972, as amended March 1992) or some other equivalent standard, for that type of CONSTRUCTION. Fully enclosed areas below the LOWEST FLOOR are prohibited.

**3602.3** Partially Enclosed Areas: 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 floodwaters 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 engineer or architect, or meet or exceed the following minimum criteria:

**3602.3.1** A minimum of two openings have a net total area of not less than one (1) square inch for every square foot of enclosed space.

**3602.3.2** The bottom of all openings shall be no higher than one (1) foot above grade.

**3602.3.3** Openings may be equipped with screen, louvers, or similar apparatus, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**3602.4** Plans and Specifications: All plans and specifications for FLOODPROOFING shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and method of CONSTRUCTION is in conformance with the above-referenced standards.

**3602.5 ACCESSORY STRUCTURES:** ACCESSORY STRUCTURES need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

**3602.5.1** Floor area shall not exceed 600 square feet.

**3602.5.2** The ACCESSORY STRUCTURE will have a low damage potential.

**3602.5.3** The ACCESSORY STRUCTURE will be located on the site so as to cause the least OBSTRUCTION to the flow of floodwaters.

**3602.5.4** Power lines, wiring, and outlets will be at least one and one-half (1 1/2) feet above the ONE-HUNDRED-YEAR FLOOD elevation.

**3602.5.5** Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

**3602.5.6** Sanitary facilities are prohibited.

**3602.5.7** The ACCESSORY STRUCTURE shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters 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:

**3602.5.7.1** A minimum of two openings having a net total area of not less than one (1) square inch for every square foot enclosed space.

**3602.5.7.2** The bottom of all openings shall be no higher than one (1) foot above grade.

**3602.5.7.3** Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### **SECTION 3603.0 General Design and CONSTRUCTION Standard**

**3603.1** Fill: If fill is used, it shall comply with the provision of Chapter 71, Grading and Soil Excavations.

**3603.2** Drainage: Storm drainage facilities shall be designed in accordance with the provision of the Public Improvements Code.

**3603.3** Water and Sanitary Sewer Facilities and Systems:

**3603.3.1** All new or replacement water and sanitary sewer facilities and systems shall comply with the provision of the Public Improvements Code.

**3603.3.2** 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.

**3603.4** 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.

**3603.5** 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 floodproofed to the maximum extent possible.

**3603.6** Placement of buildings and structures: All buildings and structures shall be designed 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.

**3603.7** Anchoring:

**3603.7.1** All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

**3603.7.2** 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.

**3603.8** Floors, walls, and ceilings:

**3603.8.1** 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.

**3603.8.2** Plywood used at or below the regulatory FLOOD elevation shall be of "water-resistant" variety.

**3603.8.3** 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.

**3603.8.4** Windows, doors and other components at or below the regulatory FLOOD elevation shall be made of metal or other water-resistant material.

**3603.9** Paints and adhesives:

**3603.9.1** Paints or other finishes used at or below the regulatory FLOOD elevation shall be of a "marine" or "water-resistant" quality.

**3603.9.2** Adhesives used at or below the regulatory FLOOD elevation shall be of a "marine" or "water-resistant" quality.

**3603.9.3** All wooden components (doors, trim cabinets, etc.) used at or below the regulatory FLOOD elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

**3603.10** Electrical components:

**3603.10.1** Electrical distribution panels shall be at least at or above the regulatory FLOOD elevation.

**3603.10.2** Separate electrical circuits shall serve lower levels and shall be dropped from above.

**3603.11** Equipment: Water heaters, furnaces, air-conditioning and ventilating units and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory FLOOD elevation.

**3603.12** 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.

**SECTION 3604.0 Activities Prohibited within any FLOODPLAIN**

**3604.1** General: Certain activities as specified in Chapter 130, entitled "Zoning," are prohibited in any IDENTIFIED FLOODPLAIN AREA.

**3604.2** DEVELOPMENT Which may Endanger Human Life: In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the

Department of Community Affairs 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 materials or substances or which will be used for any activity requiring the maintenance of a supply (more than five hundred fifty (550) gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises shall be prohibited within any IDENTIFIED FLOODPLAIN AREA:

**3604.2.1** Oxidizing materials.

**3604.2.2** Flammable and combustible liquids.

**3604.2.3** Radioactive materials.

**3604.2.4** Explosive materials.

**3604.2.5** Toxic materials, as defined by Chapters 51 and 61 of the Upper St. Clair TOWNSHIP CODE.

#### **SECTION 3605.0 Existing Structures in FLOODPLAIN Areas**

**3605.1** General: Structures existing in any IDENTIFIED FLOODPLAIN AREA prior to the enactment of the Interim FLOODPLAIN Ordinance, Ord. No. 1074, adopted March 5, 1984, as amended by Ord. No. 1079, adopted April 2, 1984, may continue, subject to the provisions of Chapter 130, Zoning, and provided that:

**3605.1.1** Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value shall constitute a SUBSTANTIAL IMPROVEMENT and shall be undertaken only in full compliance with the provisions of this chapter.

**3605.1.2** Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

**3605.1.3** 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.

#### **SECTION 3606.0 Variances**

**3606.1** General: If compliance with any of the requirements of this Chapter would result in an exceptional hardship for a prospective builder, developer or landowner, the

Building and Fire Codes Appeals and Advisory Board may, upon request, grant relief from the strict application of the requirements.

**3606.2** Variance Procedures and Requirements: Requests for variances shall be considered by the Building and Fire Codes Appeals and Advisory Board in accordance with the following:

**3606.2.1** No variance shall be granted for any CONSTRUCTION, DEVELOPMENT, use or activity within any Floodway Zoning District area that would cause any increase in the ONE-HUNDRED (100) YEAR FLOOD elevation.

**3606.2.2** If granted, a variance shall involve only the least modification necessary to provide relief.

**3606.2.3** In granting any variance, the Building and Fire Codes Appeals and Advisory Board shall attach reasonable conditions and safeguards which it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this chapter.

**3606.2.4** In reviewing any request for a variance, the Building and Fire Codes Appeals and Advisory Board shall consider, but not be limited to, the following:

**3606.2.4.1** That there is good and sufficient cause.

**3606.2.4.2** That failure to grant the variance would result in exceptional hardship to the applicant.

**3606.2.4.3** That the granting of the variance will (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense; (b) nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state statute or regulation or local ordinance or regulation.

Under no circumstances shall a variance be granted to prohibitions under Section 3604.0.

**3606.2.5** A complete record of all variance requests and related actions shall be maintained by the TOWNSHIP. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

**3606.2.6** Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the ONE-HUNDRED (100) YEAR FLOOD.

**3606.2.7** Whenever a variance is granted to construct a structure below the ONE-HUNDRED (100) YEAR FLOOD elevation, the Building and Fire Codes Appeals and Advisory Board shall notify the applicant in writing that:

**3606.2.7.1** the granting of the variance will result in increased premium rates for FLOOD insurance.

**3606.2.7.2** such variance increases the risk to life and property.

**§ 51.3. Amendments to the International Residential Code in accordance with 403.102(d) of the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101-7210.1103)**

51.3.1. Section R106.1 of the International Residential Code, entitled "Plans required," is deleted in accordance with Section 403.102 (1) and substituted therefore is the following:

**R106.1** Submittal documents. Plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. CONSTRUCTION documents for new CONSTRUCTION, substantial alterations, repairs, expansion, additions or modifications for buildings or structures shall be prepared by a registered design professional consistent with the professional registration laws and statutes of the Commonwealth of Pennsylvania. The documents shall include the name and address of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration laws of the state in which the project is to be constructed. Plans shall include a plot plan drawn to scale prepared by a registered professional, showing the location of all easements, drainage facilities, adjacent grades, property lines, the proposed building and of every existing building on the property.

51.3.2. Section R202 of the International Residential Code, entitled "Definitions," is hereby amended by adding the following:

**STAIRWAY:** One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one habitable floor to another.

51.3.3. Section R301.2 of the International Residential Code, entitled "Climatic and geographic design criteria" is hereby amended by adding design criteria for conditions specific to the region in Table R301.2(1), as follows:

**Table R301.2(1) Climatic Geographic Design Criteria**

Roof Snow Load: twenty five(25) lbs. per sq. ft.  
 Wind Pressure: ninety (90) miles per hour  
 Seismic Condition: A  
 Weathering: Severe  
 Frost line depth: thirty-six (36) inch minimum  
 Termite: Moderate to Heavy  
 Decay: Slight to Moderate  
 Winter Design Temperature: five (5) degrees  
 Ice Shield Under-Layment Required: Yes  
 FLOOD Hazards: Firm Effective Date October 4, 1995 4203C0454E  
 Community Panel # 421119  
 Air Freezing Index: 1000  
 Mean Annual Temperature: 50

51.3.4.<sup>1</sup> Subsection R311.5.3 of the International Residential Code, entitled "Treads and risers," is hereby amended by adding the following exception:

Exception:

**R311.5.3.4** Stairways to attics or other uninhabitable spaces are permitted to be pull down ladder-type stairs that comply with the requirements of Section R807.1, entitled "Accessible attic access".

51.3.5. Section R403 of the International Residential Code, entitled "Footings," is hereby amended by adding the following subsection:

**R403.4** Concrete footings. Concrete footings shall be designed in accordance with accepted engineering practices based on presumptive loadbearing values of soils and foundation materials and loading conditions, including but not limited to the size and type of footing, and the reinforcement required.

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<sup>1</sup>Editor's Note: Subsections 51.3.4.2. and 51.3.4.3. renumbered as Sections 51.3.4. and 51.3.5. 2-5-07 by Ord. No. 1967]