

**CHAPTER 8**  
**FLOODPLAINS**

[See also Zoning, Chapter 27]

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**Part 1**

**General Provisions**

**§101. Intent.**

The intent of this Chapter 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.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with Federal and State floodplain management requirements.

(Ord. 1986-2, 7/9/1986, §1.00)

**§102. Applicability.**

- 1. 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 Township unless a building permit has been obtained from the Building Permit Officer.
- 2. A building permit shall not be required for the replacement of down spouts, gutters, fascia boards, siding, windows or roofing (if replacement is of shingles and paper only), nor shall a permit be necessary for minor repairs to existing buildings or structures. Minor repairs shall be defined as those repairs having a fair market value cost of less than \$1,000 and which do not involve structural changes or modification. [Ord. 1996-3]

(Ord. 1986-2, 7/9/1986, §1.01; as amended by Ord. 1996-3, 12/11/1996, §2)

**§103. Abrogation and Greater Restrictions.**

This Chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any

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conflict between any of the provisions of this Chapter, the more restrictive shall apply. (Ord. 1986-2, 7/9/1986, §1.02)

### **§104. Severability.**

If any Section, subsection, paragraph, sentence, clause or phrase of this Chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect, and for this purpose the provisions of this Chapter are hereby declared to be severable. (Ord. 1986-2, 7/9/1986, §1.03)

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

1. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damages.
2. This Chapter shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(Ord. 1986-2, 7/9/1986, §1.04)

### **§106. Short Title.**

This Chapter shall be known as the "Conewago Township Building Permit Ordinance." (Ord. 1986-2, 7/9/1986, §1.05; as added by Ord. 1996-3, 12/11/1996, §1)

**Part 2**

**Administration**

**§201. Building Permits Required.**

Building permits shall be required before any construction or development is undertaken within any area of the Township. (Ord. 1986-2, 7/9/1986, §2.00)

**§202. Issuance of Building Permit.**

1. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
2. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537), as amended; the U.S. Clean Water Act, §404, 33 U.S.C. §1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.
3. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse. [Ord. 1997-1]

(Ord. 1986-2, 7/9/1986, §2.01; as amended by Ord. 1997-1, 1/6/1997)

**§203. Application Procedures and Requirements.**

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such application shall contain the following:
  - A. Name and address of applicant.
  - B. Name and address of owner of land on which proposed construction is to occur.

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- C. Name and address of contractor.
  - D. Site location.
  - E. Listing of other permits required.
  - F. Brief description of proposed work and estimated cost.
  - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:
- A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this Chapter and all other applicable codes and ordinances.
  - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
  - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:
- A. A completed building permit application form.
  - B. 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:
    - (1) North arrow, scale, and date.
    - (2) Topographic contour lines, if available.
    - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
    - (4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
    - (5) The location of all existing streets, drives, and other accessways.

- (6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- (1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
  - (2) The elevation of the one-hundred-year flood.
  - (3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood.
  - (4) Detailed information concerning any proposed flood-proofing measures.
- D. The following data and documentation:
- (1) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one-hundred-year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred-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 and/or the development.
  - (2) Detailed information needed to determine compliance with §404(F), "Storage," and §405, "Development Which May Endanger Human Life," of this Chapter, including:
    - (a) The amount, location and purpose of any materials or substances referred to in §§404(F) and 405 which are intended to be used, produced, stored or otherwise maintained on site.
    - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §405 during a one-hundred-year flood.
  - (3) The appropriate component of the Department of Environmental Protection "Planning Module for Land Development." [Ord. 1997-1]

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- (4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control. [Ord. 1997-1]

(Ord. 1986-2, 7/9/1986, §2.02; as amended by Ord. 1997-1, 1/6/1997)

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

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan. (Ord. 1986-2, 7/9/1986, §2.03)

### **§205. Review of Application by Others.**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g. Planning Commission, Township Engineer, etc.) for review and comment.

(Ord. 1986-2, 7/9/1986, §2.04)

### **§206. 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. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Building Permit Officer for consideration. (Ord. 1986-2, 7/9/1986, §2.05)

### **§207. Placards.**

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer. (Ord. 1986-2, 7/9/1986, §2.06)

**§208. Start of Construction.**

Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 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 and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footing, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request. (Ord. 1986-2, 7/9/1986, §2.07)

**§209. Inspection and Revocation.**

1. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
2. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.
3. 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 building permit and report such fact to the Township for whatever action it considers necessary.
4. A record of all such inspections and violations of this Chapter shall be maintained.

(Ord. 1986-2, 7/9/1986, §2.08)

**§210. Fees.**

Applications for a building permit shall be accompanied by a fee, payable to the Township, based upon the estimated cost of the proposed construction in accordance with a fee schedule established from time to time by resolution of the Township Board of Supervisors. (Ord. 1986-2, 7/9/1986, §2.09)

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### §211. Enforcement.

1. Notices. Whenever the Building Permit Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:
  - A. Be in writing.
  - B. Include a statement of the reasons for its issuance.
  - C. Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires.
  - D. 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.
  - E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.
2. Enforcement Remedies.
  - A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$1,000 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
  - B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- D. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 1986-2, 7/9/1986, §2.10; as amended by Ord. 1997-1, 1/6/1997)

**§212. Appeals.**

1. Any person aggrieved by any action or decision of the Building Permit Officer involving the administration of the provisions of this Chapter may appeal to the Board. Such appeal must be filed, in writing, within 30 days after the decision or action of the Building Permit Officer.
2. Upon receipt of such appeal the Board shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
3. Any person aggrieved by the decision of the Board may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Floodplain Management Act.

(Ord. 1986-2, 7/9/1986, §2.11)



### Part 3

#### Identification of Floodplain Areas

##### §301. Designation of Floodplain Areas.

1. For the purposes of this Chapter, the areas considered to be floodplain within the Township shall be those areas identified as being subject to the one-hundred-year flood in the Flood Insurance Study prepared for the Township by the Federal Emergency Management Agency having an effective date of April 30, 1986.
2. A map showing all areas considered to be subject to the one-hundred-year flood is available for inspection at the Township offices. For the purposes of this Chapter, the following nomenclature is used in referring to the various kinds of floodplain areas:
  - A. FW (Floodway Area) — the areas identified as “Floodway” in the Flood Insurance Study prepared by the FEMA.
  - B. FF (Flood-Fringe Area) — the areas identified as “Floodway Fringe” in the Flood Insurance Study prepared by the FEMA.
  - C. FA (General Floodplain Area) — the areas identified as “Approximate One-Hundred-Year Floodplain” in the Flood Insurance Study prepared by the FEMA.
3. The FW (Floodway Area) is delineated for purposes of this Chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this area are specifically defined in the Floodway Data Table contained in the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
4. The FF (Flood-Fringe Area) shall be that area of the one-hundred-year floodplain not included in the Floodway. The basis for the outermost boundary of this District shall be the one-hundred-year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.
5. The FA (General Floodplain Area) shall be that floodplain area for which no detailed flood profiles or elevations are provided. Such areas are shown on the maps accompanying by the Flood Insurance Study prepared by the FEMA. In determining the necessary elevations for the purposes of this Chapter, other sources of data may be used such as:
  - A. Corps of Engineers — floodplain information reports.

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- B. U.S. Geological Survey — floodprone quadrangles.
- C. U.S.D.A, Soil Conservation Service — county soil surveys (alluvial soils) or P.L. 566 flood information.
- D. Pennsylvania Department of Environmental Protection — flood control investigations. [Ord. 1997-1]
- E. Known highwater marks from past floods.
- F. Other sources.

(Ord. 1986-2, 7/9/1986, §3.00; as amended by Ord. 1997-1, 1/6/1997)

### **§302. Changes in Floodplain Area Delineations.**

1. The areas considered to be floodplain may be revised or modified by the Township where studies or information provided by a qualified agency or person documents the need or possibility for such revision.
2. No modification or revision of any floodplain area identified in the Flood Insurance Study shall be made without prior approval from the Federal Emergency Management Agency.

(Ord. 1986-2, 7/9/1986, §3.01)

### **§303. Disputes.**

Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Planning Commission and any party aggrieved by such decision may appeal to the Township. The burden of proof shall be on the appellant. (Ord. 1986-2, 7/9/1986, §3.02)

## Part 4

### Technical Provisions

#### §401. General.

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse. [Ord. 1997-1]
2. Any new construction, development, use or activity allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances and regulations.

(Ord. 1986-2, 7/9/1986, §4.00; as amended by Ord. 1997-1, 1/6/1997)

#### §402. Special Floodway and Stream Setback Requirements.

1. Within any FW (Floodway Area), the following provisions apply:
  - A. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
  - B. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. [Ord. 1997-1]
2. Within any FA (General Floodplain Area), the following provisions apply: No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.

(Ord. 1986-2, 7/9/1986, §4.01; as amended by Ord. 1997-1, 1/6/1997)

#### §403. Elevation and Floodproofing Requirements.

1. Residential Structures. Within any FW, FF, or FA, the lowest floor (including basement) of any new or substantially improved residential structure shall be at least 1 1/2 feet above the one-hundred-year flood elevation.

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### 2. Nonresidential Structures.

- A. Within any FW, FF, or FA, the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be at least 1 1/2 feet above the one-hundred-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.
- B. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction.

(Ord. 1986-2, 7/9/1986, §4.02)

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

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

- A. Fill. If fill is used, it shall:
  - (1) Extend laterally at least 15 feet beyond the building line from all points.
  - (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
  - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
  - (4) Be no steeper than one vertical to two horizontal unless substantiated data, justifying steeper slopes, are submitted to and approved by the Building Permit Officer.
  - (5) Be used to the extent to which it does not adversely affect adjacent properties.
- B. Drainage. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Water and Sanitary Sewer Facilities and Systems.

- (1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - (3) No part of any onsite sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- D. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one-foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in §405, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- G. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- H. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings.
- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

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- (2) Plywood used at or below the regulatory flood elevation shall be of a “marine” or water-resistant” variety.
  - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
  - (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- J. 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 (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a “marine” or water-resistant paint or other finishing material.
- K. Electrical Components.
- (1) Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.
  - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- L. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- M. Fuel Supply Systems. All gas and oil 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. 1986-2, 7/9/1986, §4.03)

**§405. Development Which May Endanger Human Life.**

1. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:
  - A. Will be used for the production or storage of any of the following dangerous materials or substances;
  - B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises;
  - C. Will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this §405, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
    - (1) Acetone.
    - (2) Ammonia.
    - (3) Benzene.
    - (4) Calcium carbide.
    - (5) Carbon disulfide.
    - (6) Celluloid.
    - (7) Chlorine.
    - (8) Hydrochloric acid.
    - (9) Hydrocyanic acid.
    - (10) Magnesium.
    - (11) Nitric acid and oxides of nitrogen.
    - (12) Petroleum products (gasoline, fuel oil, etc.).
    - (13) Phosphorus.
    - (14) Potassium.
    - (15) Sodium.

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- (16) Sulphur and sulphur products.
  - (17) Pesticides (including insecticides, fungicides and rodenticides).
  - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
2. Within any FW (Floodway Area), any structure of the kind described in subsection (1), above, shall be prohibited.
  3. Within any FA (General Floodplain Area), any structure of the kind described in subsection (1), above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
  4. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any structure of the kind described in subsection (1), above, shall be:
    - A. Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood.
    - B. Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.
  5. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication, "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

(Ord. 1986-2, 7/9/1986, §4.04)

### **§406. Special Requirement for Mobile Homes.**

1. Within any FW (Floodway Area), mobile homes shall be prohibited.
2. Within any FA (General Floodplain Area), mobile homes shall be prohibited within the area measured 50 feet landward from top-of-bank of any watercourse.
3. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area), all mobile homes and any additions thereto shall be:
  - A. 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 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.
- (2) Frame ties shall be provided at each corner of the mobile home, with five additional ties per side at intermediate locations for units 50 feet or more in length, and four additional ties per side for units less than 50 feet in length.
- (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

B. 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 1 1/2 feet or more above the elevation of the one-hundred-year flood.
- (2) Adequate surface drainage is provided.
- (3) Adequate access for a hauler is provided.
- (4) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for six feet or more above the ground level.

4. An evacuation plan indicating alternative vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks.

(Ord. 1986-2, 7/9/1986, §4.05)



**Part 5**

**Activities Requiring Special Permits**

**§501. General.**

In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Township:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - (1) Hospitals.
  - (2) Nursing homes.
  - (3) Jails or prisons.
- B. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

(Ord. 1986-2, 7/9/1986, §5.00)

**§502. Application Requirements for Special Permits.**

Applicants for special permits shall provide five copies of the following items:

- A. A written request including a completed building permit application form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
  - (1) North arrow, scale and date.
  - (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet.
  - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.

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- (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
  - (5) The location of any existing bodies of water or water-courses, buildings, structures and other public or private facilities, including railroad tracks and facilities and any other natural and manmade features affecting, or affected by, the proposed activity or development.
  - (6) The location of the floodplain boundary line, information and spot elevations concerning the one-hundred-year flood elevations, and information concerning the flow of water including direction and velocities.
  - (7) The location of all proposed buildings, structures, utilities, and any other improvements.
  - (8) Any other information which the Township considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- (1) Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.
  - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
  - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one-hundred-year flood.
  - (4) Detailed information concerning any proposed flood-proofing measures.
  - (5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.
  - (6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.
  - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:

- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
- (2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one-hundred-year flood.
- (3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one-hundred-year flood, including a statement concerning the effects such pollution may have on human life.
- (4) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one-hundred-year flood elevations and flows.
- (5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one-hundred-year flood elevation and the effects such materials and debris may have on one-hundred-year flood elevations and flows.
- (6) The appropriate component of the Department of Environmental Protection, "Planning Module for Land Development." [Ord. 1997-1]
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control. [Ord. 1997-1]
- (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-166. [Ord. 1997-1]
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.

(Ord. 1986-2, 7/9/1986, §5.01; as amended by Ord. 1997-1, 1/6/1997)

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### **§503. Application Review Procedures.**

Upon receipt of an application for a special permit by the Township the following procedures shall apply in addition to those of Part 2 of this Chapter:

- A. 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 by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
- B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five working days after the date of approval.
- E. Before issuing the special permit, the Township shall allow the Department of Community Affairs 30 days, after receipt of the notification by the Department, to review the application and decision made by the Township.
- F. If the Township does not receive any communications from the Department of Community Affairs during the thirty-day review period, it may issue a special permit to the applicant.
- G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit.

(Ord. 1986-2, 7/9/1986, §5.02)

### **§504. Special Technical Requirements.**

1. In addition to the requirements of Part 4 of this Chapter, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Part 4 of this Chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - 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 will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred-year flood elevation.
    - (2) The lowest floor elevation will be at least 1 1/2 feet above the one-hundred-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 one-hundred-year flood.
3. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.

(Ord. 1986-2, 7/9/1986, §5.03)



**Part 6**

**Existing Structures in Identified Floodplain Areas**

**§601. General.**

Structures existing in any identified floodplain area prior to the enactment of this Chapter may continue subject to the following provisions:

- A. No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(Ord. 1986-2, 7/9/1986, §601)



**Part 7**  
**Variances**

**§701. General.**

If compliance with any of the requirements of this Chapter would result in an exceptional hardship for a prospective builder, developer, or landowner, the Township may, upon request, grant relief from the strict application of the requirements. (Ord. 1986-2, 7/9/1986, §7.00)

**§702. Variance Procedures and Requirements.**

Requests for variances shall be considered by the Township in accordance with the following:

- A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year flood elevation.
- B. Except for a possible modification of the 1 1/2 foot freeboard requirements, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by “Special Permit,” Part 5 of this Chapter, or to “Development Which May Endanger Human Life,” Part 4, §405, of this Chapter.
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Township 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 Chapter.
- E. Whenever a variance is granted, the Township shall notify the applicant in writing that:
  - (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variances may increase the risks to life and property.
- F. In reviewing any request for a variance, the Township shall consider, but not be limited to, the following:
  - (1) There is good and sufficient cause.

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- (2) Failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) The granting of the variance will (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; (b) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State statute or regulations, or local ordinance or regulations.
- G. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

(Ord. 1986-2, 7/9/1986, §7.01)

## Part 8

### Definitions

#### §801. General.

Unless specifically defined in §802, words and phrases used in this Chapter shall be interpreted so as to give this Chapter its most reasonable application. (Ord. 1986-2, 7/9/1986, §8.00)

#### §802. Specific Definitions.

**ACCESSORY USE or STRUCTURE** — a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of structure.

**BUILDING** — 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.

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

**CONSTRUCTION** — the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

**DEVELOPMENT** — any manmade 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.

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

**FLOOD** — a temporary inundation of normally dry land areas.

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

**FLOODPROOFING** — any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood dam-

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age to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**IDENTIFIED FLOODPLAIN AREA** — the floodplain area specifically identified in this Chapter as being inundated by the one-hundred-year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Flood Plain (FA).

**LAND DEVELOPMENT** — any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
  - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- (2) A subdivision of land.
- (3) “Land development” does not include development which involves:
  - (a) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
  - (b) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or,
  - (c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

[Ord. 1997-1]

**MINOR REPAIR** — the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required

means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**MOBILE HOME** — 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.

**MOBILE HOME PARK** — a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient use.

**OBSTRUCTION** — any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collection debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

**ONE-HUNDRED-YEAR FLOOD** — a flood that, on the average, is likely to occur once every 100 years (i.e. that has 1% chance of occurring each year, although the flood may occur in any year).

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

**REGULATORY FLOOD ELEVATION** — the one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

**SPECIAL PERMIT** — a special approval which is required for hospitals, nursing homes, jails, and new mobile home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of, a floodplain.

**STRUCTURE** — any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 1997-1]

**SUBDIVISION** — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of

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lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 1997-1]

(Ord. 1986-2, 7/9/1986, §8.01; as amended by Ord. 1997-1, 1/6/1997)