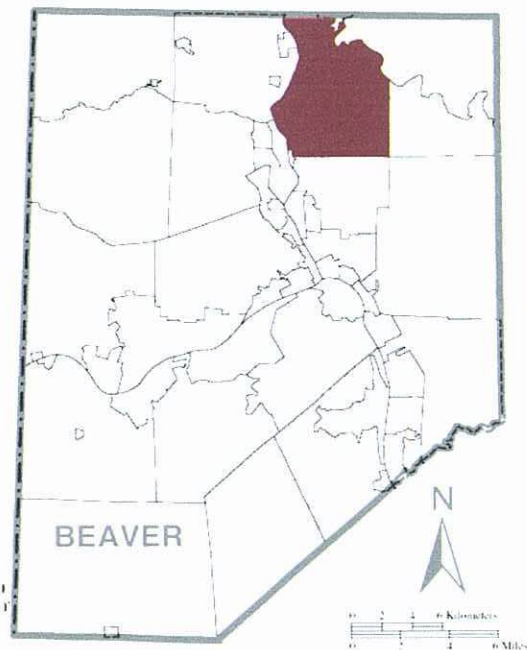


# North Sewickley Township Beaver County, PA

## Chapter 8 Floodplain Regulations



CODIFICATION  
OF  
ORDINANCES

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**FLOODPLAIN REGULATIONS**

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**CHAPTER 8  
FLOODPLAIN REGULATIONS**

**History:** Ordinance No. 57, May 11, 1982.

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**PART 1  
General Provisions**

**§8-101 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.

**§8-102 APPLICABILITY**

It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development (except minor repairs to existing structures), in any area

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within the Township designated as a floodplain, a floodway, or a floodfringe unless a Flood Control Building Permit has been obtained from the Township Permit Officer.

### **§8-103 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.

### **§8-104 WARNING AND DISCLAIMER OF LIABILITY**

- A. 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 man-made 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.
- B. This Chapter shall not create liability on the part of the Township of any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.



## Part 2

### Administration

#### §8-201 BUILDING PERMITS REQUIRED

Building permits shall be required before any construction or development is undertaken within any area of the Township.

#### §8-202 ISSUANCE OF BUILDING PERMIT

- A. The Township Code Official 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.
- B. Prior to the issuance of any building permit, the Township Code Official shall review the applicable for permit to determine if all other necessary governmental permits required by Commonwealth and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended) the Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.
- C. 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, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

#### §8-203 APPLICATION PROCEDURES AND REQUIREMENTS

- A. Application for such a building permit shall be made, in writing, to the Township Code Official on forms supplied by the Township. Such application shall contain the following:
  - (1) Name and address of applicant.
  - (2) Name and address of owner of land on which proposed construction is to occur.
  - (3) Name and address of contractor.
  - (4) Site location.
  - (5) Listing of other permits required.
  - (6) Brief description of proposed work and estimated cost.
  - (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located 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 Township Code Official 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; and
  - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Subsection 8-203C) as may be required by the Township Code Official to make the above determination:

- (1) A completed Building Permit Application form.
- (2) A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') 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 accessways; and
  - (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 National Geodetic Vertical Datum of 1929;
  - (b) The elevation of the one-hundred (100) year flood;
  - (c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred year flood; and
  - (d) Detailed information concerning any proposed floodproofing measures.
- (4) The following data and documentation:
  - (a) A document, certified by a Registered Professional Engineer or Architect, which states that the proposed construction or development has been adequately designed to withstand the one-hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred (100) year flood.

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.
  - (b) Detailed information needed to determine compliance with Section 8-404F, Storage, and Section 8-405, Development which May Endanger Human Life, including:
    - [1] The amount, location and purpose of any materials or substances referred to in Section 8-404F and 8-405 which are intended to be used, produced, stored, or otherwise maintained on site.
    - [2] 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 8-405 during a one-hundred year flood.
  - (c) The appropriate component of the Department of Environmental Protections' "Planning Module for Land Development."



- (d) 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.
- C. Applicants for Special Permits shall provide five (5) copies of the following items:
- (1) A written request including a completed Building Permit Application Form.
  - (2) A small scale map showing the vicinity in which the proposed site is located.
  - (3) A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') or less, showing the following:
    - (a) North arrow, scale and date;
    - (b) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet (2');
    - (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 streets, drives, other accessways, and parking areas, with information concerning widths, pavement types, and construction and elevations;
    - (e) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
    - (f) The location of the floodplain boundary line, information and spot elevations concerning the one-hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
    - (g) The location of all proposed buildings, structures, utilities, and any other improvements; and
    - (h) Any other information which the Township considers necessary for adequate review of the application.
  - (4) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
    - (a) Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;
    - (b) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
    - (c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one-hundred (100) year flood;
    - (d) Detailed information concerning any proposed floodproofing measures:
    - (e) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
    - (f) Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and
    - (g) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.



- (5) The following data and documentation:
- (a) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  - (b) 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 (100) year flood;
  - (c) 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 (100) year flood, including a statement concerning the affects such pollution may have on human life;
  - (d) 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 (100) year flood elevations and flows;
  - (e) 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 possible exist or be located on the site below the one-hundred (100) year flood elevation and the effects such materials and debris may have on one-hundred (100) year flood elevations and flows;
  - (f) The appropriate component of the Department of Environmental Protection "Planning Module for Land Development."
  - (g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;
  - (h) Any other applicable permits such as, but not limited to, a perform for any activity regulated of the Department of Environmental Protection under Section 302 of Act 1978-166; and
  - (i) 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 (100) year flood.

#### **§8-204 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 Township Code Official 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 Township Code Official for possible incorporation into the proposed plan.

#### **§8-205 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 b the Township Code Official to the Municipal Engineer for review and comment.

#### **§8-206 CHANGES**

After the issuance of a building permit by the Township Code Official, 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 Township Code Official. Requests for any such

change shall be in writing, and shall be submitted by the applicant to the Township Code Official for consideration.

### **§8-207 PLACARDS**

In addition to the building permit, the Township Code Official 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 Township Code Official.

### **§8-208 START OF CONSTRUCTION**

- A. Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (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 Township Code Official. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.
- B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Township Code Official to approve such a request.

### **§8-209 INSPECTION AND REVOCATION**

- A. During the construction period, the Township Code Official 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.
- B. In the discharge of his duties, the Township Code Official 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.
- C. In the event the Township Code Official 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 Township Code Official shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- D. A record of all such inspections and violations of this Chapter shall be maintained.

### **§8-210 FEES**

Applications for a building permit shall be accompanied by a fee, payable to the Township, based upon the costs established by the third party inspection agency retained by the Township, which fees may be revised by Resolution of the Board of Supervisors.



**§8-211 ENFORCEMENT**

- A. Notices: Whenever the Township Code Official 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 regulations adopted pursuant thereto, the Township Code Official 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 required;
  - (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 Commonwealth; and
  - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.
- B. Penalties: Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order or direction of the Township Code Official or any other authorized employee of the Township shall be guilty of an offense and, upon conviction, shall pay a fine of not less than twenty-five dollars (\$25.00) or more than three hundred dollars (\$300.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in County prison for a period not to exceed ten (10) days. Each day during which any violation of this Chapter 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 Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building construction, reconstructed, enlarged, altered, or relocated, in noncompliance with this Chapter may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

**§8-212 APPEALS**

- A. Any person aggrieved by any action or decision of the Township Code Official involving the administration of the provisions of this Chapter may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Township Code Official.
- B. Upon receipt of such appeal, the Board shall set a time and place, within not less than ten (10) nor more than thirty (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.
- C. Any person aggrieved by any 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.



## PART 3

### Identification of Floodplain Areas

#### §8-301 DESINATION OF FLOODPLAIN AREAS

- A. For the purpose of this Chapter, the areas considered to be floodplain within the Township shall be those areas identified as being subject to the one-hundred (100) year flood in the Flood Insurance Study (FIS) prepared for the Township by the Federal Insurance Administration (FIA) dated November 3, 1981.
- B. A map showing all areas considered to be subject to the one-hundred (100) 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:
- (1) FW (Floodway Area): The areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA.
  - (2) FF (Flood-Fringe Area): The areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA.
  - (3) FA (General Floodplain Area): The areas identified as "Approximate 100-year Floodplain" in the Flood Insurance Study prepared by the FIA.
    - (a) 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 (100) year flood without increasing the water surface elevation of that flood more than one foot (1') 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.
    - (b) The FF (Flood-Fringe Area) shall be that area of the 100-year floodplain not included in the Floodway. The basis for the outermost boundary of this District shall be the one-hundred (100) 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.
    - (c) The FA (General Floodplain Area) shall be that floodplain area for which no detailed flood profiles or elevations have been provided. They are shown on the maps accompanying the FIS prepared by FIA. Where the specific one-hundred (100) year elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Floodplain Information Reports, U.S. Geological Survey, Floodprone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques.
  - (4) 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, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

#### §8-302 CHANGES IN FLOODPLAN AREA DELINEATIONS

Those areas considered to be floodplain may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need or possibility for such revision. No modification or revision of any floodplain area identified in the Flood Insurance Study prepared by the



Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

**§8-303     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 Board of Supervisors. The burden of proof shall be on the appellant.

## Part 4

### Technical Provisions

#### §8-401 GENERAL

- A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township of North Sewickley, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.
- B. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
- 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 Chapter and any other applicable codes, ordinances and regulations.

#### §8-402 SPECIAL FLOODWAY AND STREAM SETBACK REQUIREMENTS

- A. Within any FW (Floodway Area), the following provisions apply:
  - (1) Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
  - (2) 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.
- B. Within any FA (General Floodplain Area), the following provisions apply:
  - (1) No new construction or development shall be located within the area measured fifty feet (50') 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.

#### §8-403 ELEVATION AND FLOODPROOFING REQUIREMENTS

- A. 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 one and one-half feet (1-½') above the one-hundred year flood elevation.
- B. Nonresidential Structures:
  - (1) Within any FW, FF, or FA, the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be at least one and one-half feet (1-1/2') above the one-hundred (100) year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
  - (2) Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the 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.



**§8-404 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 fifteen feet (15') 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 to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Township Code Official; and
  - (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. They 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.
- D. Other Utilities: All other utilizes such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the change of impairment during a flood.
- E. Streets: The finished elevation of all new streets shall be no more than one foot (1') before 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 8-405, 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 floodwater.
- 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 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.) 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 (3') above the one-hundred (100) 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 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.

#### **§8-405 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE**

- A. In accordance with the Pennsylvania Floodplain 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 will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this Section, in addition to all other applicable provisions:
- (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
  - (16) Sulphur and sulphur products
  - (17) Pesticides (including insecticides, fungicides and rodenticides)
  - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any FW (Floodway Area), any structure of the kind described in Subsection A above, shall be prohibited.
- C. Within any FA (General Floodplain Area), any structure of the kind described in Subsection A above, shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.
- D. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any structure of the kind described in Subsection A above shall be:
- (a) Elevated or designed and constructed to remain completely dry up to at least one and one-half feet (1-1/2') above the one-hundred (100) year flood; and
  - (b) Designed to prevent pollution from the structure or activity during the course of a one-hundred (100) year flood.
- E. 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 flood-proofing contained in the publication "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

#### **§8-406 SPECIAL REQUIREMENTS FOR MOBILE HOMES**

- A. Within any FW (Floodway Area), mobile homes shall be prohibited.
- B. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area) all mobile homes and any additions thereto shall be:
- (1) 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 Home Including Mobile Home Park Requirements (NFPA No. 501A-1974 [ANSI A119.3-1975]) as amended for Mobile Homes in Hurricane Zonings or other appropriate standards such as the following:
    - (a) Over the top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and one (1) additional tie per side for units less than fifty feet (50') in length.
    - (b) Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and four (4) additional ties per side for units less than fifty feet (50') in length.

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- (c) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
  - (2) Elevated in accordance with the following requirements:
    - (a) The standards or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be one and one-half feet (1-1/2') or more above the elevation of the one-hundred (100) year flood.
    - (b) Adequate surface drainage is provided.
    - (c) Adequate access for a hauler is provided.
    - (d) Where pilings are used for elevation, the lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet (10') apart, reinforcement shall be provided for pilings that will extend for six feet (6') or more above the ground level.
  - C. An excavation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks.



## Part 5

### Activities Requiring Special Permits

#### §8-501 GENERAL

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, (Act 1978-166), the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain area unless a Special Permit is issued:

- A. Hospitals (public or private).
- B. Nursing homes (public or private).
- C. Jails or prisons.
- D. New mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.

#### §8-502 APPLICATION REVIEW PROCEDURES

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those in Part 2:

- A. Within three (3) 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 respects 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 and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- E. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the Township.
- F. If the Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) days review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development 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.

#### §8-503 SPECIAL TECHNICAL REQUIREMENTS

- A. 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.
- B. 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:

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- (1) Fully protect the health and safety of the general public and any occupants. At a minimum, all new structures shall be designed, located, and constructed so that:
    - (a) The structure will survive inundation by waters of the one-hundred (100) 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 (100) year flood elevation.
    - (b) The lowest floor elevation will be at least one and one-half feet (1-1/2') above the one-hundred (100) year flood elevation.
    - (c) 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 (100) year flood.
  - (2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- C. 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 review by the Township and the Department of Community and Economic Development.



## Part 6

### Existing Structures in Identified Floodplain Areas

#### §8-601 GENERAL

Structures existing in any identified floodplain area prior to the enactment of this Ordinance 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 fifty percent (50%) or more of its market value shall constitute a substantial improvement and shall be undertaken in full compliance with the provisions of this Ordinance.

## Part 7

### Variances

#### §8-701 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.

#### §8-702 VARIANCE PROCEDURES AND REQUIREMENTS

Request 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 (100) year flood elevation.
- B. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Part 5) or to Development Which May Endanger Human Life (Part 4, Section 8-405).
- 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 safeguard 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 Township shall consider, but not be limited to, 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 Commonwealth statute or regulation, or local ordinance or regulation.
- 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 Insurance Administration.
- H. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.



## Part 8

### Definitions

#### §8-801 GENERAL

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

#### §8-802 SPECIFIC DEFINITIONS

- A. **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 or structure.
- B. **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.
- C. **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.
- D. **CONSTRUCTION:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.
- E. **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and subdivision of land.
- F. **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.
- G. **FLOOD:** A temporary inundation of normally dry land areas.
- H. **FLOODPLAIN:** 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.
- I. **FLOODPROOFING:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
- J. **IDENTIFIED FLOODPLAIN AREA:** The floodplain area specifically identified in this Chapter as being inundated by the one-hundred (100) year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA).
- K. **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) Development in accordance with section 503(1.1) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.<sup>1</sup>
- L. **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.
- M. **MOBILE HOME:** A transportable, single family dwelling intended for permanent occupancy, office, or place of assembly, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, 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 without a permanent foundation. The term does not include recreational vehicles or travel trailers.
- N. **MOBILEHOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.<sup>2</sup>
- O. **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 floodprone area:
- (1) Which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water; or
  - (2) Which is placed where the flow of the water might carry the same downstream to the damage of life and property.
- P. **ONE-HUNDRED YEAR FLOOD:** A flood that, on the average, is like to occur once every one-hundred (100) years (i.e. that has one percent [1%] change of occurring each year, although the flood may occur in any year).
- Q. **PERSON:** An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- R. **REGULATORY FLOOD ELEVATION:** The one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half feet (1-1/2').
- S. **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.
- T. **STRUCTURES:** Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, mobile homes, and other similar items.
- U. **SUBDIVISION:** The division or redivision of a lot, tract or parcel of land by any means into two (2) 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

<sup>1</sup> Pennsylvania Municipalities Planning Code, Act 247, as amended, 18<sup>th</sup> Edition, February 2005.

<sup>2</sup> Pennsylvania Municipalities Planning Code, Act 247, as amended, 18<sup>th</sup> Edition, February 2005.



(10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.<sup>3</sup>

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<sup>3</sup> Pennsylvania Municipalities Planning Code, Act 247, as amended, 18<sup>th</sup> Edition, February 2005.