

CHAPTER 8

FLOODPLAINS

Part 1

General Provisions

- \$101. Intent
- \$102. Applicability
- \$103. Abrogation and Greater Restrictions
- \$104. Severability
- \$105. Warning and Disclaimer of Liability

Part 2

Administration

- \$201. Building Permits Required
- \$202. Issuance of Building Permit
- \$203. Application Procedures and Requirements
- \$204. Review by County Conservation District
- \$205. Review of Application by Others
- \$206. Changes
- \$207. Placards
- \$208. Start of Construction
- \$209. Inspection and Revocation
- \$210. Fees
- \$211. Enforcement
- \$212. Appeals

Part 3

Identification of Floodplain Areas

- \$301. Designation of Floodplain Areas
- \$302. Changes in Floodplain Area Delineations
- \$303. Disputes

Part 4

Technical Provisions

- \$401. General
- \$402. Elevation and Floodproofing Requirements
- \$403. Design and Construction Standards
- \$404. Development Which May Endanger Human Life
- \$405. Special Requirements for Manufactured Homes

Part 5

Activities Requiring Special Permits

- §501. General
- §502. Special Permit Application Requirements
- §503. Application Review Procedures
- §504. Special Technical Requirements

Part 6

Existing Structures in Identified Floodplain Areas

- §601. Existing Structures in Identified Floodplain Areas

Part 7

Variances

- §701. Variances

Part 8

Definitions

- §801. General
- §802. Specific Definitions

Part 1

General Provisions

§101. Intent. The intent of this Chapter is to:

1. Promote the general health, welfare, and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

(Ord. 219, 6/2/1981, §1.00)

§102. Applicability.

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

2. A building permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 219, 6/2/1981, §1.01)

§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. (Ord. 219, 6/2/1981, §1.02)

§104. Severability. If any Section, subsection, paragraph, sentence, clause, or phrase of this Chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect, and for this purpose the provisions of this Chapter are hereby declared to be severable. (Ord. 219, 6/2/1981, §1.03)

§105. Warning and Disclaimer of Liability.

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

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

(Ord. 219, 6/2/1981, §1.04)

Part 2

Administration

§201. Building Permits Required. Building permits shall be required before any construction or development is undertaken within any area of the Borough. (Ord. 219, 6/2/1981, §2.00)

§202. Issuance of Building Permit.

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

2. Prior to the issuance of any building permit the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained, such as those required by Act 537, the Pennsylvania Sewage Facilities Act, 35 P.S. §§750.1-750.20; the Dam Safety and Encroachments Act, 32 P.S. §693.1 et seq.; the U.S. Clean Water Act, §404, 33 U.S.C. §1334; and the Pennsylvania Clean Streams Act, 35 P.S. §691.1 et seq.

3. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

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

(Ord. 219, 6/2/1981, §2.01)

§203. Application Procedures and Requirements.

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Borough. Such application shall contain the following:

A. Name and address of applicant.

B. Name and address of owner of land on which the proposed construction is to occur.

C. Name and address of contractor.

D. Site location.

E. Listing of other permits required.

F. Brief description of proposed work and estimated cost.

G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

2. If any proposed construction or development is located within, or partially within, any identified floodplain area, applicants for building permits and special permits shall also provide the following specific information:

A. A plan of the entire site, drawn at a scale of one (1") inch being equal to one hundred (100') feet or less, showing the following:

(1) North arrow, scale and date.

(2) A location map showing the vicinity in which the proposed activity or development is to be located within the municipality.

(3) Topography based upon the National Geodetic Vertical Datum showing existing and proposed contours at intervals of two (2') feet.

(4) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.

(5) The location of all existing streets, drives, and other accessways with information concerning widths, pavement types, construction and elevations.

(6) The location of any existing bodies of water or water-courses, buildings, structures and other public or private facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development.

(7) The location of the identified floodplain area boundary line, floodway line if available, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities.

(8) A general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure:

(a) All such proposals are consistent with the need to minimize flood damage.

(b) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

(c) Adequate drainage is provided so as to reduce exposure to flood hazards.

B. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(1) Detailed architectural or engineering drawings including building size, floor plans, sections, and exterior building size, floor plans, sections, and exterior building elevations, as appropriate.

(2) The proposed lowest floor elevations of any proposed building based upon National Geodetic Vertical Datum.

(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood.

(4) Detailed information concerning any proposed floodproofing measures.

(5) Cross-section drawings for all proposed streets, drives and other accessways and parking areas showing all rights-of-way and pavement widths.

(6) Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades.

(7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

(8) Soil types.

C. The following data and documentation:

(1) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors 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.

(2) Detailed information needed to determine compliance with §403(G), "Storage," and §404, "Development Which May Endanger Human Life," including:

(a) The amount, location and purpose of any materials or substances referred to in §§403 and 404 which are intended to be used, produced, stored or otherwise maintained on site.

(b) For any proposed structure regulated under §404, a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above-mentioned materials or substances during a one hundred (100) year flood.

(3) The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."

(4) 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.

(Ord. 219, 6/2/1981, §2.02)

§204. Review by County Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan. (Ord. 219, 6/2/1981, §2.03)

§205. Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to the Borough Planning Commission and the Borough Engineer for review and comment. (Ord. 219, 6/2/1981, §2.04)

§206. Changes. After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Building Permit Officer for consideration. (Ord. 219, 6/2/1981, §2.05)

§207. Placards. In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer. (Ord. 219, 6/2/1981, §2.06)

§208. Start of Construction.

1. Work on the proposed construction and/or development shall begin within one (1) month after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, 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. [Ord. 263]

2. Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request. In the event the building permit expires and no extension is granted, the permit fee shall not be returned to the permit holder, and if at any future time such permit holder shall make application for another permit for the same construction, he shall follow the same procedure and pay the required fee as if no previous permit had been issued. [Ord. 263]

(Ord. 219, 6/2/1981, §2.07; as amended by Ord. 263, 4/7/1992)



(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood.

(4) Detailed information concerning any proposed floodproofing measures.

(5) Cross-section drawings for all proposed streets, drives and other accessways and parking areas showing all rights-of-way and pavement widths.

(6) Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades.

(7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

(8) Soil types.

C. The following data and documentation:

(1) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors 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.

(2) Detailed information needed to determine compliance with §403(G), "Storage," and §404, "Development Which May Endanger Human Life," including:

(a) The amount, location and purpose of any materials or substances referred to in §§403 and 404 which are intended to be used, produced, stored or otherwise maintained on site.

(b) For any proposed structure regulated under §404, a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above-mentioned materials or substances during a one hundred (100) year flood.

(3) The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."

(4) 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.

(Ord. 219, 6/2/1981, §2.02)

§209. Inspection and Revocation. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary. Upon completion of the work, the holder of the permit shall report such completion to the Building Permit Officer. The fact of completion of such work shall be noted upon the original application for the permit, which shall be kept on file. The Building Permit Officer may, after receipt of notification of completion, cause an inspection of such building to be made before noting completion upon the original application for the permit. [Ord. 263]

2. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.

3. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Borough Council for whatever action it considers necessary. [Ord. 263]

4. A record of all such inspections and violations of this Chapter shall be maintained.

5. If any work authorized by any permit issued under this Part shall have been commenced within one (1) month after issuance of such permit, but such work shall not have been completed within one (1) year from the date of issuance of such permit, the Building Permit Officer shall require the permit holder to relinquish such permit at the end of said one (1) year period, unless a time extension is granted, in writing, by the Building Permit Officer for sufficient and reasonable cause shown in writing by the applicant. [Ord. 263]

(Ord. 219, 6/2/1981, §2.08; as amended by Ord. 263, 4/7/1992)

§210. Fees. Applications for a building permit shall be accompanied by a fee, in an amount as established from time to time by resolution of the Borough Council, payable to the Borough based upon the type of building or structure and the character of the proposed work as determined by the Building Permit Officer. (Ord. 219, 6/2/1981, §2.08; as amended by Ord. 237, 6/4/1985, §§1,2; and by Ord. 263, 4/7/1992)

§211. Enforcement.

1. Notices. Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, or of any regulation adopted pursuant hereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- A. Be in writing.
- B. Include a statement of the reasons for its issuance.
- C. Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires.
- D. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
- E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.

2. 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 Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall be sentenced to a fine of not more than one thousand (\$1,000.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) 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 nor 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 constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Chapter may be declared by the Borough Council to be a public nuisance and abatable as such. [Ord. 263]

(Ord. 219, 6/2/1981, §2.10; as amended by Ord. 263, 4/7/1992)

§212. Appeals.

1. Any person aggrieved by any action or decision of the Building Permit Officer, refusing to grant a modification to the provisions of this Chapter covering the development of land or the manner of construction or materials to be used in the erection, alteration, modification, etc., of a building or structure, may appeal to the Borough Council. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.

2. Upon receipt of such appeal the Borough Council shall set a time and place, within 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. [Ord. 263]

3. Any person by any decisions of the Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Floodplain Management Act. [Ord. 263]

(Ord. 219, 6/2/1981, §2.11; as amended by Ord. 263, 4/7/1992)

## Part 3

## Identification of Floodplain Areas

§301. Designation of Floodplain Areas.

1. For the purposes of this Chapter, the areas considered to be floodplain within the Borough shall be those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for the Borough by the Federal Insurance Administration dated January 16, 1981.

2. A map showing all areas considered to be subject to the one hundred (100) year flood is available for inspection at the Borough Secretary's Office. For the purpose of this Chapter, the following nomenclature is used in referring to the various kinds of floodplain areas:

FW (Floodway Area). The areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA.

FF (Flood-Fringe Area). The areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA.

FA (General Floodplain Area). The areas identified as "Approximate One Hundred (100) Year Floodplain" in the Flood Insurance Study prepared by the FIA.

A. The FW (Floodway Area) is delineated for the 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 (1) foot at any point. The areas included in this area are defined in the Floodway Data Table contained in the Flood Insurance Study as prepared by FEMA and shown on the accompanying FIRM. Where no floodway has been delineated in the FIS, such information contained in any other available Federal, State, or other acceptable source should be used. [Ord. 263]

B. The FF (Flood Fringe Area) shall be that area of the one hundred (100) year floodplain not included in the floodway. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations contained in the flood profiles provided in the FIS. Where elevation information is not provided in the FIS, such information provided in any other available Federal, State, or other acceptable source should be used. [Ord. 263]

C. The FA (General Floodplain Area) shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by the FEMA. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. When such other acceptable information is not available, the 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. [Ord. 263]

3. The applicant shall also delineate a floodway area and provide sufficient documentation to demonstrate that his proposed activity, together with all other existing and anticipated development, uses, and activities will not increase the water surface elevation of the one hundred (100) year flood more than one (1') foot at any point. The engineering principle of equal reduction of conveyance shall be used to make the determination of increases in flood heights.

4. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

(Ord. 219, 6/2/1981, §3.00; as amended by Ord. 263, 4/7/1992)

§302. Changes in Floodplain Area Delineations.

1. The areas considered to be floodplain may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

2. No modification or revision of any floodplain area identified in the Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

(Ord. 219, 6/2/1981, §3.01)

§303. Disputes. Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Planning Commission and any party aggrieved by such decision may appeal to the Borough Council. The burden of proof shall be on the appellant. (Ord. 219, 6/2/1981, §3.02)

## Part 4

## Technical Provisions

§401. General.

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

2. Where a floodplain area has been identified which includes detailed flood profiles and elevation and a floodway area, the following provisions apply:

A. Within any FW (Floodway Area), no new construction, development, use, activity, or encroachment of any kind shall be allowed, except where the rise in flood heights caused by the proposed development is fully offset by accompanying improvements. The floodway area is based on the criteria that the portion of the floodplain selected 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 (1') foot at any point. The floodway is shown on the Flood Boundary and Floodway Map accompanying the Flood Insurance Study (FIS). The areas included are specifically defined in the Floodway Data Table of the FIS itself.

B. Within an FF (Flood-Fringe Area), new construction and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances and regulations.

3. Where a floodplain area has been identified which does not include detailed flood profiles and elevations, the following provision shall apply:

A. Within an FA (General Floodplain Area), new construction and other development, uses and activities, shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Chapter, as well as any other applicable codes, ordinances, and regulations.

B. Within the floodway area which has been delineated by the applicant, no new construction, development, use, activity, or encroachment of any kind shall be allowed, except where any rise in flood heights caused by the proposed development is fully offset by accompanying improvements.

4. Within any identified floodplain area, 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 a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterways Management.

(Ord. 219, 6/2/1981, \$4.00)

§402. Elevation and Floodproofing Requirements.

1. Residential Structures. Within an FW, FF or FA the lowest floor (including basement) of any new or improved residential structures shall be at least one and one-half (1½') feet above the one hundred (100) year flood elevation.

2. Non-Residential Structures.

A. Within any FW, FF or FA the lowest flood (including basement) shall be at least one and one-half (1½') feet 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.

B. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), 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 with states that the proposed design and methods of construction are in conformance with the above referenced standards. [Ord. 263]

C. Within any identified floodplain area, fully enclosed spaces below the lowest floor of any new or substantially improved structure shall be prohibited. [Ord. 263]

(Ord. 210, 6/2/1981, \$4.01; as amended by Ord. 263, 4/7/1992)

§403. Design and Construction Standards. The following minimum standards shall apply for all construction proposed to be undertaken within any identified floodplain area:

A. Fill. If fill is used, 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 to two (2) horizontal, unless substantiated data, justifying steeper slopes is submitted to, and approved by the Building Permit Officer.

(5) Be used to the extent to which it does not adversely affect adjacent properties.

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

D. Water Facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

E. Streets. The finished elevation of proposed new streets shall be no more than one (1') foot below the regulatory flood elevation.

F. Utilities. All utilities such as gas lines, electrical and telephone systems being placed in identified floodprone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

G. 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 §404, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

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

I. Anchoring.

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

(2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.



J. Floors, Walls and Ceilings.

(1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.

(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and 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.

K. Paints and Adhesives.

(1) Paints or other finishes used at or below the regulatory flood elevation shall be of a "marine" or water-resistant quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or water-resistant quality.

(3) All wooden components (doors, trim cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.

L. Electrical Systems and Components.

(1) Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation.

(2) Electrical distribution panels shall be at least three (3') feet above the one-hundred (100) year flood elevation.

(3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

M. Plumbing.

(1) Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.

(2) No part of any on-site sewage disposal system shall be located within any identified floodplain area.

(3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.

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

§404. Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than five hundred fifty (550) gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this Section, in addition to all other applicable provisions:

- A. Acetone.
- B. Ammonia.
- C. Benzene.
- D. Calcium carbide.
- E. Carbon disulfide.
- F. Celluloid.
- G. Chlorine.
- H. Hydrochloric acid.
- I. Hydrocyanic acid.
- J. Magnesium.
- K. Nitric acid and oxides of nitrogen.
- L. Petroleum products (gasoline, fuel oil, etc.).
- M. Phosphorus.
- N. Potassium.
- O. Sodium.
- P. Sulphur and sulphur products.
- Q. Pesticides (including insecticides, fungicides and rodenticides).
- R. Radioactive substances, insofar as such substances are not otherwise regulated.

2. Within any FW (Floodway Area), any structure of the kind described in Subsection (1) shall be prohibited.

3. Within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any structure of the kind described in Subsection (1) shall be:

- A. Elevated or designed and constructed to remain completely dry up to at least one and one-half (1½') feet above the one hundred (100) year flood.
- B. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood. Any such structure, or part thereof, that will be built below the regulatory flood

elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972) or with some other equivalent watertight standard.

C. Prohibited within the area measured fifty (50') feet landward from the top-of-bank of any watercourse.

(Ord. 219, 6/2/1981, §4.03)

§405. Special Requirements for Manufactured Homes.

1. Within any FW (Floodway Area), manufactured homes shall be prohibited.

2. Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

3. Where permitted within any floodplain area, all manufactured homes, and any additions thereto, shall be:

A. Placed on a permanent foundation.

B. Elevated so that the lowest floor of the manufactured home is one and one-half (1 1/2) feet or more above the elevation of the one hundred (100) year flood.

C. Anchored to resist flotation, collapse, or lateral movement.

(Ord. 219, 6/2/1981, §4.04; as amended by Ord. 263, 4/7/1992)

## Part 5

## Activities Requiring Special Permits

§501. General. In accordance with the Department of Community Affairs administrative regulations implementing the Pennsylvania Floodplain Management Act, (Act 1978-166), 32 P.S. §679.101 et seq., 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 manufactured home parks and manufactured home subdivisions, and substantial improvements to such existing parks and subdivisions. [Ord. 263]

(Ord. 219, 6/2/1981, \$5.00; as amended by Ord. 263, 4/7/1992)

§502. Special Permit Application Requirements. Application for a special permit shall consist of at least five (5) copies of the following items:

A. A written request which includes the information specified in §203 pertaining to building permit application procedures.

B. The following documentation:

(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing and single parcel, owned by the applicant or the client he represents.

(2) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood.

(3) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life.

(4) A statement certified by a registered professional engineer 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.

(5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose bouyant materials or debris that may possibly 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.

(6) 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.

(Ord. 219, 6/2/1981, §5.01)

§503. Application Review Procedures. Upon receipt of an application for a special permit by the Borough 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 Borough Planning Commission and Borough Engineer for review and comment.

B. If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respects the application is deficient.

C. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.

E. Before issuing the special permit, the Borough shall allow the Department of Community Affairs thirty (30) days after receipt of the notification by the Department, to review the application and the decision made by the Borough.

F. If the Borough does not receive any communication from the Department of Community Affairs during the thirty (30)-day review period, it may issue a special permit to the applicant.

G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the special permit.

(Ord. 219, 6/2/1981, §5.02)

§504. Special Technical Requirements.

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

2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

A. Fully protect the health and safety of the general public and any occupants. At a minimum, all new structures shall be designed, located and constructed so that:

(1) The structure will survive inundation by waters of the one hundred (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.

(2) The first floor elevation will be at least one and one-half (1½') feet above the one hundred (100) year flood elevation.

(3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

3. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community Affairs.

(Ord. 219, 6/2/1981, §5.03)

At this point the health and safety of the general public are of paramount importance. At a minimum, all the information and data contained in this report should be made available to the public.

(1) The structure will survive for a period of 100 years after the last major earthquake without any significant damage to either the structure itself or to the contents of the structure.

(2) The floor level elevations will be such that the structure will be able to resist the maximum lateral forces and moments.

(3) The occupants of the structure will be able to evacuate the structure in the event of an emergency during the 100 year period.

It is noted that significant possibilities of damage to the structure or to the contents of the structure are excluded.

2. All structural and systems analysis shall be performed using the most advanced techniques available. The analysis shall be performed using the most advanced techniques available. The analysis shall be performed using the most advanced techniques available. The analysis shall be performed using the most advanced techniques available.

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Part 6

Existing Structures in Identified Floodplain Areas

§601. Existing Structures in Identified Floodplain Areas. Structures existing in any identified floodplain area prior to the enactment of this Chapter, but which are not in compliance with these provisions, may continue to remain subject to the following:

A. Existing structures located in any identified floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

B. Any modification, alteration, reconstruction, or improvement of any kind to any existing structure, to an extent or amount of fifty (50%) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Chapter.

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50%) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(Ord. 219, 6/2/1981, Art. 6)



10

Annual Report of the Department of Education

The Department of Education has a number of responsibilities which are set out in the Education Act 1980. These include the provision of grants to schools, the regulation of schools, and the provision of information to the public. The Department also has a number of other functions, such as the provision of advice and assistance to schools, and the provision of information to the public.

The Department has a number of committees and sub-committees which are responsible for the day-to-day running of the Department. These include the Schools Committee, the Schools Inspection Board, and the Schools Admissions Committee. The Department also has a number of advisory bodies, such as the Schools Admissions Appeal Tribunal and the Schools Admissions Appeal Tribunal.

The Department has a number of offices and staff which are responsible for the day-to-day running of the Department. These include the Schools Admissions Appeal Tribunal and the Schools Admissions Appeal Tribunal.

Part 7  
Variances

§701. Variances.

1. If compliance with any of the requirements of this Chapter would result in an exceptional hardship for a prospective builder, developer or landowner the Borough may, upon request, grant relief from the strict application of the requirements.

2. Requests for variances shall be considered by the Borough 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 [§404].

C. If granted, a variance shall involve only the least modification necessary to provide relief.

D. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.

E. Whenever a variance is granted, the Borough 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 Borough shall consider, but not be limited to, the following:

(1) There is good and sufficient cause.

(2) Failure to grant the variance would result in exceptional hardship to the applicant.

(3) The granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable Federal, State, or local ordinance and regulations.

G. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

3. 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.

(Ord. 219, 6/2/1981, Art. 7)

Part 8  
Definitions

§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. (Ord. 219, 6/2/1981, §8.00)

§802. Specific Definitions.

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

BUILDING - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.

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

CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes, excluding replacement of shingles, siding, windows and/or doors where there is no change in the dimensions of the same. [Ord. 263]

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land. [Ord. 263]

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

FLOOD - a temporary inundation of normally dry land area.

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

FLOODPROOFING - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

IDENTIFIED FLOODPLAIN AREA - the floodplain area specifically identified in this Chapter as being inundated by the one hundred (100) year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA).

LAND DEVELOPMENT -

(1) The improvement of one (1) lot, or two (2) or more contiguous lots, tracts or parcels of land for any purpose

involving (a) a group of two (2) or more buildings, or (b) the division or allocation of land or space between or among two (2) 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.

MANUFACTURED HOME - a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than one hundred eighty (180) consecutive days. [Ord. 263]

MANUFACTURED HOME PARK - a parcel (or contiguous parcels) of land which has been planned and improved for the placement of two (2) or more manufactured homes. [Ord. 263]

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.

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, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

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

REGULATORY FLOOD ELEVATION - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½') feet.

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

STRUCTURE - 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.

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 division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

(Ord. 219, 6/2/1981, §8.01; as amended by Ord. 263, 4/7/1992)

