

Construction Certificate Management Procedures

Municipality of Kingston (aka Kingston Borough)

December 1, 2023

The **Zoning, Planning and Building Departments** are responsible for the administration of all development issues within the **Municipality of Kingston (aka Kingston Borough)** including permitting, inspection, and review of all construction, along with the creation of and maintenance of all building permit files and administrative documents, ordinances, building guides, applications, forms, outreach materials, etc. related to building and development. All individuals proposing to construct a new structure or substantially improve an existing structure, individually or as part of a land development, must first apply for a Zoning Permit to be reviewed by the **Zoning Officer/Floodplain Administrator** to determine compliance with all applicable requirements of the **2023 Kingston Zoning Ordinance and the Code of the Municipality of Kingston, Chapter 97 – Floodplains**. If part of a land development, the Preliminary and/or Final Plans are to be reviewed by the **Zoning Officer/Floodplain Administrator/Planning Commission Administrator** to determine if the site in which the proposed structure will occupy is located in any identified Special Flood Hazard Area (SFHA). All building permit applications are processed by the municipality's **Code Enforcement Officer**. All building permit application and construction plan reviews are conducted by the municipality's third-party agency, **BHW Construction Consultation Services, Inc.** who is also responsible for all building permit approvals. Both the **Code Enforcement Officer** and **BHW Construction Consultation Services, Inc.**, together form the municipality's **Building Department**.

The purpose of this document is to explain our management procedures for review of Elevation Certificates and all other required floodplain-related construction certificates including, but not limited to, Floodproofing Certificates, and engineered flood opening certificates. These procedures outline the types of certificates required, the collection and review of all certificates, how corrections should be made, where the certificates are stored/archived, and how we make these certificates available to the public.

(a) TYPES OF CERTIFICATES REQUIRED

When any new construction, substantial improvement or repair for a substantially damaged building is conducted in a Special Flood Hazard Area (SFHA), the **Zoning Officer/Floodplain Administrator** shall require an Elevation Certificate and the **Building Department** shall require any other floodplain-related certificate(s) that is/are appropriate, including **Floodproofing Certificate for Non-Residential Structures, Residential Basement Floodproofing Certificate, and Certification of Engineered Flood Openings** for the construction and/or development.

(a) & (b) WHEN CERTIFICATES ARE REQUIRED

The applicant shall submit an Elevation Certificate marked "construction drawings" with the building permit application. This Elevation Certificate shall be used to determine if the proposed design is in compliance with **the Code of the Municipality of Kingston, Chapter 97 – Floodplains, the 2015 International Residential Code, Chapter 3 – Building Planning, Section R322 – Flood Resistant Construction, Chapter 4 – Foundations, and/or Appendix E – Manufactured Housing Used As Dwellings, for all residential construction of single-family, two-family and buildings consisting of three (3) or more townhouse units and having not more than three (3) stories above grade plane. Residential structures having more than three (3) stories would fall within the scope of the 2015**

International Building Code under the corresponding Chapters, which also governs all new or substantially improved nonresidential structures.

After the foundation is built and the elevation of the lowest floor is determined, another Elevation Certificate shall be submitted that is marked "building under construction." This will document the elevation of surrounding grades and the lowest floor to ensure they comply with the approved plans before further construction is allowed. Once construction on the building is finished and all adjacent grading is finalized, a complete and correct "finished-construction" Elevation Certificate must be submitted by the applicant to show the "as-built" characteristics of the building. A "finished-construction" Elevation Certificate must be received, reviewed, and corrected (if necessary) before a **certificate of occupancy or final approval of the permit** is issued by the municipality's third-party agency, **BHW Construction Consultation Services, Inc.** At this point, all other required certificates must also be submitted and reviewed.

If a Floodproofing Certificate for Non-Residential Structures is required for a floodproofed non-residential building, an Elevation Certificate is not required for purposes of the National Flood Insurance Program (NFIP), but we will require one to help verify compliance with **the Code of the Municipality of Kingston, Chapter 97 – Floodplains**. A complete and correct Floodproofing Certificate is required to be submitted to the municipality's third-party agency, **BHW Construction Consultation Services, Inc.**, once construction is finished on the building but before issuing a Certificate of Occupancy.

A Residential Basement Floodproofing Certificate is required for any new building construction or substantial improvement or repair for a substantially damaged building located in a Special Flood Hazard Area (SFHA) with a basement that is floodproofed. An Elevation Certificate is also required to help verify compliance with **the Code of the Municipality of Kingston, Chapter 97 – Floodplains**. A complete and correct Residential Basement Floodproofing Certificate is required to be submitted to the municipality's third-party agency, **BHW Construction Consultation Services, Inc.** once construction is finished on the building before a Certificate of Occupancy may be issued.

When engineered flood openings are installed in the foundation of a building, and the Elevation Certificate indicates that they were installed (Sections A8d and A9d on the Elevation Certificate), an engineered opening certification is required to be submitted with the Elevation Certificate to help verify compliance and the insurance rate. Be sure the developer submits either the International Code Council® Evaluation Service (ICC-ES) form for the engineered opening or an individual certification. Individual certifications must cover the following, at a minimum:

- 1) An identification of the building (address) that has the engineered openings installed;
- 2) The design professional's name, title, address, type of license, the state issuing the license, signature, and seal;
- 3) A statement certifying the design of the openings will automatically equalize hydrostatic flood loads on exterior walls by allowing for the automatic entry and exit of floodwaters; and
- 4) A description of the range of flood characteristics tested or computed for which the certification is valid, such as rates of rise and fall of floodwaters.

(c) and (d) WHAT DEPARTMENT/OFFICE COLLECTS/REVIEWS CONSTRUCTION CERTIFICATES

All finished-construction Elevation Certificates shall be submitted initially to the **Building Department** for tracking and initial review. The **Building Permit Technician** logs the Elevation Certificate in our tracking system, it is then forwarded to the **Zoning Officer/Floodplain Manager** and **Chief Building Inspector**, who review the certificate and all supporting documentation for initial compliance. It is then forwarded to the **Municipal Engineer** for their review and approval. Both the **Municipal Engineer and the Chief Building Inspector** review the Elevation Certificate and supporting documentation, along with all other required certificates, to ensure all applicable building and development ordinances and standards are met. Upon receipt of the Elevation Certificate from the **Municipal Engineer and the Chief Building Inspector**, the **Zoning Officer/Floodplain Manager** reviews all permit application information to determine approval for the Elevation Certificate. It is then forwarded to the **Chief Building Inspector** for final approval for all parts of the building permit. The **Certificate of Occupancy or Final Permit approval** will not be issued until all problems with an Elevation Certificate and supporting documentation are resolved.

(e) HOW CERTIFICATES ARE CORRECTED

The **Zoning Officer/Floodplain Manager** will consult the CRS's Elevation Certificate Checklist when reviewing an Elevation Certificate to ensure all required fields are completed correctly. When an error is noticed on an Elevation Certificate, there are three (3) ways to correct it.

- (1) For any inaccurate or incomplete information in Section C2, the **Zoning Officer/Floodplain Manager** should request a new certificate from the applicant or his/her representative (surveyor/engineer/architect) who certified the form.
- (2) If incomplete or inaccurate information is found in the other sections, the **Zoning Officer/Floodplain Manager** will do the following. As a general rule, and as law in some states, the local official SHOULD NOT mark up a signed and sealed form.
 - a) The forms will be returned to the applicant (or authorized representative) with instructions on what needs to be changed or corrected;
 - b) The **Zoning Officer/Floodplain Manager** will prepare a separate memo with the correct information and attach a "Memo of Correction." When the certificate is provided to an inquirer, the memo must be included with it; or
 - c) The **Zoning Officer/Floodplain Manager** will note the changes or corrections in Section G.

All finished-construction Elevation Certificates that have/had errors on them should be returned to the applicant within **ten (10) business days** for immediate correction. In no case shall we accept a finished-construction Elevation Certificate until all corrections deemed appropriate by the **Zoning Officer/Floodplain Manager** are addressed. In no cases shall a **Certificate of Occupancy or Final Approval** for a permit be granted until the **Zoning Officer/Floodplain Manager**, the **[Chief Building Inspector]**, and the **Municipal Engineer** have all approved the permit.

If corrections are completed after the Certificate of Occupancy and/or final approval, the **Zoning Officer/Floodplain Manager** must ensure the homeowner receives a copy of the corrected Elevation Certificate in case the correction(s) would affect the building's insurance rating.

(f) and (h) HOW AND WHERE THE CERTIFICATES ARE MAINTAINED

Hard copies of all Elevation Certificates and all other required construction certificates, as well as all other permit application documentation, shall be stored **in the address file in the Office of the Municipal Secretary and Code Enforcement Officer**. They also shall be scanned at the usual time building files are scanned for storage/archival. Copies of the finished-construction Elevation Certificates, along with the other required construction certificates (if applicable), shall also be placed in a separate folder containing all Elevation Certificate information for CRS purposes, labeled "Activity 310," organized by CRS recertification date. All other state and local records retention policies shall be observed. Record retention shall be in accordance with the following:

- The Municipal Records Manual, Issued For The Local Government Records Committee By The Pennsylvania Historical and Museum Commission, Bureau Of The Pennsylvania State Archives, Harrisburg, Approved December 16, 2008, (as amended March 28, 2019), adopted by the Council of the Municipality of Kingston by Resolution 2010-6 on April 7, 2010;
- The Municipal Records Act, Title 53. Municipalities Generally Part III, Governing Body Chapter 13 - General Provisions, Subchapter F. – Records.

Elevation Certificates and all other required construction certificates, as well as all other permit application documentation for buildings located outside the Special Flood Hazard Area shall be scanned in-house as a PDF digital file and stored in the digital address file in the Office of the Municipal Secretary and Code Enforcement Officer, just like all other building permit documents, but scanned PDF digital copies will also be made and placed in a separate CRS folder, labeled "Activity 430."

(g) HOW CERTIFICATES ARE MADE AVAILABLE TO INQUIRERS

When a member of the public (other than the recipient of the permit for which the request is being made) requests a copy of an Elevation Certificate, the request shall be initiated with the Municipal Secretary by filling out a "Right-To-Know" request form. The Municipal Secretary, following coordination with the Zoning Officer/Floodplain Administrator and Building Department, shall act on the request immediately, if time allows, but at worst, shall have five (5) business days to make a copy of the requested information and make the documentation available to the inquirer. There is no financial charge for this service.