

CHAPTER 8

FLOODPLAINS

Part 1

Building Permits

- §101. General Provisions
- §102. Administration
- §103. Identification of Floodplain Areas
- §104. General Technical Requirements
- §105. Activities Requiring Special Permits
- §106. Existing Structures in Identified Floodplain Areas
- §107. Variances
- §108. Definitions



Part 1  
Building Permits

§101. General Provisions.

1. Intent. The intent of this Part 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.

2. Applicability.

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

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

3. Abrogation and Greater Restrictions. This Part 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.

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

4. Warning and Disclaimer of Liability

A. The degree of flood protection sought by the provisions of this Part 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 Part 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 Part 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 Part.

(Ord. 221, 6/9/1975; as amended by Ord. 250, 4/14/1983)

§102. Administration.

1. Building Permits Required. Building permits shall be required before any construction or development is undertaken within any area of the Borough.

2. Issuance of Building Permit.

A. The Borough Secretary shall issue a building permit only if 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 Borough Secretary shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-437), 35 P.S. §§750.1-750.20; the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325), 32 P.S. §693.1 et seq.; the Pennsylvania Clean Streams Act (Act 1937-394), 35 P.S. §691.1 et seq.; and the U.S. Clean Water Act, §404, 33 U.S.C. §1334. 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 Borough, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

D. 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.

3. Application Procedures and Requirements.

A. Application for such a building permit shall be made, in writing, to the Borough Secretary on forms supplied by the Borough. 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 Borough Secretary to determine that:

(1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this Part and all other applicable codes and ordinances.

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

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

C. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in §102(2)(D)) as may be required by the Borough Secretary 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 (1) inch being equal to one hundred (100) feet or less, showing the following:

(a) North arrow, scale, and date.

(b) Topographic contour lines, if available.

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

(d) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.

(e) The location of all existing streets, drives, and other accessways.

(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 (100) year flood.

(d) Detailed information concerning any proposed floodproofing measures.

D. 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 (1) inch being equal to one hundred (100) feet 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 (2) feet.

(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.

(h) Any other information which the Borough 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.

(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 effects 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 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.

(f) The appropriate component of the Department of Environmental Resources' "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 permit for any activity regulated by the Department of Environmental Resources under §302 of Act 1978-166.

(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.

4. 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 Borough Secretary 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 Borough Secretary for possible incorporation into the proposed plan.

5. 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 Borough Secretary to any other appropriate agencies and/or individuals (e.g. Planning Commission, Borough Engineer, etc.) for review and comment.

6. Changes. After the issuance of a building permit by the Borough Secretary, 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 Borough Secretary. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Borough Secretary for consideration.

7. Placards. In addition to the building permit, the Borough Secretary 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 Borough Secretary.

8. 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 Borough Secretary. 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 Borough Secretary to approve such a request.

9. Inspection and Revocation.

A. During the construction period, the Borough Secretary 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.

B. In the discharge of his duties, the Borough Secretary shall have the authority to enter any building, structure, premises or



development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Part.

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

D. A record of all such inspections and violations of this Part shall be maintained.

10. Fees. Applications for a building permit shall be accompanied by a fee, payable to the Borough, based upon the estimated cost of the proposed construction as determined by the Borough Secretary in rates as established, from time to time, by resolution of the Borough Council. [Ord. 288]

11. Enforcement.

A. Notices. Whenever the Borough Secretary or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulation adopted pursuant hereto, the Borough Secretary shall give notice of such alleged violation as hereinafter provided. Such notice shall: (1) be in writing; (2) include a statement of the reasons for its issuance; (3) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (4) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (5) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part.

B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Borough Secretary or any other authorized employee of the Borough shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of not less than Twenty-five Dollars (\$25.00) nor more than one thousand (\$1,000.00) dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned for a period not to exceed thirty (30) days. Each day during which any violation of this Part 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 Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in

non-compliance with this Part may be declared by the Council to be a public nuisance and abatable as such. [Ord. 288]

## 12. Appeals.

A. Any person aggrieved by an action or decision of the Borough Secretary concerning the administration of the provisions of this Part may appeal to the Council. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Borough Secretary.

B. Upon receipt of such appeal, the Council 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 Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth, including The Pennsylvania Flood Plain Management Act.

(Ord. 221, 6/9/1975; as amended by Ord. 250, 4/14/1983; and by Ord. 288, 8/8/1994)

## §103. Identification of Floodplain Areas.

1. Identification. The identified floodplain area shall be any area of the Borough of Elizabethville, subject to the one hundred (100) year flood, which is identified as a Special Flood Hazard Area (Zone A) on the Flood Hazard Boundary Map (FHBM) as issued by the Federal Insurance Administration dated December 13, 1974.

2. Determination of the One Hundred (100) Year Flood Elevation. For the purposes of this Part, the one hundred (100) year flood elevation shall be used as the basis for regulation. To determine the one hundred year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination other sources of data, where available, shall be used such as:

A. Corps of Engineers - Flood Plain Information Reports.

B. U.S. Geological Survey - Flood Prone Quadrangles.

C. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information.

D. Pennsylvania Department of Environmental Resources - Flood Control Investigations.

E. Known highwater marks from past floods.

F. Other sources.

In lieu of the above, the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. 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.

3. Changes in Identification of Area. The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

4. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough Planning Commission and any party aggrieved by this decision may appeal to the Council. The burden of proof shall be on the appellant.

(Ord. 221, 6/9/1975; as amended by Ord. 250, 4/14/1983)

§104. General Technical Requirements.

1. General.

A. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Borough.

B. 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 Waterway Management.

C. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be one and one-half (1½) feet or more above the one hundred (100) year flood elevation.

D. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one-half (1½) feet or more above the one hundred (100) year flood elevation or be floodproofed up to that height.

E. Any structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this Part. Additional information may be obtained from the publication entitled "FloodProofing Regulations" (U.S. Army Corps of Engineers June 1972).

2. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill. If fill is used, 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, are submitted to and approved by the Building Permit Officer.

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

B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems.

(1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

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

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

F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in §104(3)(A). Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

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

H. Anchoring.

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

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

I. Floors, Walls and Ceilings.

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

(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 "marine" 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 "marine" or water-resistant quality.

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

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

K. Electrical Components.

(1) Electrical distribution panels shall be at least three (3) feet 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 mechanical or utility equipment 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.

3. Development Which May Endanger Human Life.

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community 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 dangerous 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 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 identified floodplain area, any new or substantially improved structure of the kind described in subsection (1), above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

C. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in subsection (A), above, shall be:

(1) 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.

(2) 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 publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

#### 4. Special Requirements for Mobile Homes.

A. Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

B. Where permitted within any identified floodplain area, all mobile homes and 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 Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

(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 (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet 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 (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

(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 stands 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 (1½) feet 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 (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough Officials for mobile home parks.

(Ord. 221, 6/9/1975; as amended by Ord. 250, 4/14/1983)

§105. Activities Requiring Special Permits.

1. General.

A. In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain 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:

(1) Hospitals (public or private).

(2) Nursing homes (public or private).

(3) Jails or prisons.

(4) New mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.

2. Application Review Procedures. Upon receipt of an application for a special permit by the Borough the following procedures shall apply in addition to those of §102:

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 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 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.

3. Special Technical Requirements.

A. In addition to the requirements of §104 of this Part, 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 §104 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:

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



(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 (1½) feet 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 technical review by the Borough and the Department of Community Affairs.

(Ord. 221, 6/9/1975; as amended by Ord. 250, 4/14/1983)

§106. Existing Structures in Identified Floodplain Areas.

1. General. Structures existing in any identified floodplain area prior to the enactment of this Part may continue to remain, provided that:

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

(Ord. 221, 6/9/1975; as amended by Ord. 250, 4/14/1983)

§107. Variances.

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

2. Variance Procedures and Conditions. Requests for variances shall be considered by the Borough in accordance with the procedures contained in §102(12) and the following:

A. 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 (§105) or to development which may endanger human life (§104(3)).

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

C. 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 Part.

D. 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.

E. In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:

(1) There is good and sufficient cause.

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

(3) Granting of the variance will (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (b) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

F. 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.

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. 221, 6/9/1975; as amended by Ord. 250, 4/14/1983)

§108. Definitions.

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

2. 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.

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

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 the subdivision of land.

FLOOD - a temporary inundation of normally dry land areas.

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

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.

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

MOBILE HOME - a transportable, single family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

MOBILE HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient use.

OBSTRUCTION - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or 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 YEAR FLOOD - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has 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 divisions 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. 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. 221, 6/9/1975; as amended by Ord. 250, 4/14/1983)