

CODIFIED ORDINANCES OF ERIE  
PART SEVENTEEN - BUILDING CODE

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Art. 1701. BOCA Basic Building Code.

Art. 1705. Flood Hazard Review.

Art. 1711. Electrical Installations.

Art. 1713. Electrical Contractors.

Art. 1721. Plumbing Code.

Art. 1725. Oil and Gas Wells.



CODIFIED ORDINANCES OF ERIE  
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ARTICLE 1701  
BOCA Basic Building Code

1701.01	Adoption and conflict.	1701.06	Demolition permit.
1701.02	Amendments.	1701.07	Regulations for proceeding with work.
1701.03	Convalescent, nursing and old age homes.	1701.08	Insurance/bond.
1701.04	Zoning permit; certificate of occupancy and use.	1701.09	Exemptions.
1701.05	Effect of subsequent amendments.	1701.10	Smoke detectors; enforcement.
		1701.99	Penalty.

CROSS REFERENCES

Publishing notice of proposed building ordinance - see 3rd Class §1014 (53 P.S. §36014)

Regulation of division fences, party walls, foundations - see 3rd Class §2403(12) (53 P.S. §37403(12))

Power to enact building ordinance - see 3rd Class §4130, 4131 (53 P.S. §39130, 39131)

Building Inspector - see 3rd Class §4132 (53 P.S. §39132)

Building Code Commission - see ADM. 115.07(a), Art. 157

Building Inspector on committee to determine new materials, processes, etc. - see FIRE PREV. 1503.04

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1701.01 ADOPTION AND CONFLICT.

There is hereby adopted by reference by the City as part of the Building Code of the City the 1987 Edition of the Building Officials and Code Administrators National Building Code and the BOCA National Existing Structures Code 1987 as fully as if such publication was set out at length herein excepting those provisions that conflict with specific local provisions as set forth in City ordinances, which specific local provisions are hereby declared to take precedence over the 1987 Edition of the Building Code which are at variance therewith. However, relative statutory provisions, rules and regulations of the Commonwealth of Pennsylvania and the City Zoning Code shall also take precedence over the provisions of this article which are at variance therewith; and further adopting such 1987 Edition of the Building Officials and Code Administrators National Building Code and the BOCA National Existing Structures Code 1987 with certain changes and deletions hereinafter set forth with all other provisions thereof remaining in full force and effect. (Ord. 33-1988 §1. Passed 4-27-88.)

## 1701.02 AMENDMENTS.

(a) The following provisions of the BOCA Basic Building Code are hereby amended, deleted or added as is respectively indicated:

BOCA §100.1 Title.

"City of Erie" should be inserted in the first line.

BOCA §114.3.1 Fee Schedule.

Insert the following fee schedule:

New Building and AdditionsCost

Up to \$2,000

\$2,000 to \$200,000

\$200,000 and over

Fees

\$25.00 minimum

\$25.00 plus \$6.00 per \$1,000 on cost  
in excess of \$2,000\$1010.00 plus \$6.00 per \$1,000 on cost  
in excess of \$200,000Alterations OnlyCost

Up to \$250.00

\$250.00 to \$750.00

\$750.00 to \$2,000

\$2,000 to \$200,000

\$200,000 and over

Fees

\$10.00

\$15.00

\$20.00

\$25.00 plus \$6.00 per \$1,000 on cost  
in excess of \$2,000\$1010.00 plus \$6.00 per \$1,000 on costs  
in excess of \$200,000DemolitionsCost

Up to \$2,000

\$2,000 to \$200,000

\$200,000 and over

Fees

\$25.00

\$25.00 plus \$6.00 per \$1,000 on cost in  
excess of \$2,000\$1010.00 plus \$6.00 per \$1,000 on costs  
in excess of \$200,000Moving PermitsOther PermitsSign

\$100.00

\$25.00 minimum plus \$5.00 per \$1,000  
on cost in excess of \$2,000

Gas Burners )

\$25.00 minimum plus \$6.00 per

Oil Burners )

\$1,000 on cost in excess of

Furnaces )

\$2,000 for one or combination

Incinerators )

of them.

Air conditioning )

" " " " " " " " " " " "

" " " " "

Refrigeration )

" " " " " " " " " " " "

" " " " "

Mechanical ventilation )

" " " " " " " " " " " "

" " " " "

Unit heaters

\$10.00

Metal veneers or roofs

\$20.00

(Ord. 79-2002. Passed 12-31-02.)

BOCA §114.6 Penalty fee. (Add to read as follows:)

Where construction is started, or when a premises is occupied without first obtaining the permits required by this Building Code, the fees specified in BOCA §114.3.1 shall be doubled, but payment of such double fee shall not relieve any person and/or company from fully complying with all the regulations of the Building Code in the execution of the work nor from any other penalties prescribed in the Building Code.

BOCA §117.4 Violation penalties.

"Summary offense" should be inserted in the fifth line, "\$300.00" should be inserted in the sixth line of that section and "90 days" should be inserted in the seventh line of such section.

BOCA §118.2 Unlawful continuance.

"\$100.00" should be inserted in the fourth line and "\$300.00" should be inserted in the fifth line.

BOCA §123.3 Compensation of board of survey.

"\$300.00" should be inserted in the second line.

BOCA §602.3 High rise buildings options.

Delete subsections 602.3.2 through 602.3.2.5.

BOCA §602.3.1.4.4 Standpipe system.

Amend to read: Nozzle, rack and cabinet may be omitted as set forth in Section 1012.5.1.

BOCA § 1012.5.1 Hose connections.

Amended by deleting the "Exception" as stated in such Code and by adding the following: Exception: In sprinklered buildings, the hose and cabinet are not required.

BOCA § 1111.1 Snow load; general.

Amended by adding the following sentence at the end of the section. "40 lbs. per square foot will be the minimum snow load." Contact Federal Meteorological Agency for special conditions in the City of Erie as indicated in the BOCA Building Code to assist design.

BOCA §1112.1 Wind load; general.

Amended by adding the following sentence at the end of the section. "80 MPH will be the minimum wind load." Contact Federal Meteorological Agency for special conditions in the City as indicated in the BOCA Building Code to assist design.

BOCA §1205.1 Frost protection.

Amended by adding the following sentence at the end of the section. "36 shall be the minimum depth of foundations in the City of Erie."

BOCA §1222.2.2 Hollow and solid unreinforced masonry and plain concrete.

Delete the second sentence of such section. Amend such section adding the following sentence at the end of such section. Depth below grade may be increased where such increase is warranted by soil conditions and local experience and is approved by the Building Official.

BOCA §2906.1 Bonds and liability insurance; filing.

"\$300.00" should be inserted in the fourth, fifth and sixth lines.

BOCA §2915.1 Portable signs; conformance.

Amended by deleting the word "not" in the third line of such section.

(b) The following provisions of the BOCA National Existing Structures Code are hereby amended, deleted or added as is respectively indicated:

ES 100.1 Title.

"City of Erie" should be inserted in the first line.

ES 110.2 Penalty.

"\$100.00 nor more than \$300.00 or imprisonment for a term not to exceed 30 days" should be inserted in the first line.

ES 111.4 Demolition; restraining actions.

Deleted. Covered by City Ordinance 3-1988 (Sections 1701.06 to 1701.09 of the Codified Ordinances.)

ES 301.1 Sanitation.

Deleted.

ES 301.10.1 Residential areas.

Deleted.

ES 301.10.2 Nonresidential areas.

Deleted.

(Ord. 33-1988 §2-12. Passed 4-27-88.)

1701.03 CONVALESCENT, NURSING AND OLD AGE HOMES.

There are hereby adopted by reference and made a part thereof, by the City of Erie, Section 10-211 through 10-2414 of the Life Safety Code, 1970, N.F.P.A. No. 101, of the National Fire Protection Association, Boston, Massachusetts, governing nursing, convalescent and old age homes. Three copies thereof have been and are now on file in the office of the City Clerk, which shall be made available for public inspection and use, during business hours. (Ord. 92-1975 §20. Passed 9-17-75.)

1701.04 ZONING PERMIT; CERTIFICATE OF OCCUPANCY AND USE.

All applications for a permit for the erection, construction, alteration or repair of any building shall be accompanied by a zoning permit issued in compliance with the Zoning Ordinance of the City of Erie. No building or structure hereafter erected, constructed, enlarged, altered, converted, moved or repaired shall be used or occupied, in whole or in part, until a certificate of use and occupancy has been issued by the Building Official, as provided by the Zoning Ordinance. (Ord. 92-1975 §21. Passed 9-17-75.)

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1701.09

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**1701.05 EFFECT OF SUBSEQUENT AMENDMENTS.**

No subsequent amendments, revisions or additions adopted, promulgated or issued by the Building Officials and Code Administrators International, Inc., shall become automatically effective or binding on the City of Erie unless approved by Council as part of the Building Code of the City of Erie. (Ord. 92-1975 §22. Passed 9-17-75.)

**1701.06 DEMOLITION PERMIT.**

It shall be unlawful to demolish any building or structure within the City without first securing a permit therefor. (Ord. 3-1988 § 1. Passed 1-13-88.)

**1701.07 REGULATIONS FOR PROCEEDING WITH WORK.**

All work of such wrecking or demolition shall be performed in a workmanlike manner with the least amount of noise possible and within a reasonable period of time. The demolition permit shall bear on its face the date upon which the demolition shall be complete. The Building Code Enforcement Officer is hereby empowered to promulgate regulations to prescribe the time frame for building demolition. Such regulations shall take into account the structure's size and also the difficulty of the demolition project. (Ord. 3-1988 §1. Passed 1-13-88.)

**1701.08 INSURANCE/BOND.**

(a) No demolition permit shall be issued for the demolition of a building or structure within the City unless a certificate or other proof is submitted showing that public liability insurance in the amount of three hundred thousand dollars (\$300,000) has been obtained by the applicant. The certificate shall name the City as an additional insured at no cost to the City. Demolition permits for the demolition of commercial structures shall only be issued to demolition contractors.

(b) No demolition permit shall be issued for the demolition of a building or structure within the City unless a certificate or other proof is submitted showing that the applicant has obtained a performance bond for the project. The applicant shall keep the bond in full force and effect for a period of one year from date of completion. Any demolition contractor who fails to complete a demolition project shall not be issued subsequent demolition permits. (Ord. 3-1988 § 1. Passed 1-13-88.)

**1701.09 EXEMPTIONS.**

The provisions set forth in Section 1701.08 shall not apply to the wrecking or demolition of any single family residence or garage within the City, provided the demolition is done entirely by the owner. (Ord. 3-1988 § 1. Passed 1-13-88.)

1701.10 SMOKE DETECTORS; ENFORCEMENT.

(a) Each person, partnership or corporation which rents, leases, sublets or otherwise grants for consideration the right to occupy a premise not owned by the occupant(s), with such structure, area, room or combination of rooms in which individuals or families live, shall have a minimum of one smoke detector installed in each living unit to protect the occupants. It shall be the responsibility of the occupant of the premises to maintain the installed smoke detectors in operating condition so long as such occupant remains in the living unit. The occupant shall replace batteries as needed, and otherwise test the unit to determine that it remains in operating condition.

(b) Enforcement of subsection (a) hereof shall be implemented by the Fire Chief or his designees.  
(Ord. 94-1989 §1. Passed 11-22-89; Ord. 72-1990 §1, 2. Passed 11-14-90.)

1701.99 PENALTY.

Whoever violates any of the provisions of Sections 1701.06 to 1701.10, upon conviction, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than ninety days, or both. Each day that a violation continues shall be considered a separate offense. (Ord. 94-1989 §1. Passed 11-22-89.)

ARTICLE 1705  
Flood Hazard Control

1705.01	Purpose.	1705.20	Determination of the 100 year flood elevation in General Flood Plain (FA) Areas.
1705.02	Definitions.	1705.21	Changes in identification of flood-prone areas.
1705.03	Applicability.	1705.22	Disputes in identification of flood-prone areas.
1705.04	Abrogation and greater restrictions.	1705.23	General technical provisions.
1705.05	Severability.	1705.24	Elevation and floodproofing requirements.
1705.06	Warning; disclaimer of liability.	1705.25	Design and construction standards.
1705.07	Building permits required.	1705.253	Development which may endanger human life.
1705.08	Issuance of building permit.	1705.255	Activities requiring special permits.
1705.09	Application procedures.	1705.26	Special requirements for mobile homes.
1705.10	Review of application by City Engineer.	1705.27	Variances.
1705.11	Review of application by others.	1705.28	Existing structures in flood-prone areas.
1705.12	Permit or application changes.	1705.99	Penalty.
1705.13	Placards.		
1705.14	Start of construction.		
1705.15	Inspection and revocation.		
1705.16	Fees.		
1705.17	Enforcement.		
1705.18	Appeals.		
1705.19	Identification of flood-prone areas.		

CROSS REFERENCES

Prevention and control of floods - see 32 P.S. §653 et seq.  
Municipal assistance - see 32 P.S. §801 et seq.

1705.01 PURPOSE.

The purpose of this article is to:

- (a) Promote the general health, welfare and safety of the community;
- (b) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- (c) Minimize danger to public health by protecting water supply and natural drainage; and
- (d) Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding. (Ord. 20-1979 §1.00. Passed 2-7-79.)



## 1705.02 DEFINITIONS.

(a) General. Unless specifically defined below, words and phrases used in this article shall be interpreted so as to give this article its most reasonable application.

(b) Specific.

- (1) "Accessory use or structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (2) "Building" means a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.
- (3) "Completely dry space" means a space which shall remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
- (4) "Construction" means the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.
- (5) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures; the placement of mobile homes, streets and other paving; utilities; filling, grading, excavation, mining, dredging or drilling operations; and the subdivision of land.
- (6) "Essentially dry space" means a space which shall remain dry during flooding, and except for the passage of some water vapor or minor seepage the structure is substantially impermeable to the passage of water.
- (7) "Flood" means a temporary inundation of normally dry land areas.
- (8) "Flood Plain" see "Flood-prone area".
- (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) "Flood-prone area" means a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or water course; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- (11) "Identified flood-prone area" means the flood plain area specifically identified in this article as being inundated by the 100 year flood. Included would be areas identified as "Floodway (FW)", "Flood-Fringe (FF)" and "General Flood Plain (FA)".
- (12) "Land development" means:
  - A. The improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings; or involving the division or allocation of land or space

between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or

- B. A subdivision of land.
- (13) "Minor repair" means the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment.
- (14) "Mobile home" means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.
- (15) "Mobile home park" means a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.
- (16) "Obstruction" means 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 is placed where the flow of the water might carry the same downstream to the damage of life and property.
- (17) "100 year flood" means a flood that, on the average, is likely to occur once every 100 years; that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.
- (18) "Regulatory flood elevation" means the 100 year flood elevation plus a free-board safety factor of one and one-half feet.
- (19) "Structure" means anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes and other similar items.
- (20) "Subdivision" means the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

(Ord. 20-1979 §7.00-7.01. Passed 2-7-79.)

**1705.03 APPLICABILITY.**

(a) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the City unless an approved building permit has been obtained from the Building Permit Officer.

(b) A permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.  
(Ord. 20-1979 §1.01. Passed 2-7-79.)

**1705.04 ABROGATION AND GREATER RESTRICTIONS.**

This article 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. 20-1979 §1.02. Passed 2-7-79.)

**1705.05 SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause or phrase of this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article, which shall remain in full force and effect, and for this purpose the provisions of this article are hereby declared to be severable.  
(Ord. 20-1979 §1.03. Passed 2-7-79.)

**1705.06 WARNING; DISCLAIMER OF LIABILITY.**

The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on accepted 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 article does not imply that areas outside any identified flood-prone area, or that land uses permitted within such areas shall be free from flooding or flood damages.

This article shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder. (Ord. 20-1979 §1.04. Passed 2-7-79.)

**1705.07 BUILDING PERMITS REQUIRED.**

Building permits shall be required before any construction or development is undertaken within any area of the City.  
(Ord. 20-1979 §2.00. Passed 2-7-79.)

### 1705.08 ISSUANCE OF BUILDING PERMIT.

(a) The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken shall be in conformance with the requirements of this article and all applicable codes and ordinances.

(b) Prior to the issuance of any permit, the Building Permit Officer shall review the permit application to determine if any other necessary governmental permits such as those required by State and federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Water Obstruction Act of 1913 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. 20-1979 §2.01. Passed 2-7-79.)

### 1705.09 APPLICATION PROCEDURES.

(a) Application for a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the City. Such application shall contain at least the following:

- (1) Name and address of the applicant;
- (2) Name and address of the owner of the land on which proposed construction is to occur;
- (3) Name and address of the contractor;
- (4) Site location;
- (5) Proposed lowest floor and basement elevations in relation to mean sea level i.e. National Geodetic Vertical Datum of 1929;
- (6) Brief description of the proposed work and estimated cost; and
- (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 within, or partially within, any identified flood-prone area, applicants for permits shall also provide the following specific information:

- (1) A plan which accurately delineates the identified flood-prone area, the location of the proposed construction, the location of any adjacent flood-prone development or structures, and the location of any existing or proposed subdivision and land development in order to assure that:
  - A. All such proposals are consistent with the need to minimize flood damage;
  - 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;
- (2) Such plan shall also include existing and proposed contours; information concerning the 100 year flood elevations, velocities and other applicable information such as pressures, impact and uplift forces, associated with the 100 year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soil types; and floodproofing measures; and

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1705.14

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- (3) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the 100 year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the 100 year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure.  
(Ord. 20-1979 §2.02. Passed 2-7-79.)

#### 1705.10 REVIEW OF APPLICATION BY CITY ENGINEER.

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 Building Permit Officer to the City Engineer for review and comment prior to the issuance of a building permit. The recommendations of the Engineer shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.  
(Ord. 20-1979 §2.03. Passed 2-7-79.)

#### 1705.11 REVIEW OF APPLICATION BY OTHERS.

A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals, such as the Planning Commission, City Engineer, etc., for review and comment.  
(Ord. 20-1979 §2.04. Passed 2-7-79.)

#### 1705.12 PERMIT OR APPLICATION CHANGES.

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer.  
(Ord. 20-1979 §2.05. Passed 2-7-79.)

#### 1705.13 PLACARDS.

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. Such placard shall show the number of the building permit, the date of its issuance and shall be signed by the Building Permit Officer. (Ord. 20-1979 §2.06. Passed 2-7-79.)

#### 1705.14 START OF CONSTRUCTION.

Work on the proposed construction shall begin within six months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction shall be considered to have started with the first placement of permanent construction of a structure on the site such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its

pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers or foundations, the 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. (Ord. 20-1979 §2.07. Passed 2-7-79.)

#### 1705.15 INSPECTION AND REVOCATION.

During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable City laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the permit and report such fact to the Building Code Appeal Board (B.C.A.B.) for whatever action it considers necessary. (Ord. 20-1979 §2.08. Passed 2-7-79.)

#### 1705.16 FEES.

Application for a building permit shall be accompanied by a fee payable to the City based upon the estimated cost of proposed construction as determined by the Building Permit Officer and as outlined in Section 118 of the City of Erie Building Code. (Ord. 20-1979 §2.09. Passed 2-7-79.)

#### 1705.17 ENFORCEMENT.

(a) Notices. Whenever the Building Permit Officer or other authorized City representative determines that there has been a violation of any provision of this article, or of any regulation adopted pursuant thereto, such authority shall give notice to such alleged violation as hereinafter provided. Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons for its issuance;
- (3) Allow a reasonable time for the performance of any act it requires;
- (4) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; and
- (5) Contain an outline of remedial action which, if taken, shall effect compliance with the provisions of this article, or any part thereof, and with the regulations adopted pursuant thereto.

(b) Hearings. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Building Code Appeal Board provided that such person shall file with the City a written petition

requesting such hearing and setting forth a brief statement of the grounds therefore within ten days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Board shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided that upon application of the petitioner, the Board secretary may postpone the date of the hearing for a reasonable time beyond such ten day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

(c) Findings and Order. After such hearing the Board shall make findings as to compliance with the provisions of this article and regulations issued thereunder and shall issue an order in writing, sustaining, modifying or withdrawing the notice which shall be served as provided in subsection (a) hereof.

(d) Record and Appeals. The proceedings at such a hearing, including the findings and decision of the Board and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the Board files. Any person aggrieved by a decision of the Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth. (Ord. 20-1979 § 2.10. Passed 2-7-79.)

#### 1705.18 APPEALS.

(a) Any person aggrieved by an action or decision of the Building Permit Officer or by any of the requirements of this article, may appeal to the Building Code Appeals Board. Such appeal must be filed, in writing, within thirty days after the decision or action of the Building Permit Officer. Upon receipt of such appeal, the Board shall set a time and place within not less than ten nor more than thirty days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard.

(b) Any person aggrieved by any decision of the Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth. (Ord. 20-1979 §2.11. Passed 2-7-79.)

#### 1705.19 IDENTIFICATION OF FLOOD-PRONE AREAS.

(a) For the purpose of this article, the areas considered to be flood-prone within the City shall be those areas identified as being subject to the 100 year flood in the Flood Insurance Study prepared for the City by the Federal Insurance Administration dated August 24, 1978.

(b) A map showing all areas considered to be flood-prone is available for inspection at the City Engineer's office. For the purposes of this article the following nomenclature is used in referring to the various kinds of flood-prone areas:

- (1) "Floodway Area" (FW) means the areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA.
- (2) "Flood-Fringe Area" (FF) means the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA.
- (3) "General Flood Plain Area" (FA) means the areas identified as "Approximate 100 Year Flood Plain" in the Flood Insurance Study prepared by the FIA.  
(Ord. 20-1979 §3.00. Passed 2-7-79.)

#### 1705.20 DETERMINATION OF THE 100 YEAR FLOOD ELEVATION IN GENERAL FLOOD PLAIN (FA) AREAS.

(a) To determine the 100 year flood elevation for the areas considered to be flood prone within the City, the elevation at a given point on the boundary of the identified flood-prone area(s) which is nearest the construction site in question shall be used. In helping to make this necessary elevation determination other sources of data where available shall be used such as:

- (1) Corps of Engineers - Flood Plain Information Reports;
- (2) U. S. Geological Survey - Flood Prone Quadrangles;
- (3) U.S.D.A., Soil Conservation Service - County Soils Surveys (Alluvial Soils);
- (4) Known highwater marks from past floods; and
- (5) Other sources.

(b) In lieu of the above, the City shall require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers 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 City Engineer. (Ord. 20-1979 §3.01. Passed 2-7-79.)

#### 1705.21 CHANGES IN IDENTIFICATION OF FLOOD-PRONE AREAS.

(a) The areas considered to be flood-prone may be revised or modified by the City where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

(b) No modification or revision of any area identified as being flood-prone in the Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Administration.  
(Ord. 20-1979 §3.02. Passed 2-7-79.)

**1705.22 DISPUTES IN IDENTIFICATION OF FLOOD-PRONE AREAS.**

Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the Building Permit Officer and any aggrieved by such decision may appeal to the Building Code Appeal Board. The burden of proof shall be on the appellant. (Ord. 20-1979 §3.03. Passed 2-7-79.)

**1705.23 GENERAL TECHNICAL PROVISIONS.**

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

(b) Where a flood-prone area has been identified which includes a Floodway area, the following provisions apply:

- (1) Within any designated Floodway (FW) Area, no new construction, development, use, activity or encroachment of any kind, shall be allowed, except where the rise in flood heights caused by the proposed development is fully offset by accompanying improvements. The Floodway (FW) Area is based on the criteria that the portion of the flood plain selected must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than one foot at any point. The Floodway (FW) Area is shown on the Flood Boundary and Floodway Map accompanying the Flood Insurance Study (FIS). The areas included are specifically defined in the Floodway Data Table of the Federal Insurance Study (FIS) itself.
- (2) Within any designated Flood-Fringe (FF) Area, new construction and other development, uses and activities shall be allowed, provided they are undertaken in strict compliance with the provisions contained in this article and any other applicable codes, ordinances and regulations.

(c) Where a flood-prone area has been identified which does not include detailed flood profiles and elevations, the following provision applies:

Within any area designated General Flood Plain (FA) Area, new construction, and other development, uses and activities, shall be allowed, provided they are undertaken in strict compliance with the provisions contained in this article, as well as any other applicable codes, ordinances and regulations.

(Ord. 20-1979 §4.00. Passed 2-7-79.)

## 1705.24 ELEVATION AND FLOODPROOFING REQUIREMENTS.

(a) Residential Structures. Within any Floodway (FW), Flood-Fringe (FF) or General Flood Plain (FA) Area, the lowest floor, including the basement, of any new residential structure shall be at least one and one-half feet above the 100 year flood elevation.

(b) Nonresidential Structures.

- (1) Within any Floodway (FW), Flood Fringe (FF) or General Flood Plain (FA) Area, the lowest floor, including the basement, shall be at least one and one-half feet above the 100 year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
- (2) Any structure, or part thereof, which shall not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-proofing Regulations" (U. S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction. (Ord. 20-1979 § 4.01. Passed 2-7-79.)

## 1705.25 DESIGN AND CONSTRUCTION STANDARDS.

The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood-prone area:

(a) Fill. If fill is used, it shall:

- (1) Extend laterally at least fifteen 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 vertical to two horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and
- (5) Be used to the extent to which it does not adversely affect adjacent properties.

(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 drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(c) Sanitary Sewer Facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

- (d) Water Facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.
- (e) Streets. The finished elevation of proposed new streets shall be no more than one foot below the regulatory flood elevation.
- (f) Utilities. All utilities such as gas lines, electrical and telephone systems being placed in identified flood-prone areas should be located, elevated where possible, and constructed to minimize the chance of impairment during a flood.
- (g) Storage. No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.
- (h) 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.
- (i) 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.
- (j) 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 shall 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.
- (k) Paints and Adhesives.
  - (1) Paints or other finishes used at or below the regulatory flood elevation shall be of a "marine" or water-resistant quality.
  - (2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or water-resistant quality.
  - (3) All wooden components such as doors, trim, cabinets, etc., shall be finished with a "marine" or water-resistant paint or other finishing material.
- (l) Electrical Systems and Components.
  - (1) Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation.

- (2) Electrical distribution panels shall be at least three feet above the 100 year flood elevation.
- (3) Separate electrical circuits shall serve lower levels, and shall be dropped from above.
- (m) Plumbing.
  - (1) Water heaters, furnaces and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
  - (2) No part of any on-site sewage disposal system shall be located within any identified flood-prone area.
  - (3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.
  - (4) 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. 20-1979 §4.02. Passed 2-7-79.)

1705.253 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE.

(a) The provisions of this section shall be applicable, in addition to any other applicable provisions of this article, or any other ordinance, code or regulation.

(b) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which shall:

- (1) Be used for the production or storage of any of the following dangerous materials or substances; or
- (2) 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
- (3) 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:

Acetone  
 Ammonia  
 Benzene  
 Calcium carbide  
 Carbon disulfide  
 Celluloid  
 Chlorine  
 Hydrochloric acid  
 Hydrocyanic acid  
 Magnesium  
 Nitric acid and oxides of nitrogen

Petroleum products (gasoline, fuel oil, etc.)  
Phosphorus  
Potassium  
Sodium  
Sulphur and sulphur products  
Pesticides, (including insecticides, fungicides and rodenticides)  
Radioactive substances, insofar as such substances are not otherwise regulated.

(c) Within any Floodway Area, any structure of the kind described in subsection (b) hereof, shall be prohibited.

(d) Where permitted within any Flood-Fringe Area or General Flood-Plain Area, any structure of the kind described in subsection (b) hereof, shall be:

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

Any such structure, or part thereof, that shall 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), or with some other equivalent watertight standard.

(e) Within any General Flood-Plain Area, any structure of the kind described in subsection (b) hereof, shall be prohibited within the area measured fifty feet landward from the top-of-bank of any watercourse.

(f) Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this section.  
(Ord. 62-1983 §1. Passed 10-26-83.)

#### 1705.255 ACTIVITIES REQUIRING SPECIAL PERMITS.

(a) The provisions of this section shall be applicable, in addition to any other applicable provisions of this article, or any other ordinance, code or regulation.

(b) Identification of Activities Requiring a Special Permit. In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are permitted only by special permit, if located partially or entirely within any identified floodplain area:

- (1) 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:

- A. Hospitals;
- B. Nursing homes; or
- C. Jails or prisons;
- (2) The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

(c) Application Requirements. Applicants for special permits shall provide five copies of the following items:

- (1) A written request including a completed building permit application form;
- (2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
  - A. North arrow, scale and date;
  - B. Topography based upon the National Geodetic Vertical Datum of 1929, or City of Erie Datum showing existing and proposed contours at intervals of two feet;
  - C. All property and lot lines including dimensions and the size of the site expressed in acres or square feet;
  - D. The location of 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;
  - E. The location of the flood plain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities; and
  - F. Any other information which the Municipality considers necessary for adequate review of the application.
- (3) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - A. Sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate;
  - B. Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights of way and pavement widths;
  - C. Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and
  - D. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
- (4) The following data and documentation:
  - A. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  - B. A statement, certified by a registered professional engineer, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effects such pollution may have on human life;

- C. A statement certified by a registered professional engineer, which contains a complete and accurate description of the effects the proposed development shall have on 100 year flood elevations and flows;
- D. A statement, certified by a registered professional engineer, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows;
- E. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development";
- F. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;
- G. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and
- H. An evacuation plan which fully explains the manner in which the site shall be safely evacuated before or during the course of a 100 year flood.

(d) Application Review Procedures. Upon receipt of an application for a special permit by the City, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

- (1) Within three 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 for its review and recommendations.  
Copies of the application shall also be forwarded to the City Planning Commission and City Engineer for review and comment.
- (2) If an application is received that is incomplete, the City shall notify the applicant in writing, stating in what respects the application is deficient.
- (3) If the City decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- (4) If the City approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs within five working days after the date of approval.
- (5) Before issuing the special permit, the City shall allow the Department of Community Affairs thirty days, after the notification by the Department, to review the application and the decision made by the City.
- (6) If the City does not receive any communication from the Department of Community Affairs during the thirty day review period, it may issue a special permit to the applicant.
- (7) If the Department of Community Affairs should decide to disapprove an application, it shall notify the City and the applicant, in writing, of the reasons for the disapproval, and the City shall not issue the special permit.

(e) Technical Requirements for Development Requiring a Special Permit. In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.

- (1) No application for a special permit shall be approved unless it can be determined that the structure or activity shall be located, constructed and maintained in a manner which shall:
  - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
    1. The structure shall survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation.
    2. The lowest floor elevation, including basement, shall be at least one and one-half feet above the 100 year flood elevation.
    3. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.
  - B. Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.
- (2) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers, 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 City and the Department of Community Affairs.

(f) Within any identified floodplain area, any structure of the kind described in subsection (b) hereof, shall be prohibited within the area measured fifty feet landward from the top-of-bank of any watercourse.

(g) Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the requirements of this section.  
(Ord. 62-1983 §1. Passed 10-26-83.)

#### 1705.26 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 as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA 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 fifty feet or more in length, and one additional tie per side for units less than fifty 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 fifty feet or more in length, and four additional ties per side for units less than fifty feet in length; and
- (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 elevation.
- (2) Adequate surface drainage is provided;
- (3) Adequate access for a hauler is provided; and
- (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 ten feet apart; reinforcement shall be provided for pilings that shall 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 Building Permit Officer for mobile home parks and mobile home subdivisions where appropriate.

(d) No mobile homes shall be placed in any designated Floodway (FW) Area. (Ord. 62-1983 §1. Passed 10-26-83.)

#### 1705.27 VARIANCES.

(a) If compliance with the elevation or floodproofing requirements of this article would result in an exceptional hardship for a prospective builder, developer or landowner, the Building Code Appeals Board may, upon request, grant relief from the strict application of the requirement.

(b) Requests for variances shall be considered by the Board in accordance with the following procedures:

- (1) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100 year flood elevation.
- (2) If granted, a variance shall involve only the least modification necessary to provide relief.
- (3) In granting any variance, the Board 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 article.

- (4) Whenever a variance is granted, the Board shall notify the applicant in writing that:
  - A. The granting of the variance may result in increased premium rates for flood insurance; and
  - B. Such variances may increase the risks to life and property.
- (5) In reviewing any request for a variance, the Board shall consider, but not be limited to, the following:
  - A. That there is good and sufficient cause;
  - B. That failure to grant the variance would result in exceptional hardship to the applicant; and
  - C. That the granting of the variance shall not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extra-ordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinance and regulations. (Ord. 20-1979 §5.00. Passed 2-7-79.)

#### 1705.28 EXISTING STRUCTURES IN FLOOD-PRONE AREAS.

Structures existing in any identified flood-prone area prior to the enactment of this article, but which are not in compliance with these provisions, may continue to remain, subject to the following:

- (a) Existing structures located in any identified Floodway (FW) Area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights, is fully offset by accompanying improvements;
- (b) 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; and
- (c) 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 be undertaken only in full compliance with the provisions of this article. (Ord. 20-1979 §6.00. Passed 2-7-79.)

#### 1705.99 PENALTY.

Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the City shall be guilty of an offense and, upon conviction, shall pay a fine to the City of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in the county prison for a period not to exceed ten days. Each day during which any violation of this article continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including any action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any structure or building constructed, reconstructed, altered or relocated, in noncompliance with this article may be declared by the Building Code Appeals Board to be a public nuisance and abatable as such. (Ord. 20-1979 §2.10. Passed 2-7-79.)

ARTICLE 1711  
Electrical Installations

1711.01	Adoption of National Electrical Code.	1711.04	Exception.
1711.02	Inspection requirements.	1711.05	Fee schedule.
1711.03	Inspection application.	1711.99	Penalty.

CROSS REFERENCES

Adoption of code by reference - see 3rd Class Charter Law §608  
Electrical Code Commission - see ADM. 115.07(a), Art. 159  
Electric power lines - see S.U. & P.S. Art. 921 et seq.

1711.01 ADOPTION OF NATIONAL ELECTRICAL CODE.

All electrical wiring, electric devices and/or electric material hereafter to be installed in or near buildings or structures of whatever kind in the City shall be installed in strict conformity with the most approved method of construction for safety to life and property. The standards and provisions as set forth in the 1999 Edition of the National Electrical Code, as published by the National Fire Protection Association, and such amendments as may from time to time be incorporated therein are adopted and incorporated by reference herein.  
(Ord. 62-1999. Passed 10-13-99.)

1711.02 INSPECTION REQUIREMENTS.

It shall be the duty of any person causing installation or renewal or extension of any electric wiring, electric device and/or electric material and of any person installing or renewing or extending electric wiring, electric devices, excluding portable or plug-in type appliances, and/or electric material, to have the same inspected by the City Electrical Inspector and file with the Building Inspector satisfactory evidence of inspection and approval from such inspection agency within ten days after the completion of the installation of the wiring, devices and/or material.  
(Ord. 15-1987 §1. Passed 4-22-87.)

1711.03 INSPECTION APPLICATION.

The application for inspection shall be filed before starting the work, and either the receipt for the application or other evidence that the application has been made shall be displayed on or about the premises where the work is to be done.  
(Ord. 15-1987 §1. Passed 4-22-87.)

1711.04 EXCEPTION.

The provisions of this article shall not apply to buildings or structures where periodical inspection at least once a year is maintained by the City Electrical Inspector, provided satisfactory evidence of such inspection and approval is filed with the Building Inspector within ten days of each such inspection and approval. (Ord. 15-1987 §1. Passed 4-22-87.)

1711.05 FEE SCHEDULE.

(a) Permit. \$ 10.00

(b) Service and Feeders.

200 amp or less	50.00
201 amp to 400 amp	85.00
Over 400 amp	20.00 per 100 amp
Sub-feeders or sub-panels	25.00
Over 600 volt	
Additional meter	10.00

(c) Residential Flat Rate Inspections.

2 trip maximum	
Minimum Trip to 15 devices	50.00
Each Additional Trip	25.00
Each Additional device or fixture	1.00
Service 200 amps or less	50.00
Each additional device	1.00
Service 201 to 400 amps	85.00
Each additional device	1.00
Each disconnect	10.00

(d) Commercial

Minimum trip to 15 devices only	75.00
Each additional device or fixture	1.00
Signaling, Communication and alarm to 15 devices	75.00
Each Additional Device	1.00

(e) Heating, Cooling, Cooking, Appliances, Equipment, Motors, Generators, Transform Capacitors, Etc.

Less than 1/3 hp, kw, kva, or kvar use finished wiring fee	
Over 1/3 hp, kw, kva, or kvar:	
1/3 to 1.0	\$12.00
1.1 to 5.0	15.00
5.1 to 10.0	20.00
10.1 to 30.0	25.00
30.1 to 50.0	30.00
50.1 to 100.0	35.00
Over 100	100.00
Over 600 volt	

2x above fees

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 1711.99
 

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(f)	<u>Miscellaneous.</u>	
	Temporary Pole Service	\$50.00
	Real Estate Inspection	75.00
	Emergencies and Weekend Call-out Inspections	150.00
	Pool Inspections - Two Trips	325.00
	Third and each additional trip	50.00
	(Ord. 76-2002. Passed 12-31-02.)	

## 1711.99 PENALTY.

Any person violating any of the provisions of this article, upon conviction, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than ninety days or both. Each day's continued violation shall constitute a separate offense.  
(Ord. 62-1999. Passed 10-13-99.)



ARTICLE 1713  
Electrical Contractors

1713.01	Definitions.	1713.99	Penalty.
1713.02	Licensing of Electrical Contractors and others.		

CROSS REFERENCES

Electrical Code Commission - see ADM. 115.07(a), Art. 159  
Electric power lines - see S.U. & P.S. Art. 921 et seq.

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1713.01 DEFINITIONS.

(a) The words "electrical contractor" as used in this article means a person, firm, corporation or other legal entity who or which is engaged in contracting to install, erect or repair electrical wire or conductors to be used for the transmission of electric current for any electrical use whatsoever, or moldings, ducts, raceways or conduit for the reception or protection of such wires or conductors to electrical machinery, apparatus, devices or fixtures to be used for any electrical use whatsoever. An "electrical contractor" shall be a person having the necessary qualifications, training, experience and technical knowledge to plan, lay out and supervise the installation and repair of electrical wiring apparatus and equipment for any electrical use whatsoever in accordance with the standard rules and regulations governing such work. (Ord. 40-1973. Passed 6-6-73.)

(b) As used in this article, "materials", "electrical" or "electrical work", "electrical materials", "electrical appliances" and "electrical fixtures" means and includes all electrical apparatus, electrical appliances, electric wiring, electrical fixtures, and all electrical supplies of whatever kind or nature used as a part of any installation for the transmission or consumption of electrical energy, including the electrical installation and apparatus used in connection with and adjunctive to heating, cooking, plumbing, ventilating and refrigerating equipment, display and advertising signs and water heaters, provided, however, such term shall not include incandescent lamps, domestic electrical appliances severable from the freehold without material damage thereto. (Ord. 38-1991 Sec. I. Passed 5-1-91.)

(c) "Appliance installer" means any person or employee of a proprietorship, partnership or corporation who, within the City, engages in or carries on the business of installing and/or repairing air conditioning or equipment utilized or designated for the utilization of electricity for heat, and who has the final determination and the full responsibility for the manner in which the work is done, for the materials used and for the selection, supervision, and control of any persons employed on the work engaged in by such proprietorship, partnership or corporation.

Such licensed installer shall be limited to the installation only of control wiring and connection to motors rated not in excess of five horsepower, heating equipment loads not in excess of ten KW necessary to alter or increase service board equipment, service feeders and distribution to accommodate any additional light, heat or power loads, such changes shall be performed by a licensed Master Electrician.

(Ord. 38-1991 Sec.1. Passed 5-1-91; Ord. 69-1997 Sec. 1. Passed 11-19-97.)

(d) "Apprentice/helper" means any person who has not yet qualified for the classification of Journeyman. An "apprentice/helper" shall always work under the direct supervision of a Master or Journeyman Electrician until such time that qualifications for the rank of Journeyman are met, and the appropriate test is passed. An "apprentice/helper" shall not assume or be given full responsibility for any type of electrical installation.

(e) "Apprentice/helper license" means a license issued to an apprentice/helper as herein defined, and who shall always work under direct supervision of a Master or Journeyman Electrician. (Ord. 38-1991 Sec. 1. Passed 5-1-91.)

(f) "Electrical appliance installer's license" means a license issued to an electrical appliance installer, who qualified as a competent person to be an electrical appliance installer and who shall have passed the required examination given by the Board. (Ord. 69-1997 Sec. 2. Passed 11-19-97.)

(g) "Journeyman Electrician" means any person who shall have passed a Journeyman Electrician's examination and qualified and registered in accordance with the terms of this article and under the rules and regulations of the Examining Board, and one who is the holder of a Journeyman Electrician's license and is employed as defined in the definition of Master Electrician.

(h) "Journeyman Electrician's license" means a license issued to a Journeyman Electrician as herein defined, who, by passing the required examination and tests, has qualified as a competent person to be a Journeyman Electrician.

(i) "Master Electrician" means any person, or employee of a proprietorship, partnership or corporation who, within the City, engages in or carries on the business of installing, erecting, altering, extending, maintaining, or repairing electrical wiring, apparatus, fixtures, devices, appliances or equipment utilized or designated for the utilization of electricity for light, heat, or power purposes or for signaling systems, and who carries on such business as an independent contractor or employee of a proprietorship, partnership or corporation and who has the final determination and the full responsibility for the manner in which the work is done, for the materials used and for the selection, supervision and control of Journeyman Electricians and apprentices employed on the work engaged in by such person, proprietorship, partnership or corporation.

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1713.02

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(j) "Master Electrician's license" means a license issued to a Master Electrician as herein defined, who by passing the required examination and tests, has qualified as a competent person to be a Master Electrician. (Ord. 38-1991 Sec. 1. Passed 5-1-91.)

1713.02 LICENSING OF ELECTRICAL CONTRACTORS AND OTHERS.

(a) After June 6, 1973, no person, firm, corporation or other legal entity shall enter into, engage in or work in the business as an electrical contractor for hire, unless such person or a representative of the firm or corporation has obtained a license and a certificate therefore granted by the Office of Code Enforcement on payment of the prescribed fee. A fee of forty dollars (\$40.00) shall be paid by each applicant for the electrical contractors examination, such fee to be forfeited upon failure to qualify. A period of ninety days shall intervene before qualifying for re-examination. Except as herein otherwise provided, any person before making application for a license as electrical contractor shall have been employed or engaged at the business of electrical construction and installation for a period of not less than five years preceding the time of such application, or shall otherwise establish to the satisfaction of the Office of Code Enforcement that the applicant has the necessary background and experience to satisfactorily qualify as an electrical contractor.

(Ord. 34-1988 Sec. 1. Passed 4-27-88; Ord. 19-2001. Passed 4-18-01.)

- (1) No person, other than a licensed Master/Contractor, or a licensed Journeyman, or a licensed Apprentice in the employ of a licensed Master/Contractor shall install, renew or extend any electrical wiring, electrical device, excluding portable or plug-in type appliances. No person other than a licensed Appliance Installer shall engage in the business of installing heating or air-conditioning.

(Ord. 38-1991 Sec. 2. Passed 5-1-91.)

- (2) No apprentice/helper shall engage in any electrical work on any job site unless a licensed Journeyman or Master Electrical Contractor is actually present on the same job site at the same time, supervising the work being performed.

(Ord. 69-1997 Sec. 4. Passed 11-19-97.)

(b) Every such examination shall be so designed as to establish the competence and qualifications of the applicant to perform each and all of the several types of work, for each and all of the several purposes set forth in this section.

(c) Upon payment of the prescribed fee as hereinafter set forth, any person who has been continuously employed or engaged at the business of electrical construction and installation in this City for a period of six years prior to the effective date of this section (June 27, 1973), at least two of which years immediately preceding making of application as herein provided shall be as an electrical contractor, shall be granted a license without examination; provided application shall be made to the Office of Code Enforcement within one month after the effective date of this section (June 27, 1973); upon presenting satisfactory proof to the Office of Code Enforcement of fitness to conduct such business. The application shall consist of a sworn statement:

- (1) Describing the experience of the applicant in the electrical contracting business.
- (2) Listing representative electrical contracts performed by the applicant.
- (3) Such other information as may be required by the Office of Code Enforcement.
- (4) Payment of the initial license fee.

(d) The Office of Code Enforcement shall receive all applications for license filed by persons, partners or representative of a firm, corporation or other legal entity seeking to enter upon or continue in the electrical contracting business as herein defined within this City and upon proper qualifications of such applicant shall issue the license applied for.

(e) The Office of Code Enforcement shall prescribe the conditions of examination of, and subject to the provisions of this article, shall give examinations to all persons who are under the provisions of this article, required to take such examinations. The scope of such examination shall cover such matters as the provisions of nationally recognized electrical installation safety standards and the theoretical and practical application of the same encountered in electrical work. It shall hold a minimum of two examinations each year at such time and/or place within the City as the Office of Code Enforcement designates. Public notice shall be given of the time and place of all examinations. In the conduct of the examination the Office of Code Enforcement shall prescribe a standard form of examination which may be revised from time to time as circumstances require. Examinations shall give ample opportunity for all applicants to be thoroughly and carefully examined, may be written or oral, or both, and shall be supervised by three or more of the examiners, but no license shall be granted except by the Office of Code Enforcement. (Ord. 22-1977 Sec. 1. Passed 4-6-77.)

(f) Before a license shall be issued, fees shall be paid for same in the following amounts:

<u>Type of License</u>	<u>Initial Fee</u>	<u>2003 License Fee</u>	<u>Renewal Fee</u>
Master Electrician/Contractor	\$300.00	\$200.00	\$200.00*
Journeyman Electrician	50.00		50.00
Apprentice or Helper		20.00	20.00
Appliance Installer		50.00	50.00
Retired Master	50.00		50.00

\* The escrow fee for those master electricians who have reached the age of sixty-five and are retired shall be fifty dollars (\$50.00) which shall allow the license to be held in an inactive status, with no permits whatsoever being taken out.

All licenses shall be paid by December 31 prior to the renewal year, or on the first business day after December 31 if that date falls on a weekend or holiday on which City Hall is closed. A grace period of up to 31 days will be granted, such that any license renewal payment made until January 31 of the renewal year will be effective, but such fee will be doubled if paid during the grace period. Any license renewal not paid in full by January 31 of the renewal year, or the first business day after a January 31 falling on a weekend or City holiday will be revoked automatically. (Ord. 77-2002. Passed 12-31-02.)

(g) No firm or corporation or other legal business entity shall be denied the privilege of continuing business as electrical contractor in the event of death, illness or other physical disability of the representative thereof who qualified the firm, corporation or other business entity for a license for at least six months following the date of such death, illness or other physical disability; provided, that such business is conducted under such qualified supervision as the Office of Code Enforcement deems adequate.

(h) No license issued under this article shall be assignable or transferable.  
(Ord. 40-1973. Passed 6-6-73.)

(i) The Office of Code Enforcement may suspend, revoke or refuse to renew any license if the holder has:

- (1) Secured such permit by misrepresentation.
- (2) Failed to maintain the qualifications required by this article.
- (3) Engaged in fraudulent business activities or in misleading advertising practices. (Ord. 34-1988 Sec. 1. Passed 4-27-88.)
- (4) Violated a provision of this article, or other applicable codes or ordinances with specific reference to Article 1711.  
(Ord. 38-1991 Sec. 4. Passed 5-1-91.)
- (5) Committed an act of gross negligence.
- (6) Failed to provide certificates of insurance for proof of liability insurance to the City in the amount of five hundred thousand dollars (\$500,000).  
(Ord. 34-1988 Sec. 1. Passed 4-27-88.)
- (7) Failed to pay the annual license renewal fee in full by the due date.  
(Ord. 69-1997 Sec. 6. Passed 11-19-97.)

(j) The City's Electrical Inspector may prefer charges as set forth above against any licensed electrical contractor, journeyman, apprentice or appliance installer. Such charges shall be in writing and under oath. The Inspector shall set forth on the written Notice the nature of the violation which the licensee has allegedly committed, and the sanction which is being imposed, whether revocation, non-renewal or suspension of license, and state that the licensees shall have twenty (20) calendar days after receipt to demand a hearing before the Manager of Code Enforcement to contest the existence of the violation or the Inspector's sanction. Any such notice shall be sent by regular U.S. mail to the address listed by the licensee in his or her most recent application, renewal or change of address sent to the Inspector, and will be presumed received within three days of sending. If the licensee does not respond in a timely fashion to the Inspector's Notice of Violation, then the Notice will become final and unappealable. The time and place for the hearing shall be fixed by the Manager of Code Enforcement and a notice of the time and place of hearing shall be personally served on or mailed to the last known address of the licensee at least twenty days before the date fixed for the hearing. At any hearing, the accused licensee shall have the right to appear personally and by counsel to cross-examine witnesses appearing against him and to produce evidence and

witnesses in his own defense. No license shall be suspended or revoked unless the Manager of Code Enforcement shall determine that a preponderance of the evidence presented against the licensee justifies such action. All decisions rendered by the Manager shall be in writing, and shall contain sufficient findings of fact and conclusions of law to enable a court to review the determination on appeal. The licensee who requests a hearing shall provide one-half of the cost of an appearance fee of a court stenographer, and shall pay for the preparation of a transcript for court review in the event of the licensee's appeal from an adverse decision of the Manager of Code Enforcement.

(k) An applicant whose license has been revoked may become eligible not earlier than ninety days from the date of such revocation for a new license upon meeting all the requirements of this article and upon the satisfactory completion of an examination as herein provided.

(l) Electrical work or construction which is performed on the following facilities or which is by or for the following agencies shall not be included within the business of electrical contracting so as to require licensing under this article:

- (1) Minor repair work such as the replacement of lamps and fuses.
- (2) The connection of portable electrical appliances to suitable permanently installed receptacles.
- (3) The testing, servicing or repairing of electrical equipment or apparatus.
- (4) Electrical work in a single-family dwelling used exclusively for living purposes, including accessory buildings, in the event that such person is the bona fide owner of such dwelling and that the same are occupied by or designed to be occupied by such owner or members of his immediate family and such owner shall personally purchase all materials and perform all labor in connection therewith.
- (5) Electrical work in mines, on ships, railway cars or automotive equipment.
- (6) Municipal plants or any public utility organized for the purpose of constructing, maintaining and operating works for the generation, supplying, transmission and distribution of electricity for electric light, heat or power.
- (7) Repair, manufacturing and maintenance work on premises occupied by a firm or corporation, and installation work on existing buildings occupied by a firm or corporation and performed by a regular employee who is a qualified electrician.
- (8) Installation, repair or maintenance performed by regular employees of the City or a municipality, county or school district on the premises or property owned or occupied by the City, a municipality, county or school district.

(Ord. 40-1973. Passed 6-6-73; Ord. 19-2001. Passed 4-18-01.)

**1713.99 PENALTY.**

Any person who violates any provision of this article or fails to comply with any such provision, on conviction thereof, in a summary proceeding, shall be subject to a fine not exceeding three hundred dollars (\$300.00) or imprisonment for a period not exceeding ninety days or both. Where such violation is of a continuing nature, each day such person violates or fails to comply with any such provision of this article shall be deemed a separate offense. The Board may, after conviction, grant a reasonable amount of time for compliance before invoking the penalty of this article. (Ord. 40-1973. Passed 6-6-73.)

ARTICLE 1721  
Plumbing Code

EDITOR'S NOTE: Council has enacted a new Plumbing Code by Ordinance 64-1978, passed November 29, 1978. The Plumbing Code has been amended by the following:

<u>Ordinance</u>	<u>Passed</u>
78-1978	12-20-78
7-1979	1-10-79
32-1986	4-23-86
52-1986	6-11-86
95-1989	11-22-89
74-1994	9-21-94
103-1994	12-28-94
78-2002	12-31-02

CROSS REFERENCES

Adoption of code by reference - see 3rd Class Charter Law §608  
 Plumbing Board - see ADM. 115.07(a), Art. 161  
 Sewer regulations - see S.U. & P.S. Art. 931 et seq.  
 Chief Plumbing Inspector - see HLTH. 1101.10

ARTICLE 1725  
Oil and Gas Wells

1725.01	Purposes.	1725.08	Approval by Zoning Administrator.
1725.02	Definitions.	1725.09	Compliance required.
1725.03	Existing wells.	1725.10	Site requirements.
1725.04	Drilling within City limits.	1725.11	Drilling requirements.
1725.05	State and City permits; application fee; conditions, insurance; suspension and revocation.	1725.12	Production requirements.
		1725.13	Adverse effect; remedy by City Engineer or City Solicitor.
1725.06	Permit fee.	1725.14	Appeals Board; procedure.
1725.07	Time extensions to commence; fee.	1725.15	Enforcement by City Solicitor.

CROSS REFERENCES

Gas operations, well-drilling, petroleum and coal mining see  
52 P.S. §2101 et seq.

Oil and gas - see Purdon's Title 58

Gas well classification - see 71 P. S. §510-27; 25 Pa. Code Ch. 80

Well drilling and use - see 25 Pa. Code §79.11 et seq.

1725.01 PURPOSES.

(a) The purposes of the provisions of this article are to regulate the drilling of wells either on the surface or in the subsurface of the City for oil and gas, to regulate the production of oil and gas, and to regulate the storing of oil and gas in the City, according to the provisions of this article.

(b) It is also the purpose of this article to establish reasonable and uniform limitations, safeguards and controls for the drilling and operation of oil and gas wells within and under the City. (Ord. 4-1982 §1. Passed 1-27-82.)

1725.02 DEFINITIONS.

As used in this article, certain terms are defined as follows:

(a) "Applicant" means any person who seeks a permit pursuant to the provisions of this article.

(b) "Permittee" means any person who receives a permit pursuant to the provisions of this article.

- (c) "Controlled drill site" means a surface location in the City set forth upon which surface operations incident to oil well drilling or deepening and the production of oil and gas and other hydrocarbon substances from beneath the surface of real property, within or outside the City, may be permitted under the terms and conditions of this article, and which is prescribed by the terms and conditions of the permit of the City.
- (d) "Directional drilling" means the whipstocking or slant drilling of an oil and gas well more than five degrees (5°) off vertical.
- (e) "Oil well" means any well or hole already drilled, being drilled or to be drilled from the surface into the earth, which well or hole is used or intended to be used in connection with the drilling for, prospecting for, or production of oil, natural gas or other hydrocarbon substances. "Oil well" also includes a well or hole used for the subsurface injection into the earth of oil field waste, gases, water or liquid substances, including any well or hole which has not been abandoned and is now in existence.
- (f) "Drilling equipment" means all temporary structures, tanks, equipment, and facilities necessary or convenient for the drilling of a well or well hole, including, but not limited to, wood or steel derricks, portable masts, engines, pumps, temporary fuel and water tanks, and other like facilities ordinarily used in connection with the drilling of an oil or gas well.
- (g) "Exploratory area" means a described area established by the City, the boundaries of which shall follow property lines, public streets, highways or alleys so far as practicable, in which subsurface area the drilling for oil and gas or oil or gas and the production of oil and gas are permitted only by the person upon whose application the exploratory area is established, or his successor in interest. It shall be the subsurface portion of real property in which there is likely to be found deposits of oil and gas or oil or gas in which drilling and production operations may be carried on and oil and gas or oil and gas wells bottomed for the production of such substances.
- (h) "Developed area" means that subsurface area under real property in the City under which there are proven oil and gas reserves and on which and from which real property there is a currently producing oil and gas or oil or gas well being operated and produced under and by virtue of an oil and gas lease in full force and effect and which lease was executed and delivered previously in which subsurface area the drilling for and production of oil and gas is permitted as provided in this article. (Ord. 4-1982 §2. Passed 1-27-82.)
- (i) "Shallow well" means a well which is 1500 feet or less in depth.
- (j) "Deep well" means a well which is 1500 feet or more in depth.
- (k) "Assembly" means all buildings enumerated in 37.61 of the Pennsylvania Code, Fire and Panic Regulations (related to general classifications) or any other auditorium in which the public assembles for the purpose of amusement, entertainment, instruction, worship, transportation, sports, military drills or similar purposes, with admission either public or restricted.  
(Ord. 100-1982 §1. Passed 12-8-82.)

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## 1725.03 EXISTING WELLS.

(a) The right to maintain and operate oil and gas wells already lawfully drilled into the subsurface of the City, which wells are still being drilled or are producing oil or gas or other hydrocarbon substances at the time this article becomes effective, shall not be prohibited; provided, however, any such wells shall be in full compliance with the terms and conditions of the permits pursuant to which they were drilled. Any such well shall hereafter be referred to as an "existing well".

(b) No existing well shall be drilled, redrilled or deepened below its present bottom without first complying with or having complied with all the terms, conditions and provisions of this article, including, but not limited to, the payment of the application fee, and securing of a permit. (Ord. 4-1982 §3. Passed 1-27-82.)

## 1725.04 DRILLING WITHIN CITY LIMITS.

(a) Subject to the approval of the exploratory area and the issuance of a City permit as required in this article, the drilling of an oil and gas or oil or gas well and the production of oil, gas and other hydrocarbon substances may be conducted from any controlled site described in this section, which described real property is within the City, and from which controlled drill site drilling and production operations may be conducted in accordance with the requirements of this article. No drilling or production operations for oil and gas may be conducted on any other site or surface real property within the City.

(b) The use of the controlled drill site need not be exclusive to any one person, firm or operator and may be used jointly by such applicant or permittee as may be granted a City permit. However, this article does not supersede the authority of the Pennsylvania Public Utility Commission, and any joint venture or other agreements regarding the use of the controlled drilled site or which are subject to the rules and regulations of the P.U.C. (Ord. 4-1982 §4. Passed 1-27-82.)

1725.05 STATE AND CITY PERMITS; APPLICATION FEE; CONDITIONS,  
INSURANCE; SUSPENSION AND REVOCATION.

(a) State and City Permit Required. It shall be unlawful and a nuisance for any person to conduct any drilling operation for a well hole or to drill and produce any oil and gas well or well hole in the surface or subsurface of the City from any drill site without first having applied for and obtained from the State of Pennsylvania, Bureau of Mines, a permit to do so and subsequently applied for and obtained from the City a permit to do so. (Ord. 100-1982 §1. Passed 12-8-82.)

(b) City Permit.

- (1) Each application for a City permit shall be made in writing and shall include:
- A. The legal description of the proposed drill site.
  - B. A statement that the applicant has the right, by reason of ownership or the permission of the owner, to pass through and enter all property through which such well is proposed to pass.

- C. The proposed location, the type, kind, size and amount of equipment and the method of operation of the proposed well.
  - D. The proposed method of handling and using any product proposed to be developed.
  - E. A statement that the applicant has complied or will comply with all the requirements of the City.
  - F. Adequate protection, approved by the Building Inspector must be provided in all cases where the incidence of vehicle traffic poses a hazard to the production equipment. Full cage barrier protection or underground pit shall be approved before placement and a drawing accompanying application is required.
  - G. Production Equipment.  
Prepare an equipment drawing showing and labeling all essential equipment from wellhead up to and including the connection to the house line. Show pressure upstream and downstream of all pressure and reducing equipment.  
List and describe each regulator, relief valve, and three way valve shown on the equipment drawing.  
If interface with National Fuel Gas is to be done a copy of their procedure and approval is acceptable.
- (2) The filing of any application referred to in this section shall be accompanied by an application fee of fifty dollars (\$50.00) paid to the Building Inspector.
  - (3) Each application shall be accompanied by a detailed written report of a geologist, or other person experienced in the field of subsidence as a result of petroleum extraction, indicating the nature and extent of the subsidence, if any, that can reasonably be expected to occur as a result of the proposed drilling and production or drilling or production, as the case may be, and indicating the nature and extent of damages to property, if any, that could reasonably be expected to occur as a result of the drilling and production or drilling or production, as the case may be, and setting forth the qualifications and experience in the field of land subsidence as a result of petroleum extraction of the person making the report.
  - (4) Applications for permits for directional drilling, variable directional drilling, exploratory areas, and well relocation shall be in compliance with the provisions and requirements of this section.
  - (5) In its action upon the application, if the City finds that the terms and conditions of this article have been complied with, and that persons and property within the City will not be adversely affected by the granting of the permit, and that there is no reasonable probability of danger or damage to any real or personal property of injury to any by reason of the production and extraction of oil or gas or other hydrocarbon substances, the City shall grant the City permit upon such terms and conditions as the City may set and fix in

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granting such permit in order to protect persons and property within the City from injury or damage or hazard of injury or damage, and subject to such further conditions as the City may impose in order to eliminate or minimize the adverse effect of such drill site on persons and property in the vicinity. In all other cases, the City shall deny the application. No permit shall be granted without the following standard conditions being required and made a part and condition of such permit:

- A. Drilling operations for any well shall commence within ninety days after the effective date of the permit and thereafter be executed diligently to completion, and, if a producing well is not secured within one year after the effective date of the permit, the well shall be abandoned. The City, for good cause, may allow additional time for the commencement of the well.
- B. The permittee shall comply with all ordinances, rules and regulations of the City, and of any other city through which the well, or any part thereof, is located or to be drilled, and the permittee shall comply with all laws and ordinances of the County when the well, or any part thereof, is located or is to be drilled partly within the unincorporated territory of the County.
- C. The permittee, within thirty days after any oil and gas or oil or gas well is placed on production, shall file with the City Building Inspector a plat showing the location of the producing interval and the route of the well hole between the producing interval and the drill site. All records submitted pursuant to the provisions of this subsection shall be confidential and privileged to the extent permitted by law.
- D. The Mayor, Public Works Director, Building Inspector and Safety Director, and their authorized assistants or deputies, and other officers, employees, agents, and independent contractors designated from time to time by the City shall be permitted at all reasonable times to review and inspect the drill site and any operation or method used in the drilling for and producing of oil and gas. (Ord. 4-1982 §5. Passed 1-27-82.)
- E. For the drilling and operation of deep wells, the permittee and the owner of such property shall hold the City, and its officers and employees harmless from any claim by third parties arising out of or resulting from the permittee's operation under any City permit. The permittee at all times during the existence of any City permit, shall be insured for not less than one million dollars (\$1,000,000) against liability in tort arising from the drilling or production activities or operations incident to the drilling and production of an oil and gas well pursuant to any City permit, and such policy shall name as additional insureds the City, its Mayor, members of its boards and commissions, and its officers, agents and employees, while acting as such, for liability arising out of the permittee's operation pursuant to such permit. Such policy of insurance shall be issued by a good and responsible insurance company and shall be subject to the approval of the City Solicitor. A certificate of such insurance shall be filed with the City Building Inspector before drilling is commenced. Drilling and production shall be suspended at any time when the required insurance is not in full force and effect.  
(Ord. 12-1984 §1. Passed 3-14-84.)

- F. The City permit shall become null and void unless the permit is accepted by the applicant in its entirety in writing and filed with the City Building Inspector within thirty days after the effective date thereof, together with the payment of the permit fee required by this article, and no work on such drill site shall be commenced until such permit is accepted and issued.
- G. Any oil or gas well drilled pursuant to any City permit shall be drilled only within the properties which the permittee set forth in its application as the properties through which such well was proposed to pass, unless the permittee secures the approval of the City to cause such well to pass through other properties.
- (6) No permittee shall drill, operate or maintain any oil and gas well except in conformity with the terms and conditions of the permit pursuant to which such well is being drilled. After a City permit has been granted, the City may alter, amend or add to the conditions of such permit in order to protect the residents and property rights within the City. Such new, amended or added conditions shall be made only after ten days' notice to the applicant or permittee and after a hearing before the City Appeals Board.
- (7) Any City permit may be suspended or revoked by the City for any material violation of the conditions of the permit by the permittee or for the persistent violation of any law by the permittee in the operation of any such well. The City shall not revoke any City permit without first giving the permittee ten days' written notice of the nature of the violations and the City's intention to revoke such permit. If, within such ten day period, the permittee requests a hearing before the City, the City shall grant such hearing within fifteen days after the date of such request. At such hearing evidence shall be presented to establish to the satisfaction of the City the extent and nature of the violation which constitutes grounds for the revocation, and the permittee shall be given an opportunity to cross-examine all witnesses testifying at such hearing. The permittee shall thereafter be permitted at that hearing, or at a continued hearing if a continuance is requested by the permittee, to present evidence to disprove or explain such alleged violations. The City thereupon, after hearing all the evidence, shall determine whether or not the permit should be revoked, and the City determination thereon shall be final. If the City determines that the permit should be revoked, the City shall order the revocation, and the permittee shall thereafter abandon the well in strict conformity with the requirements of law.  
(Ord. 4-1982 §5. Passed 1-27-82.)

#### 1725.06 PERMIT FEE.

- (a) When the City has granted any City permit, the City shall be of no virtue, force, or effect until it is issued by the City Building Inspector. The City Building Inspector shall issue a City permit granted by the City, in the form contemplated by this article, upon the receipt of written acceptance of the permit by the permittee and payment to the City of permit fee for each well or well hole in the sum of ten dollars (\$10.00).

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(b) Such permit fee shall be in addition to the application fee required by this article. Such permit fee shall be to defray the costs to the City of assuring the permittee complies with the requirements of this article and his City permit and to defray the expense of enforcing the provisions of this article. The permit when issued by the City, shall show the effective date as the date upon which the City granted the permit and the date of issue as the date when the permit was actually issued by the City Building Inspector. (Ord. 4-1982 §5. Passed 1-27-82.)

#### 1725.07 TIME EXTENSIONS TO COMMENCE; FEE.

(a) Whenever a person holding a permit pursuant to the provisions of this article wishes to request an extension of the time within which drilling operations are required to be commenced to a period beyond ninety days after the effective date of the permit, a request for such extension shall be filed with the Building Inspector in writing and be accompanied by a fee in the amount of ten dollars (\$10.00) for each well for which an extension is requested.

(b) Such request for an extension shall set forth facts showing good cause for the City to allow additional time for the commencement of the well.

(c) Upon the receipt of such written request, the City Building Inspector shall investigate the request and secure such reports from staff members and consultants as he deems appropriate.

(d) The City, upon the receipt of such report and recommendation, may allow additional time for the commencement of the well. (Ord. 4-1982 §5. Passed 1-27-82.)

#### 1725.08 APPROVAL BY ZONING ADMINISTRATOR.

The Zoning Administrator shall have authority to approve the use of a lot for drilling purposes if he finds that the location is proper in relation to adjacent uses or the development of the community and to the various elements and objectives of the General Plan, and that the use will not be materially detrimental to the character of the development in the immediate area. (Ord. 4-1982 §5. Passed 1-27-82.)

#### 1725.09 COMPLIANCE REQUIRED.

No City permit shall be issued where all or any part of the proposed drill site is located within the City without the following additional conditions being required and made part and condition of such permit. All buildings, structures, equipment, systems, and operations located on a controlled drill site, and all pipelines in connection therewith, shall comply with all laws, including, without limitation, the provisions of this article, the statutes of the State, the ordinances of the City where any portion of the well or pipeline will be within the City, and all applicable governmental administrative regulations. (Ord. 4-1982 §5. Passed 1-27-82.)

## 1725.10 SITE REQUIREMENTS.

Site requirements are as follows:

(a) Shallow Well Minimum Setbacks.

		Feet	
		Residential	Other
		<u>Use</u>	<u>Use</u>
	Right of Way	30	
	Accessory Buildings	5	5
	Main Structures	15	15
	Property Line	20	
Entrance and	Assembly Uses	--	35
			Exits
	Assembly Uses	--	25

(b) Deep Well Minimum Setbacks.

		Feet	
		Residential	Other
		<u>Use</u>	<u>Use</u>
	Right of Way	50	
	Accessory Buildings	25	25
	Main Structures	50	50
Entrance and	Assembly Use	--	150
			Exits
Structures	Assembly Use	--	50
	Property Line	45	

(Ord. 100-1982 §1. Passed 12-8-82.)

- (c) Minimum setback, may be increased or decreased in the event of unusual circumstances by the Building Inspector. Request to alter setbacks shall be in writing and accompany application. (Ord. 4-1982 §6. Passed 1-27-82.)

## 1725.11 DRILLING REQUIREMENTS.

(a) When required by the City, the applicant or permittee shall designate a competent representative who shall be responsible for the supervision of drilling operations and the carrying out of the conditions of any permit. Such representative shall be available at all times during drilling operation and shall be the responsible contact agent of the applicant or the permittee whom the City may require to carry out the provisions of the permit.

(b) At least two hours prior to the commencement of the drilling operations the City Fire Department and the Building Inspector shall be notified.

(c) All the operations at a controlled drill site shall be conducted in a careful and orderly manner, and the premises shall at all times be maintained in a neat, clean and orderly manner.



(d) All fire-fighting equipment as required and approved by the Fire Chief shall be installed and maintained on any controlled drill site at all times during the drilling and production operations as the Fire Chief deems necessary.

(e) The City may restrict the use of certain streets, alleys or roadways in connection with the permittee's operations. In the event any street, alley or roadway is damaged by the permittee's operations, such damages shall be paid for by the permittee upon demand by the City, and the failure to pay such damages, being the reasonable cost of the repair of any such damaged portions, shall be grounds for revocation of the permit and the collection of such damages at law by the City.

(f) All tools, pipes and other equipment in connection with the drilling and production activities at a controlled drill site shall be stored and kept on the drill site. The manner of stacking and storage shall be approved by the Building Inspector.

(g) The permittee shall protect the public water supply system on any controlled drill site against backflow in a manner approved in writing by the Chief of the Water Bureau in conformity with the requirements of the City Plumbing Code.

(h) In the event trace gases are encountered before the surface casing is cemented or if blowoff is necessary in the drilling process, insufficient quantities to create a nuisance or suspicion of domestic gas leaks in the immediate area, the driller shall notify National Fuel Gas and the Erie Fire Department.

(i) The permittee shall monitor mud during drilling on any controlled drill site for odorous substances and take such measures to eliminate any odor which would be perceptible outside the drill site.

(j) The permittee shall implement all procedures or directions required by the Air Pollution Control Board of the State, and the City.

(k) All drilling operations shall be carried on diligently from the commencement of the drilling until the completion of the well or until such well is abandoned.

(l) Within ninety days after the completion of drilling operations or the abandonment of further drilling, the derrick and all drilling equipment, including temporary tanks, shall be removed from any controlled drill site.

(m) The drilling, casing and completion program adopted for any well shall be such as to prevent pollution. This requirement shall include the construction of adequate stackpits, lined when necessary.

Sufficient surfacing casing shall be run in all wells to extend below the deepest potable water and be cemented along their entire depth to a depth of five feet into bedrock. When surface casing is utilized, it shall be cemented by the pump and plug or displacement method, with sufficient cement to circulate to the top of the hole. Drilling shall not be resumed until the cement has been permitted to set in accordance with prudent current industry practices.

(n) Blowout preventers shall be required for all deep drilling operations, shall be activated at least once a day to ensure performance and shall be activated upon the request of the City Building Inspector in order to ensure performance.

(o) All drill cutting, rotary mud and wastewater generated during drilling operations on a controlled drill site shall be removed from the site upon completion of drilling operations. Discharge to streams, lakes, storm and sanitary sewers shall not be permitted. The Building Inspector at his discretion may require a sump pit to be lined with an impervious material. Any wastewater reinjection shall be accomplished by approved American Petroleum Institute methods and with the approval of the City.

(p) All workover operations where permitted shall be restricted to normal daylight working hours of 8:00 a.m. to 6:00 p.m. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.

(q) The permittee shall ensure that all petroleum storage containers on a controlled drill site have positive seals.

(r) No permanent derrick shall be installed or maintained on any controlled drill site or used for the drilling or production of any oil or gas well.

(s) When traffic lanes on any public street are closed or impaired by the permittee's operations, flagmen and safety officers as required by the City Engineer shall be provided by the permittee at all such times to aid traffic and maintain traffic flow.

(t) Trucking for the delivery of equipment and supplies and for the removal of materials from a controlled drill site shall be limited to the hours between 8:00 a. m. and 6:00 p.m., Monday through Friday, provided, however, the City may further restrict the hours and days as a condition of issuing a permit if such trucking may interfere with traffic or be detrimental to the surrounding area.

(u) No permittee shall produce from any well or combination of wells in any manner so as to create any noise which would cause the noise level at any point on the exterior boundary of any controlled drill site to exceed the ambient noise level by more than five decibels based upon a reference sound pressure of 0.0002 microbars, as measured in any octave band frequency, in cycles per second as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000, and for the combined frequency bands (all pass). The permittee shall shut down and discontinue production from as many wells as is necessary to reduce the noise to such limits at any time the City officials notify the permittee that its operation exceeds such noise limits.

All equipment located on any controlled drill site which emits noise when operating shall be equipped with manufacturer-supplied noise controlled devices or modifications of such devices that more effectively suppress noise levels, and all such noise attenuating features, including, without limiting the general provision, mufflers on construction equipment, shall be checked daily to assure that they are in good repair. (Ord. 4-1982 §6. Passed 1-27-82.)

## 1725.12 PRODUCTION REQUIREMENTS.

- (a) Completion reports and survey logs are required within thirty days after the completion of a well for oil or gas, a copy of Form DMOG-4-56 shall be submitted to the City.
- (b) The permittee shall undertake no refining process for the extraction of products from natural gas or oil at a controlled drill site, except for such minor processes as necessary to make natural gas acceptable to National Fuel Gas mains for domestic use.
- (c) The introduction of plastic piping inside any building is prohibited. All piping shall be in accordance with American Gas Association Standards.
- (d) Insert production equipment is required.
- (e) All oil and gas or oil or gas produced from any well on a controlled drill site shall be shipped and transported from a controlled drill site solely through pipelines.
- (1) All pipelines outside of such drill site shall be laid in accordance with all State and local regulations.
  - (2) As soon as commercial production has been established in any new well the acquisition of a right of way or the construction of a pipeline shall be started within ten days and work thereon diligently prosecuted until such pipeline is completed.
  - (3) Disposal of brine shall also meet the regulations of the Pennsylvania Department of Environmental Resources.
  - (4) Written approval shall be secured from the City Engineer.
- (f) Pipeline construction in the City shall be confined to normal daylight hours. The permittee, in the construction of any pipeline in the City, shall adhere to all excavation locations specified by the City. Excavations shall be covered with plating to permit traffic use during construction. The permittee shall comply with the regulations of the City concerning the stacking or removal of fill generated during excavating. All pipe, other material or construction equipment used in the pipeline construction in the City shall be stored at a controlled drill site and not on any street during nonconstruction hours.
- (g) All permanent utility services for any controlled drill site shall be provided underground.
- (h) Oil produced from such wells may be stored in steel tanks on a controlled drill site. Unless otherwise permitted by the City, the total amount of storage for production, recycling and all storage and operational purposes shall not exceed 2,000 barrels, and no tank shall exceed 1,000 barrels capacity.
- (i) Within six months after the completion of the drilling and the removal of the drilling derrick, any controlled drill site shall be landscaped with suitable shrubbery and trees in accordance with a plan approved by the City.

(j) After the removal of any temporary derrick housing, the servicing and repair necessitating the use of a portable derrick shall not be undertaken by any permittee except in and at the times approved in writing by the City. (Ord. 4-1982 §6. Passed 1-27-82.)

#### 1725.13 ADVERSE EFFECT; REMEDY BY CITY ENGINEER OR CITY SOLICITOR.

The City Engineer, from time to time as he deems appropriate, shall determine if any adverse effect upon the surface of the City is occasioned or is in danger of being occasioned by reason of the removal of oil, gas or other hydrocarbon substances from the subsurface of the City pursuant to a well regulated by the provisions of this article or pursuant to a well, no part of which is located within the City but which drains a subterranean oil or gas pool, part of which is in the City. In the event the City Engineer observes any such adverse effect or danger, he may order the immediate suspension of further production from such well or wells as any be located entirely or partly within the City, and in the event of such an order, production on such wells shall be suspended by the permittee or other operator immediately upon receiving notice of such order. The permittee or other person lawfully producing oil or gas or oil and gas or any other hydrocarbon substance from any such well may appeal to the City. The City, upon good cause being shown by the permittee or such other person, may vacate or modify the order of the City Engineer, or, if no part of the well is in the City, the City may direct the City Solicitor to immediately commence such actions or proceedings as may be necessary for the abatement, removal and enjoining of further drilling operations which adversely affect property within the City in the manner provided by law, and to take such other action and to apply to any court having jurisdiction to grant such relief as will restrain or enjoin any person from drilling or producing any such well. (Ord. 4-1982 §7. Passed 1-27-82.)

#### 1725.14 APPEALS BOARD; PROCEDURE.

An Appeal Board comprised of the Building Inspector, City Engineer, Zoning Administrator and a representative of Council shall hear requests for variances of any requirements of this article. Such requests shall be in writing and submitted before drilling is started. A decision shall be granted within five days of all requests and shall be final. A hearing shall be held within thirty days of submission of requests and the decision shall be rendered within five days after the hearing with all decisions final. (Ord. 100-1982 §1. Passed 12-8-82.)

#### 1725.15 ENFORCEMENT BY CITY SOLICITOR.

Any well drilled or produced, and any building or structure erected, operated or maintained, or any use of property contrary to the provisions of this article shall be and the same hereby are declared to be unlawful and a public nuisance, and the City Solicitor, upon an order of the City, shall immediately commence an action and proceedings for the abatement, removal and enjoinder thereof in the manner provided by law, and shall take such other action, and shall apply to any court having jurisdiction to grant such relief, as will restrain and enjoin any person from drilling any such well, or from erecting, operating or maintaining such building or structure, or from using any property contrary to the provisions of this article. (Ord. 4-1982 §9. Passed 1-27-82.)