

Penn Township

Snyder County, Pennsylvania

Flood Plain Ordinance 2018-01

Ordinance No: 2007 – 06
Enacted and Ordained – November 7, 2007
Effective November 16, 2007
Revised 2018
Enacted and Ordained – June 6, 2018
Effective Date - June 6, 2018

ORDINANCE 2018-01

AN ORDINANCE OF PENN TOWNSHIP, SNYDER COUNTY, PENNSYLVANIA, REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF PENN TOWNSHIP WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE, TO COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE.

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ARTICLE I - Statutory Authorization

The Legislature of the Commonwealth of Pennsylvania has, by passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local government units to adopt floodplain management regulations to promote public health, safety and the general welfare of its citizenry. Therefore, the Board of Supervisors of Penn Township does hereby order as follows:

ARTICLE II - General Provisions

Section 201 Intent

The intent of this Ordinance is to;

- A. Promote the general health, welfare, and safety of the community.
- B. To encourage the utilization of appropriate construction practices in order to prevent or minimize future flood damage.
- 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.

Section 202 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 Township unless a permit has been obtained from the Floodplain Administrator.

Section 203 Abrogation and Greater Restrictions

This ordinance 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 conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 204 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 205 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Penn Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

ARTICLE III – Administration

Section 301 Designation of Floodplain Administrator

The Floodplain Administrator is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator shall:

- A. Fulfill the duties and responsibilities set forth in these regulations
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors and other employees, or
- C. Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties

are to be fulfilled by the Chairman of the Board of Supervisors or their designee.

Section 302 Permits Required

Permits shall be required before any construction or development is undertaken within any area of Penn Township.

Section 303 Duties and Responsibilities of the Floodplain Administrator

- A. The Floodplain Administrator shall issue a 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.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government 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 Pennsylvania Dam Safety and Encroachments Act, (Act 1978-325, as amended); the Pennsylvania Clean Streams Act, (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that the substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
- D. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any cumulative substantial damage concerns can be addressed before the permit is issued. See 7.02 and the cumulative substantial damage definition in 9.02
- E. During the construction period, the Floodplain Administrator 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 municipal laws and ordinances. He/she shall make as many inspections during and upon completion of work as are necessary.
- F. In discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- G. In the event the Floodplain Administrator 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 Floodplain Administrator shall revoke the Permit and report such facts to the Board of Supervisors for whatever action it considers necessary.
- H. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance including but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- I. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- J. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

Section 304 Application Procedures and Requirements

- A. Application for such a permit shall be made in writing to the Floodplain Administrator on forms supplied by the Township. Such application shall contain the following:
 - 1. Name and address of applicant.
 - 2. Name and address of land owner on which proposed construction is to occur.
 - 3. Name and address of contractor.
 - 4. Site location including address.
 - 5. Listing of other permits required.
 - 6. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.

7. A site plan showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 3. adequate drainage is provided so as to reduce exposure to flood hazards;
 4. structures will be anchored to prevent flotation, collapse, or lateral movement;
 5. building materials are flood-resistant;
 6. appropriate practices that minimize flood damage have been used; and
 7. electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities have been designed and located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all technical information described in Article 5, Section 503, of Stormwater Management Ordinance) as may be required by the Floodplain Administrator to make the above determination:
1. A completed permit application.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - e. the location of all existing streets, drives, and other access-ways;
 - f. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the one hundred (100) year flood or base flood elevation (BFE)
 - c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
 4. The following data and documentation:
 - a. Detailed information concerning any proposed floodproofing measures and corresponding elevations
 - b. If available, any information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with base flood elevation.
 - c. Documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a Floodway Area will not increase the base flood elevation at any point.
 - d. Documentation certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development with an AE Area/District without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
 - e. detailed information needed to determine compliance with Section 503 F, Storage, and Section 505, Development Which May Endanger Human Life, including:
 - i. the amount, location and purpose of any materials or substances referred to

- in Sections 503.F and 505 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 505 during a base flood.
 - f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - g. where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
- D. Applications for permits shall be accompanied by a fee, as determined by the Floodplain Administrator, made payable to the municipality based upon the estimated cost of the proposed construction.

Section 305 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 Floodplain Administrator to the Snyder County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

Section 306 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 Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

Section 307 Changes

After the issuance of a Permit by the Floodplain Administrator, 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 Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Floodplain Administrator for consideration.

Section 308 Placards

In addition to the Permit, the Floodplain Administrator 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 Permit, the date of its issuance and be signed by the Floodplain Administrator.

Section 309 Start of Construction

Work on the proposed construction and/or development shall begin within 180 days (6 months) and shall be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless an extension of time is granted, in writing, by the Floodplain Administrator.

The issuance of development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.

The start of construction timeline commences when the floodplain development permit is issued this is often later than when zoning approval is granted.

Section 310 Enforcement

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of 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 not to exceed a period of thirty (30) days 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, will effect compliance with the provisions of this ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a summary offense.

Upon conviction persons shall pay a fine to Penn Township of not less than Three Hundred Dollars (\$300) nor more than One Thousand Dollars (\$1,000), plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed thirty (30) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense.

In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance.

The imposition of a fine or penalty for any violation of, or noncompliance with this Ordinance shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violation and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

Section 311 Appeals

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code (MPC) and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeals to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.
- D. Granting of a municipal appeal will not relieve a landowner or a municipality from the obligation to comply with the minimum requirements of the National Flood Insurance Program (NFIP). Landowners and municipalities that fail to meet the Program's minimum requirements, notwithstanding any appellate decision to the contrary, are in violation of the National Flood Insurance Program (NFIP) and remain subject to the accompanying penalties.

ARTICLE IV - Identification of Floodplain Areas

Section 401 Identification

The identified floodplain areas shall be:

- A. any areas of Penn Township, classified as Special Flood Hazard Areas (SFHA's) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRM's) dated November 16, 2007, and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Penn Township and declared part of this ordinance.

Section 402 Description of Special Requirements of Identified Floodplain Areas

The identified floodplain shall consist of the following specific areas/districts:

- A. **Floodway Area** - the areas identified in FIS and the FIRM as "Floodway" which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. The term shall also include floodway areas which have been identified in other available studies or sources on information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
 1. Within any floodway area, no new construction, no encroachments, including fill, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. Within any floodway area, no new construction or development shall be allowed unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- B. **AE Area/District** - shall be the those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
 1. The AE Area adjacent to the Floodway shall be those areas identified as an AE Zone on the FIRM and included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 2. An AE Area without floodway shall be those areas identifies as an AE zone on the FIRM, included in the FIS prepared by FEMA for which for which base flood elevations have been provided but no floodway has been determined.
 - i. No permit shall be granted within any AE zone without floodway, no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.
 - ii. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- C. **A Area/District** - shall be those areas identified as an A Zone on the FIRM included in the Flood Insurance Study (FIS) prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by registered professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used,

correctly reflect currently accepted technical concepts. Studies, analysis, computations etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

Section 403 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or a person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as it becomes practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area submitting technical or scientific data.

See Section 501 (B) for situations where FEMA notification is required.

Section 404 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by Penn Township and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

Section 405 Jurisdictional Boundary Change

Prior to development occurring in areas where annexations or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in the CFR (Code of Federal Regulations) 44 60.3

ARTICLE V - Technical Requirements

Section 501 General

A. Alteration or Relocation of Watercourse

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 municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition FEMA and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
4. The applicant shall be responsible for submission of technical or scientific data along with the fees associated with processing Letters of Map Change.

B. When Penn Township proposes to permit the following encroachments:

1. Any development that causes a rise in the base flood elevations (BFE) within the floodway; or
2. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation (BFE); or
3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges), the applicant shall per 44 CFR (Code of Federal Regulations) Part 65.12:
 - a. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
 - b. Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations (BFEs) and / or revised floodway reflecting the post-project condition.

- c. Upon completion of the proposed encroachments the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
- D. Within any Identified Floodplain Area, no new construction or development shall be located with the area measured fifty (50) feet landward from top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Protection Regional Office.

Section 502 Elevation and Flood-Proofing Requirements

The requirement to elevate and floodproof to the regulatory flood elevation (as defined in this ordinance as: base flood elevation plus one and one-half foot (1 ½) foot of freeboard) is a higher regulatory standard to the minimum requirements of the National Flood Insurance program's (NFIP's) to elevate and floodproof structures to the BFE. Elevating an additional 1 ½ feet reduces insurance premium rates and also provides a greater level of protection from flood of these structures. For a structure to be considered floodproofed for insurance purposes it must be floodproofed at least one foot above the BFE.

A. Residential Structures

- 1. In AE, A1-30 and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to or above the Regulatory Flood Elevation.
- 2. In V and A Zone, where there are no BFE's specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to or above the Regulatory Flood Elevation determined in accordance with Section 402 (C) of this ordinance.
- 3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade or at least high as the depth number specified on the FIRM.
- 4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania and ASCE 24 and 34 PA Code (Chapters 401-405 as amended), shall be utilized, where they are more restrictive.

B. Non-residential Structures

- 1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor, including basement, elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
 - a. is floodproofed
 - b. so that the structure is watertight with walls substantially impermeable to the passage of water; and,
 - c. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- 2. Where no BFE's are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to or above the Regulatory Flood Elevation determined in accordance with Section 402 A+B of this ordinance.
- 3. In AO Zones, any new construction or substantial improvement shall have the lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
- 4. Any non residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the US Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted

with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.

5. Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy.
 - a. an Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
 1. mechanical equipment such as sump pumps and generators
 2. flood shields and closures
 3. walls and wall penetrations
 4. levees and berms (as applicable)
 - b. Flood Emergency Plan detailing the procedures to be followed during a flooding event and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
 1. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
 2. A procedure for notifications of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event the primary persons responsible are unable to complete their assigned duties under the plan.
 3. A list of specific duties assigned to ensure all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
 4. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
 5. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community leaders.
6. The design and construction standards and specifications contained in the 2009 IBC and the 2009 IRC or the latest versions thereof as adopted by the Commonwealth of Pennsylvania, and ASCE (American Society of Civil Engineers) 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

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

1. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls
2. the bottom of all openings shall be no higher than one (1) foot above grade.
3. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places

must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

E. Accessory Structures

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

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. The structure will have a low damage potential.
3. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
4. Power lines, wiring, and outlets shall be elevated to the Regulatory Flood Elevation.
5. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
6. Sanitary facilities are prohibited.
7. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
9. For accessory structures 600 square feet or larger in area (footprint) and are below the base flood elevation, a variance is required as set forth in Article VIII. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
10. Prohibit the storage of Hazardous Materials.

Note: Variances are required for accessory structures if they are not going to meet the standards for non-residential structures found in the CFR 44 or the accessory structure language above.

Section 503 Design and Construction Standards

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

- A. **Fill** - If fill is used in any identified flood plain area, it shall:
 1. extend laterally at least fifteen (15) feet beyond the building line from all points;
 2. consist of soil or small rock materials only - **sanitary landfills** shall not be permitted;
 3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 4. be no steeper than one (1) vertical foot to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; 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 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 on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities from Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

D. Other Utilities

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

E. Streets

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

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 505, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood-proofed to the maximum extent possible.

G. Placement of Buildings and Structures

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

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

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

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) 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 (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

1. Water heaters, furnaces, air conditioning, ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse and lateral movement.
2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or flood proofed to remain water resistant.

M. Fuel Supply Systems

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

Section 504 Uniform Construction Code Coordination

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

International Building Code (IBC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: **Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.**

International Residential Building Code (IRC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: **Sections R104, R105, R109, R322, Appendix E and Appendix J.**

Section 505 Development Which May Endanger Human Life

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

1. will be used for the production or storage of any of the following dangerous materials or substances; or
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
3. will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- 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 those for insects, fungi, and rodents
 - Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any identified flood plain areas, any structure of the kind described in Subsection A above shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Within any Floodway Area, any structure of the kind described in Subsection A above shall be prohibited.

Section 506 *Special Requirements for Manufactured Homes*

- A. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- B. Within any Identified Floodplain Area manufactured homes shall be prohibited within the measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
1. placed on a permanent foundation;
 2. elevated so that the lowest floor of the manufactured home is one and one-half (1-1/2) feet or more above the base flood elevation;
 3. supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade;
 4. anchored to resist flotation, collapse, or lateral movement;
- D. Equipment Requirements:
1. Water heaters, furnaces, air conditioning and ventilating units and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist flotation, collapse and lateral movement.
 2. Ductwork shall be elevated to or above the Regulatory Floodplain Elevation or floodproofed to remain water resistant.
- E. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing", 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401- 405 shall apply.
- F. Consideration shall be given to the installation requirements of the 2009 IBC, Appendix G, Sec. 501.1-3 and the 2009 IRC, Sec. R323.2, R323.3, R102.7.1, and Appendix AE101, 604 and 605 or the latest revisions thereto as adopted by the Commonwealth of Pennsylvania and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation.

Section 507 *Special Requirements for Recreational Vehicles*

Recreational Vehicles in any Identified Floodplain Area must either:

1. Be on site for fewer than 180 consecutive days, and be fully licensed and ready for highway use; or
2. Meet the permit requirements for manufactured homes in Section 506.

ARTICLE VI - Prohibited Activities

Section 601 *General*

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

- A. The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 1. hospitals
 2. nursing homes
 3. jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

ARTICLE VII - Existing Structures in Identified Floodplain Areas

Section 701 *Existing Structures*

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 702 shall apply.

Section 702 *Improvements*

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in the Base Flood Elevation (BFE).
- B. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the base flood elevation (BFE) more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- D. The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the 2009 IBC and the 2009 IRC or the most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
- E. Within any Floodway Area/District, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- F. Within any AE Area/District without Floodway, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- G. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "cumulative substantial damage" shall be undertaken only in full compliance with the provisions of this Ordinance.

ARTICLE VIII - Variance

Section 801 General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

Section 802 Variance Procedures and Conditions

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Section 311, Appeals, and the following:

- A. No variance shall be granted for any construction, development, use or activity within any Floodway Area/District that would cause any increase in the Base Flood Elevation (BFE).
- B. No variance shall be granted for any of the requirements pertaining specifically to *Development Which May Endanger Human Life* Section 505, or *Prohibited Activities* Article VI.
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Zoning Hearing 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 Ordinance.
- 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 Zoning Hearing Board shall consider, at a minimum, the following:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That the granting of the variance will:
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and 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.
- H. For accessory structures that are 600 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Article VIII. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

Notwithstanding any of the above, all structures shall be designed and constructed to have the capability of resisting the one-percent (1%) annual chance flood.

ARTICLE IX - Definitions

Section 901 General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

Section 902 Specific Definitions followed by commonly used Acronyms

Accessory use or structure

A use or structure on a same lot and of a nature customarily incidental and subordinate to the principal use or structure.

Base Flood

The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also called the "100-year flood" or "one-percent (1%) annual chance flood".

Base Flood Elevation (BFE)

The elevation shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1 percent or greater chance of being equaled or exceeded in any given year.

Basement

Any area of the building having its floor below ground level on all sides.

Building

A combination of materials to form a permanent structure having walls and a roof, included shall be all manufactured homes and trailers to be used for human habitation. Also see structure.

Cumulative Substantial Damage

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

Declaration of Land Restriction (Non-Conversion Agreement)

A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

Development

Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Flood

A temporary, partial or complete inundation of normally dry lands.

Flood Insurance Rate Map (FIRM)

The official map on which Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)

The official report provided by Federal Emergency Management Agency (FEMA) that included flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

Floodplain area

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

Flood-proofing

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.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard

A factor of safety usually expressed in feet above a flood level for purposes of "floodplain management". Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure

Any structure that is:

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

Identified floodplain area

This term is an umbrella term that includes all the areas within which a community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area (SFHA) on the Flood Insurance Rate Maps (FIRM's) and Flood Insurance Study (FIS), but may include additional areas identified by the community.

Land development - Any of the following activities:

- a. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 1. 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
 2. 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.
- b. a subdivision of land.

Lowest floor

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

Manufactured Home

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

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Minor repair

The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit-way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

New construction

Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and include any subsequent improvement to such structures. Any construction started after November 16, 2007 and before the effective start date of this flood plain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

One Hundred Year Flood

See Base Flood

Person

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

Post-FIRM Structure

A structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) date 02/05/1982, whichever is later, and as such, would not be required to be compliant with the regulations of the National Flood Insurance Program (NFIP).

Pre-FIRM Structure

A structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) and dated 02/05/1982, whichever is later and as such would not be required to be compliant with the regulations of the National Flood Insurance Program (NFIP).

Recreational vehicle

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

Regulatory flood elevation

The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1-1/2) feet. The freeboard safety factor also applies to utilities and ductwork.

Repetitive Loss

See Cumulative Substantial Damage

Special Flood Hazard Area (SFHA)

An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. SFHA's are shown on the FIRM as Zone A, AO, A1-A30, AE, A99, AH, V, VE, and V1-30.

Start of Construction

Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start date of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator.

The actual start date means:

1. either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any beyond the stage of excavation;
2. or the placement of a manufactured home on a foundation.

Permanent construction does not include:

1. land preparation, such as clearing, grading and filling;
2. Nor does it include the installation of streets and walkways;
3. Nor does it include the excavation for a basement, footings, piers or foundations or the erection of temporary forms;
4. Nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*** For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Subdivision

The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantial damage

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

Substantial improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "cumulative substantial damage" regardless of the actual repair work performed. (See Start of Construction Definition)

The term however, does not include: Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Township

Penn Township, of Snyder County, Pennsylvania

Uniform Construction Code (UCC)

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

Variance

The procedure to grant relief by a community from the terms of the floodplain management regulation.

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in 44 CFR §60.3(b) (5), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that document is provided.

Commonly used Acronyms:

BFE – Base Flood Elevation

CFR – Code of Federal Regulations

FEMA – Federal Emergency Management Agency

FIRM – Flood Insurance Rate Map

FIS – Flood Insurance Study

IBC – International Building Code

IRC – International Residential Code

NFIP – National Flood Insurance Program

NGVD – National Geodetic Vertical Datum of 1929

MSL – Mean Sea Level of 1929

SFHA – Special Flood Hazard Area

UCC – Uniform Construction Code

ARTICLE X - Enactment

This Ordinance shall become effective on June 6, 2018 and shall remain in force until modified, amended or rescinded by Penn Township, Snyder County, Pennsylvania.

ENACTED AND ADOPTED by the Board of Supervisors this 6 day of June, 2018.

ATTEST:

PENN TOWNSHIP SUPERVISORS

Secretary

Chairman

Supervisor

Supervisor